

**Bad or Mad? Infanticide: Insanity and Morality in
Nineteenth-Century Britain**

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Introduction

Infanticidal mothers have been murdering their newly born offspring for hundreds of years. Historically, infanticide was used as a form of contraception by hunter-gatherers in nomadic tribes, when their societies were at war and food supplies were scarce.¹ The horrific act of infanticide has been practiced throughout history amongst communities for various reasons, the most common motivations being, social, economic and religious.² Historian Anne Kilday describes infanticide as an 'international phenomenon'.³ Economic motivations behind infanticide can be seen woven throughout history and in the nineteenth century, women often resorted to infanticide as a form of delayed abortion amongst the most destitute of women.⁴ For a considerable part of the Victorian era, London accounted for roughly half of all infanticide cases carried out in England and Wales; 'Edwin Lancaster, coroner for Central Middlesex, claimed that some 12,000 London mothers had murdered their infants without detection.'⁵ Infants were killed during this period by means of strangulation, suffocation and drowning.⁶

Responses to cases of infanticide in the nineteenth century saw an increasing connection to feminine ideals. Although the vast majority of infanticide victims were newborn infants, the murder of a child up to one year of age was categorised as infanticide under Victorian law. Single women and those working as domestic servants were the most

¹ N. Goc, *Women, Infanticide and the Press, 1822-1922: News Narratives in England and Australia* (Surrey, 2013), p. 1.

² S. Wilson, 'Infanticide, Child Abandonment, and Female Honour in Nineteenth-Century Corsica', *Comparative Studies in Society and History*, 30/4 (1988), p. 762.

³ A. A. Kilday, *History of Infanticide in Britain, c. 1600 to the Present* (Palgrave MacMillan, 2013), p. 2.

⁴ R. G. Fuchs, *Gender and Poverty in Nineteenth-Century Europe* (Cambridge, 2005), p. 192.

⁵ A. R. Higginbotham, 'Sin of the Age: Infanticide and Illegitimacy in Victorian London', *Victorian Studies*, 32/3 (1989) p. 319.

⁶ Fuchs, *Gender and Poverty*, pp. 99-100.

frequently acknowledged social group of women to commit infanticidal acts during this time period.⁷ James Kelly believes that this was a result of women longing to escape the ‘consequent social ostracism and economic marginalization’ they faced when giving birth to an illegitimate child. The ideal Victorian woman was held in high regard as an emblem of inherent purity. As a result of this, the nineteenth century saw an increase in reported infanticide cases as it contradicted the new-found values of womanhood, becoming a threat to the strong principles of family that stood at the roots of Victorian society.⁸

Nineteenth-century society in Britain saw a growth in fascination with infanticide cases. The horrors of child-murder were sensationalised in the press and became a catalyst for Victorian anxieties and fears surrounding motherhood. Infanticide spread alarm throughout Victorian society regarding the innocence and vulnerability of new-born infants.⁹ Horrifying cases of infanticide were often published: local and national newspapers identified public areas such as parks and streets in which the bodies of infants were found.¹⁰ ‘It has been said of the police, with too much truth’, reported Mrs Baines in the *Journal of Social Sciences* in 1866, ‘that they think no more of finding the dead body of a child in the streets than of picking up a dead cat or dog’.¹¹

Throughout the early 1800s, doctors of medicine developed and established the medical term ‘infanticide’ as an indication of insanity. Scholars have been inclined to focus on infanticidal women and the questions surrounding infant murder, such as puerperal insanity, poverty and illegitimacy.¹² Puerperal insanity was one of the few psychiatric disorders that was recognised in the Nineteenth-Century, understood as insanity caused by

⁷ Fuchs, *Gender and Poverty* p. 99.

⁸ Goc, *Women, Infanticide and the Press*, p. 1.

⁹ Higginbotham, ‘Sin of the Age’, p. 320.

¹⁰ J. Thorn, ‘Introduction: Stories of Child-Murder, Stories of Print’, in J. Thorn (ed.), *Writing British Infanticide: Child-Murder, Gender, and Print, 1722-1859* (Newark, 2003), p. 13.

¹¹ H. Marland, ‘Getting Away with Murder? Puerperal Insanity, Infanticide and the Defence Plea’, in M. Jackson (ed.), *Infanticide: Historical Perspectives on Child Murder and Concealment, 1550-2000* (Aldershot, 2002), p. 169.

¹² J. Shepherd, ‘“One of the Best Fathers until He Went Out of His Mind”: Paternal Child-Murder, 1864 –1900’, *Journal of Victorian Culture*, 18 (2013), p. 17.

A. Shepherd, *Institutionalizing the Insane in Nineteenth-Century England* (London, 2014), p. 9.

A. Mauger, *The Cost of Insanity in Nineteenth-Century Ireland: Public, Voluntary and Private Asylum Care* (Basingstoke, 2018), p. 155.

the trauma of childbirth.¹³ Nineteenth-century Britain saw dramatic changes to the legislation of infanticide and insanity. The National Health Service states that the 1800s saw a 'new found interest in the causes and treatment of mental illness', which shaped the way in which the insane were assessed and treated as a result of their condition.¹⁴ Additionally, the changing legislation of insanity shaped society's responses to infanticidal mothers and created a more 'sympathetic approach' to cases of infanticide as a result of insanity.¹⁵ The changing legislation surrounding the murder of children demonstrates an already ongoing changing perception of women prior to the nineteenth century. The Infanticide statute of 1624 became the first written law for the killing of children and was established to 'prevent the destroying and murdering of bastard children', demonstrating the strong link between illegitimacy and infanticide already embedded in the seventeenth century.¹⁶

Infanticide carried with it a sentence of execution in the nineteenth century, however, it was widely accepted that a woman who committed acts of infanticide did so because she had been driven to insanity.¹⁷ Consequently, judges avoided sentencing such women to death by charging them with concealment of birth rather than infanticide which carried a prison sentence rather than execution; not reporting the birth of a child would be considered concealment of birth.¹⁸ Lord Ellenborough's Act of 1803 saw dramatic change in the conviction of infanticide and overrode the harshness of the Stuart Bastard Neonaticide Act of 1624, which decreed that the mothers of bastard children, if found attempting to conceal the child's birth by hiding the body, were assumed to have murdered the infant and were therefore subject to the death penalty. Yet, the newly established 1803 Act assumed the

¹³ I. Loudon, 'Puerperal Insanity in the 19th Century', *Journal of the Royal Society of Medicine*, 81 (1988), p. 76.

¹⁴ Anon., '19th Century Mental Health', *National Health Service* (2014), <<http://www.ashfordstpeters.nhs.uk/19th-century-mental-health>>, accessed 16.01.2018.

¹⁵ Marland, 'Getting Away with Murder', p. 173.

¹⁶ A. Loughnan, 'The "Strange" Case of the Infanticide Doctrine', *Oxford Journal of Legal Studies*, 32 (2012), p. 690.

¹⁷ Kilday, *A History of Infanticide in Britain*, p. 167.

For more information on infanticide and execution see: J. Gregory, *Victorians Against the Gallows: Capital Punishment and the Abolitionist Movement in Nineteenth Century Britain* (New York, 2011).

¹⁸ S. D'Cruze, *Everyday Violence in Britain, 1850-1950: Gender and Class* (Essex, 2000), p. 58.

mother innocent of infanticide until proven guilty. As a result of the newly established law no women were executed in Britain for the crime of infanticide after 1849.¹⁹

This article recognises that the changing perception of insanity shaped the responses to infanticidal women in nineteenth-century Britain. Society understood that poverty and illegitimacy were also causes of infanticide. In addition to this it is argued that mothers who committed infanticide as a result of poverty, illegitimacy and insanity were recognised as victims of society and were thus treated with increasing sympathy. Furthermore, although there was increasing sympathy for infanticidal mothers in this period, there was a continuous recognition that female baby-farmers and infanticidal fathers were murderous and thus were increasingly villainised in society. Nineteenth-century baby-farmers consisted of women who offered their services to take on other women's children in exchange for payment, and young children who were taken to these establishments often died within a short period of time; thus young vulnerable mothers who could not cope with motherhood would use baby-farmers as a desperate solution in an attempt to rid themselves of their child.²⁰

Bad?

Records from the nineteenth century evidence the existing stereotypes illustrated in society when discussing infanticide. The majority of those convicted of both infanticide and concealment of birth were un-married, working-class women in domestic service.²¹ It was not uncommon for single working-class women of very little means to enter the workhouse in order to give birth as their pregnancy left them destitute and desperate. Therefore, it is significant to note that a considerable number of infanticide cases during this time period involved women who had recently entered the workhouse with limited and fragile support

¹⁹ M. L. Arnot, 'The Murder of Thomas Sandles: Meanings of a Mid-Nineteenth-Century Infanticide', in Jackson (ed.), *Infanticide*, p. 150.

C. L. Berry, *The Child, The State and The Victorian Novel* (Charlottesville, 1999), p. 179.

²⁰ L. M. Shanley, *Feminism, Marriage, and the Law in Victorian England* (New Jersey, 1989), p. 88.

²¹ Thorn, 'Introduction', p. 28.

networks; Jackson argues that for these single women there was no place for them in society, even in working-class culture.²² Society acknowledged that poverty became one of the primary causes of infanticide in Britain during the nineteenth century; in conjunction with the 'avoidance of shame of an illegitimate child', illegitimacy was perceived to be a far more influencing factor resulting in child-murder.²³ However, impoverished women were perceived as unwell as they did not fit into the Victorian ideology of femininity and thus were treated with increasing sympathy. This was because motherhood was such a strong Victorian ideal that only women who were in mental and social distress would commit acts such as infanticide and break away from the strongly implemented ideals of femininity and motherhood.²⁴ This section explores Victorian perceptions of poverty and illegitimacy as influencing factors of infanticide; whilst acknowledging societies' increasing sympathetic responses to infanticidal women. Furthermore, this section analyses the way in which baby-farmers and infanticidal fathers were continually villainised in society.

Prior to the 1624 Infanticide Act equal numbers of mothers with legitimate and illegitimate offspring were tried with child-murder. However, after the 1634 statute the majority of mothers found guilty of infanticide were unmarried women, further suggesting that during the nineteenth century, illegitimacy was perceived to be associated with guilt and the mothers of illegitimate children were therefore more likely to be found guilty of infanticide in a court of law.²⁵ Nineteenth-century Christianity preached that, 'virginity was not only an admirable human condition, but also the only appropriate state for an unmarried woman.'²⁶ The very existence of an illegitimate child would have deemed a woman in 'poor mental

²² Arnot, 'The Murder of Thomas Sandles', p. 150.

²³ J. Kelly, 'Responding to Infanticide in Ireland, 1680–1820', in E. Farrell, *'She said she was in the family way': Pregnancy and Infancy in Modern Ireland* (London, 2012), p. 189.

Fuchs, *Gender and Poverty*, p. 99.

J. Andrews and A. Digby (eds.), *Sex and Seclusion, Class and Custody: Perspectives on Gender and Class in the History of British and Irish Psychiatry* (New York, 2004), p. 109.

²⁴ Fuchs, *Gender and Poverty*, p. 100.

For more on motherhood and maternal instincts see: A. Richardson, *Love and Eugenics in the Late Nineteenth Century: Rational Reproduction & the New Woman* (Oxford, 2003), p. 176.

²⁵ Thorn, 'Introduction', p. 28.

For more on Infanticide law see: L. Rose, *Massacre of the Innocents: Infanticide in Great Britain 1800-1939* (Oxford, 2016), p. 77.

²⁶ Kelly, 'Responding to Infanticide in Ireland', p. 189.

state', as the connection between female sexuality and insanity had been progressively woven into Victorian society.²⁷ Moreover, illegitimacy in the nineteenth century presented a threat to female reputation.

Thorn states that the Victorian period brought about a medical transformation in which the body of the infant became a vast source of medical knowledge and thus medicalised the criminal trial; consequently the judge and jury were no longer dependent on the mother's testimony and were made reliant on the medical autopsy.²⁸ New medical understandings of the body and insanity led to the end of executions as a punishment for infanticide: the doctor's testimony ensured that though the mother had been found guilty of infanticide she would not be sentenced to execution or become a public spectacle, but would be disciplined under the newly developing procedures of social welfare.²⁹ Therefore, the medicalisation of infanticide trials shaped the legislation surrounding child-murder and created a new classification of crime for infanticidal mothers. One doctor in 1865 stated that:

Above all let, women feel that they should not be visited with so much indignation for simple pregnancy as for murder... Let society, if possible, look on the fact of illegitimate pregnancy with a more forgiving eye, and pity at least the unhappy victims of seduction, or the otherwise innocent who may have fallen. Let such victims have their future course through life of a less hopeless character.³⁰

This demonstrates an increasing sympathy toward infanticidal women. When illegitimacy was a factor, such women were regarded as victims of a discriminating society, as opposed to simply being irredeemably cruel. In the nineteenth century juries were reluctant to commit the infanticidal mother to death whom had suffered deplorable and distressing social conditions that were instrumental in her committing of the crime.³¹ Nevertheless, the act of

²⁷ J. A. Sheetz-Nguyen, *Victorian Women, Unwed Mothers and the London Foundling Hospital* (London, 2012), p. 38

²⁸ L. C. Berry, 'Confession and Profession: Adam Bede, Infanticide, and the New Coroner', in Thorn (ed.), *Writing British Infanticide*, p. 202.

²⁹ Higginbotham, 'Sin of the Age', p. 331.

³⁰ Berry, 'Confession and Profession', p. 202-03.

³¹ Arnot, 'The Murder of Thomas Sandles', p. 150.

infanticide in itself contradicted the Victorian idealised role of femininity in which motherhood was seen as central to their identity.³² Committing child-murder was perceived to be unnatural and society demanded a solution for the eradication of infanticide and punishment for the offender.³³

The harshness of the Bastardy Clauses originating in the 1834 Poor Law Amendment Act placed full moral responsibility for the illegitimacy of a child on the mother, ensuring that the mother carried the full financial burden of the child.³⁴ Therefore, illegitimacy and poverty can be perceived as a viable cause for the increase in infanticide.³⁵ Hoffer and Hull have argued that the 1624 Act to prevent the 'Destroying and Murthering of Bastard Children' consequently became a motive for avoiding the 'economic burdens of bastardy' resulting in child-murder.³⁶ In order to understand the motives behind nineteenth-century infanticide, it is important to recognise the Victorian understandings of sexual liaisons and social practices connecting to marriage. The inherent abundance of shame in association with pre-marital fornication and the sexual ignorance apparent within nineteenth-century society created a platform upon which infanticide would be conceived as a viable option to combat illegitimacy.³⁷ On 23 October 1851, *The Morning Chronicle* reported a case of infanticide near Bury St. Edmunds in which, 'a young woman named Maria Stewart was charged, on her own confession, with the murder of her two illegitimate children'. The accused stated that:

It was born about 9 o'clock in the morning and was alive in the afternoon. When I laid hands on it, held it to my breast and let it suck it began to cackle and I thought someone would hear it, and that I must kill it. I put my hand over the mouth and

³² E. Gordon, and G. Nair, 'Domestic Fathers and the Victorian Parental Role', *Women's History Review*, 15 (2006), p. 551.

³³ Arnot, 'The Murder of Thomas Sandles', p. 150.

³⁴ S. L. Steinbach, *Understanding the Victorians: Politics, Culture and Society in Nineteenth-Century Britain* (London, 2012), p. 201.

³⁵ D'Cruze, *Everyday Violence in Britain*, p. 57.

³⁶ P. Hoffer and N.E.H. Hull, *Murdering Mothers: Infanticide in England and New England, 1558–1803* (New York, 1981), cited in Thorn, *Writing British Infanticide*, p. 20.

³⁷ D. A. Logan, *Fallenness in Victorian Women's Writing: Marry, Stitch, Die, Or Do Worse* (Columbia, 1998), p. 18.

nipped the throat with my fingers, and then took my garter and tied or put it around the neck so that it might die okay. I killed it because I thought I should not have a father for my child...It is the second little girl I have murdered, I strangled the both.³⁸

This case illustrates that illegitimacy was Maria Stewart's central reason behind the murder of her two children. Maria's reasoning for murdering her two children is representative of the way in which illegitimate single mothers were ostracised from polite society. The profound sensationalism of infanticidal cases in nineteenth-century publications scandalised child-murder and shaped the responses to infanticidal women portraying them as victims of illegitimacy and thus created an increasing sympathetic response to infanticidal mothers.³⁹

Whilst infanticide was a criminal act, it was viewed as a lesser crime than that of the murder of an adult. This can be partly attributed to society's observations of Victorian women and how they were generally regarded as acting under the extreme 'pressures of poverty and social stigma'.⁴⁰ Poverty was a crucial factor that unquestionably contributed to women committing infanticide.⁴¹ D'Cruze presents the case study of Sarah Cooper in 1847 in which poverty is shown to be the significant factor behind the murder of her child. The young woman is said to have stood before the Central Criminal Court accused of murdering her new-born infant, her circumstances being 'very bad indeed', she showed no sign of having a regular occupation and thus no income. After she was in custody, a police sergeant stated that:

... it would not have happened had she not been in such a bad state of poverty, that she and her children had been starving all the winter...she said that the child was

³⁸ Anon., 'The Case of Infanticide Near Bury St. Edmund's.', *The Morning Chronicle*, 23 October 1851, Issue 26478, in *British Library Newspapers, Part I: 1800-1900*.

³⁹ Kelly, 'Responding to Infanticide in Ireland', p. 189.

⁴⁰ R. Sauer, 'Infanticide and Abortion in Nineteenth-Century Britain', *Population Studies*, 32 (1978), p. 92. Andrews and Digby, *Sex and Seclusion*, p. 109.

See for example: C. Chinn, *Poverty amidst Prosperity: The Urban Poor in England 1834-1914* (Lancaster, 2006).

⁴¹ Fuchs, *Gender and Poverty*, p. 192.

hers...that she must have fainted after she was delivered, and she had put it where it was found.⁴²

In support of this, it is important to note that some mothers turned to infanticide as their last option to prevent the infant from growing up in a life of poverty and suffering.⁴³ A mother's act of intentional infanticide can therefore be seen as an emotional reaction and an act of love in order to stop the child from suffering as opposed to an act of inherent violence and cruelty. The police sergeant's admission to Sarah Cooper's distressing conditions further illustrates the changing perceptions of infanticidal women during this period and further demonstrates that mothers who committed infanticide as a result of poverty, were seen as victims of society and treated with increasing sympathy in the nineteenth century.

During the eighteenth century violence was an accepted code of male behaviour yet, upon the emergence of the Victorian period, violence became less tolerated in polite society.⁴⁴ Violence against children in the nineteenth century became much less tolerated as it contradicted the ideals of the new Victorian gentlemen and the expectations of a father as a moral protector.⁴⁵ Child-murder was a heinous criminal act committed historically by both parental figures yet, during the Victorian period the word 'infanticide' was labelled only on the murders committed by women.⁴⁶ Men accused of child-murder often killed their offspring in an attempt to conceal the evidence of their illicit sexual relations. Nonetheless, infanticide historians have often concentrated on unmarried mothers, whose fear of shame upon exposure of their illegitimate child had come to be associated with puerperal mania and infanticide. Men also attempted to evade association with illegitimate children either because

⁴² D'Cruze, *Everyday Violence*, p. 57.

⁴³ D'Cruze, *Everyday Violence in Britain*, p. 58.

For more on the link between poverty and insanity see Chapter 6 in A. Gestrich, E. Hurren, and S. King (eds.), *Poverty and Sickness in Modern Europe: Narratives of the Sick Poor 1780-1938* (London, 2012).

⁴⁴ R. Shoemaker, 'Male Honour and the Decline of Public Violence in Eighteenth-Century', *Social History*, 26 (2001), p. 194.

⁴⁵ C. Emsley, *Crime and Society in England 1750-1900*, 2nd edn (Harlow, 1996), p. 107.

J. Tosh, *Manliness and Masculinities: Nineteenth-Century Britain* (Harlow, 2005), p. 130.

⁴⁶ M. V. Gregory, "'Most revolting murder by a father': The Violent Rhetoric of Paternal Child-Murder in the Times (London), 1826-1849', in Thorn (ed.), *Writing British Infanticide*, p. 71.

they were married or they feared for their social positions.⁴⁷ Historian Jennifer Thorn discovered that there were around eighty articles written by *The Times* that document paternal child-murder between the years of 1807 and 1905; these articles described the murders as being, 'committed largely by working-class fathers who reportedly strangled, stabbed, beat, and drowned their children'.⁴⁸

Frost argues that the act of child-murder committed by men was less frequent in comparison to that of women and therefore has received much less historical attention.⁴⁹ Furthermore, Victorian masculinity encompassed the significance of male honour and 'saw the pride and status of the patriarchal family' at the central core of fatherhood; this transgression of the Victorian ideals of fatherhood became of significant importance in infanticide cases and thus shaped the way in which infanticidal men were perceived as a more severe threat to society than that of infanticidal women.⁵⁰ As a result of this, men suffered from fewer leniencies in court as a consequence of their violent aggression in order to conceal the shame of their infidelity.⁵¹ It was assumed in the nineteenth century that men were sexual aggressors who 'seduced women into falling' and were therefore released from their parental responsibility. However, whilst women could claim to have committed infanticide as a result of insanity or poverty, men could not.⁵² Jackson has argued that men were to blame for tempting women into sexual acts more so than women were to blame for yielding to them and thus society held little sympathy for men in infanticide cases.⁵³ Furthermore historian Jade Shepherd states that murderous fathers were treated

⁴⁷ G. Frost, "'I am master here": Illegitimacy, Masculinity, and Violence in Victorian England', in L. Delap, B. Griffin, and A. Wills (eds.), *The Politics of Domestic Authority in Britain since 1800* (Basingstoke, 2009), p. 30.

⁴⁸ Gregory, 'Most revolting murder by a father', p. 72.

⁴⁹ Frost, 'I am master here', p. 31.

⁵⁰ J.M. Ferraro, *Nefarious Crimes, Contested Justice: Illicit Sex and Infanticide in the Republic of Venice 1557-1789* (Baltimore, 2008), p. 12.

For more on masculinity see J. Tosh, *Manliness and Masculinities*, p. 133; H. Sussman, *Victorian Masculinities: Manhood and Masculine Poetics in Early Victorian Literature and Art* (Cambridge, 1995).

⁵¹ E. Farrell, 'A most diabolical deed': *Infanticide and Irish Society 1850-1900* (Manchester, 2013), p. 149. Chinn, *Poverty amidst Prosperity*, p. 114.

⁵² Frost, 'I am master here', p. 31.

⁵³ Jackson, *New-Born Child Murder: Women, Illegitimacy and the Courts in Eighteenth-Century England* (Manchester, 1996), p. 118.

unsympathetically, as savage tyrants due to their inability to plead insanity as motivation behind the murder of their children.⁵⁴

Male infanticide cases were very much dependent on the masculine characteristics of respectability and class. Frost argues that the higher the social standing of the accused gentleman, the more he had to lose as a result of an allegation of illegitimacy; the courts held very little sympathy for men in cases of infanticide as they held the strong belief that men were themselves responsible for their position in both society and familial situations.⁵⁵ The few accounts of child-murder committed by men during the nineteenth century provide insight into the 'ideological pressures and fears underlying constructions of fatherhood' that existed during this period. Whilst the press and popular fiction often represented the infanticidal mother as a young single woman in stifling poverty, men were usually depicted as violent, hostile and unable to provide for their families, a complete contrast to the idealised Victorian gentleman.⁵⁶ As Jackson has argued, women were seen as 'passive, compassionate, pitiable, and innocent victims of society's heathen principles and of men's criminally cruel behaviour... acknowledged in part by the wider public.'⁵⁷ This further illustrates the lack of sympathy for men accused of child-murder and demonstrates society's perception of the infanticidal father as a violent aggressor. One of the chief motivations behind fatherly violence came as a consequence of objecting to pay for financial support, despite the Victorian ideals of masculinity that inherently obliged men to provide for their family.⁵⁸ Men were more frequently executed for infanticide unlike women; this was often due to women being able to claim postpartum 'mania' and puerperal insanity whilst men were unable to do so.⁵⁹ Victorian courts considered that men were able to obtain sufficient amounts of self-control in regards to violent behaviour.⁶⁰ Hunter in 1783 argued that, 'the

⁵⁴ Shepherd, 'One of the Best Fathers until He Went Out of His Mind', p. 21.

⁵⁵ Frost, 'I am master here', p. 31.

⁵⁶ Gregory, 'Most revolting murder by a father', p. 72.

⁵⁷ Jackson, *New-Born Child Murder*, p. 118.

⁵⁸ D. Rabin, 'Beyond 'Lewd Women' and 'Wanton Wenches': Infanticide and Child-Murder in the Long Eighteenth Century' in Thorn (ed.), *Writing British Infanticide*, p. 47.

Tosh, *Manliness and Masculinities*, p. 132.

⁵⁹ Marland, 'Getting Away with Murder', p. 173.

⁶⁰ Frost, 'I am master here', p. 39.

father of the child is really criminal, often cruelly so; the mother is weak credulous and deluded'.⁶¹ This suggests that the attitude towards men was one of continuity while that toward women changed throughout the century becoming much more understanding and lenient in their attitudes to infanticidal women.

Nevertheless, infanticidal fathers and baby-farmers were continuously villainised in the Victorian period in contrast to the way in which infanticidal mothers were treated. By the mid-1800s resourceful women from within the working-classes began establishing child minding businesses in exchange for payment. These businesses were commonly known as baby-farms and allowed single unmarried women to continue in employment and function within the public sphere.⁶² Established baby-farms often ran on overstrained resources and as a consequence resulted in an extremely low standard of care for the infants.⁶³ For the majority of people during the nineteenth century, seeking out a baby-farm was usually a last resort and was, 'probably restricted to unmarried mothers...and social outcasts such as casual prostitutes or members of the petty criminal classes'.⁶⁴ Nevertheless, the children in these late-Victorian enterprises were dying at alarmingly high rates and the 'farms' were soon exposed as corrupt and murderous trades.⁶⁵

Commonly known as 'she-butchers' in the eighteenth century, nineteenth-century baby-farmers were a consequence of societal anxiety surrounding 'over-breeding' within the poorer classes. Baby-farming was a pejorative term that grouped together all working-class females involved in the same criminal class.

⁶¹ W. Hunter, *On the Uncertainty of the Signs of Murder in the Case of Bastard Children* (London, 1783), p. 6.

⁶² A. Cossins, *Female Criminality: Infanticide, Moral Panics and The Female Body* (New York, 2015) p. 91.

⁶³ J. McDonagh, *Child Murder and British Culture 1720-1900* (Cambridge, 2003), p. 125.

⁶⁴ J. Himmill, cited in Farrell, *A most diabolical deed*, p. 35. Fuchs, *Gender and Poverty*, p. 57.

⁶⁵ A. Clark, 'Irish Orphans and the Politics of Domestic Authority' in Delap, Griffin, and Wills (eds.), *The Politics of Domestic Authority*, p. 71. Fuchs, *Gender and Poverty*, p. 46.

[n]o respectable woman . . . would have called herself a baby farmer, 'Baby farming' was an accusation, not a profession. In normal usage, the term conflated the criminal acts of wilful murderers with the daily labor of honest nurses.⁶⁶

It is significant to note that Annie Cossins villainises the term 'baby farmer' when she states that, '[n]o respectable woman . . . would have called herself a baby farmer' suggesting that the mothers were exempt from blame in cases of infanticide that occurred within baby-farms. Printed in the early 1860s, this poem reveals the public's abhorrence to Mrs Winsor's baby-farm and is representative of society's repugnance to the baby-farming industry during the nineteenth century.

This dreadful woman, Charlotte Winsor,
Took children in to nurse,
A devil she was in human form
We could not call her worse;
She would tamper with their young mother,
With if you would like to pay,
For a few pounds, say three or four,
I will put your child away.
Those children belong to some poor girl
That has been led astray.
Mrs. Winsor would take them to nurse
As long as they would pay.
She would murder them – yes, strangle them
For this paltry gain,
By putting them between beds,
Or pressing the juglar vein.⁶⁷

It is significant to note that the poem presents the mother of the child as a victim of the baby-farming industry when it states that the mother has been 'led astray' and is supportive of the

⁶⁶ Cossins, *Female Criminality*, p. 91.

⁶⁷ Anon, 'The Execution of Mrs Winsor', in Jackson (ed.), *Infanticide*.

ongoing argument that society increasingly sympathised with the infant's mother.

Additionally, the 'baby-farmer' is endlessly associated with blame similarly to that of the infanticidal father. The interesting use of language by the poet such as 'young mother' and 'poor girl' suggests that it was perceived by Victorian society that only young, single, vulnerable women living in poverty sought out baby-farms as a desperate solution to rid themselves of shame.

Motherhood was seen as central to the construction of female identity in the nineteenth century, therefore, female 'baby-farmers' in this period juxtaposed these strongly implemented feminine ideals.⁶⁸ 'The Execution of Mrs Winsor', demonstrates the Victorian anxieties surrounding child-murder and the conflict between femininity and motherhood in the fourth stanza when it states:

While the babes on her would smile,
She would kiss and feed him tenderly,
And murder all the while.⁶⁹

Anxiety around illegitimate children and the practice of baby-farming erupted in the late 1860s and the women involved became objects of scorn and derision.⁷⁰ On 25 September 1867, *The Pall Mall Gazette* stressed that 'care of illegitimate children has become a regular trade' and that the death of a child whilst in the care of a baby-farm was often a 'happy release' for the parent.⁷¹ The press's evaluation of the nineteenth-century baby-farm suggests that these establishments murdered children upon the instruction of the mother(s) and therefore should carry the same amount of blame as infanticidal fathers. Nevertheless, the language presented in the first stanza of the poem 'Baby-Farming Mothers

⁶⁸ Gordon and Nair, 'Domestic Fathers and the Victorian Parental Role', p. 551.

Tosh, *Manliness and Masculinities*, p. 108.

⁶⁹ Anon., 'The Execution of Mrs Winsor'.

⁷⁰ M. Jackson, 'The Trial of Harriet Vooght: Continuity and Change in the History of Infanticide', in Jackson (ed.), *Infanticide*, p. 10.

⁷¹ Anon., 'Baby Farming', *The Pall Mall Gazette*, 25 September 1867, Issue 819, in *British Library Newspapers, Part 1: 1800-1900*.

'Beware' is illustrative of society's attitudes towards Victorian mothers and the 'baby-farming' trade during the nineteenth century:

Oh, mothers, fond mothers your attention I pray.
And listen a while to a pitiful tale. It's a out baby farming a scandalous trade.
And shocking disclosures have a lately been made.
Near Brixton in Surrey this system so base.
Has at last! Been discovered a social disgrace.⁷²

The phrases such as, 'scandalous trade' and 'social disgrace' are representative of the societal distain against the new found practice and thus become a contradiction of the Victorian familial ideals of gentility and sensibility.⁷³ The language used in this poem demonstrates the continuation of the idealisation of motherhood when it describes the parental figures as 'fond mothers'. As a result of the Victorian ideals of motherhood 'baby-farming women' were seen as transgressors of their natural roles as women and thus presented a threat to society as they prevented mothers from fulfilling their natural duty. Consequently, baby-farmers were villainised by society and were judged with more severity than infanticidal mothers.

Perceptions of poverty and illegitimacy as justified causes of infanticide shaped the way in which infanticidal women were viewed in the nineteenth century. Men of the courts increasingly anticipated that infanticidal women were, 'young, poor... naive victims of a wily seducer' and thus justified the sympathetic treatment they received.⁷⁴ Perceptions of infanticidal women have fashioned more sympathetic reactions from society as shown by the poems in Appendix 1 and 2 which villainise the baby-farming industry. Furthermore, society's perception of male infanticide as a villainous crime further weakened the impact of female infanticide; the medicalisation of insanity ensured that 'mad' women were being medically

⁷² Anon., 'Baby-Farming Mothers Beware' (1871), in P. Chassaigne, and W. Heppel, 'Popular Representations of Crime: The Crime Broadside – A Subculture of Violence in Victorian Britain?' *Crime, Histoire & Sociétés / Crime, History & Societies*, 3/2 (1999), pp. 42-43.

⁷³ Anon., 'Baby-Farming Mothers Beware'.

⁷⁴ E. Farrell, 'A very immoral establishment': The Crime of Infanticide and Class Status in Ireland, 1850–1900', in Farrell (ed.), *She said she was in the family way*, p. 220.

diagnosed as insane and were no longer a threat to the Victorian ideals of motherhood.⁷⁵ Furthermore, society's perception of infanticidal fathers as 'criminally cruel' suggests the possibility that the nineteenth century saw an increasing shift away from the infanticidal woman as 'bad' and instead seeing them as victims of insanity and society.⁷⁶ Moreover, the transgression of the Victorian ideals of fatherhood became of significant importance in infanticide cases and thus shaped the way in which infanticidal men were perceived as a more severe threat to society than that of infanticidal women. In the Victorian period women were seen as 'innocent victims of society's heathen principles and of men's criminally cruel behaviour.'⁷⁷ There was substantial emphasis on the mother's 'natural capacity for love and nurture' and as a result, the nineteenth century saw a growing shift of sympathy for infanticidal mothers who were seen as victims of insanity or of society itself.

Mad?

Alongside the understanding that poverty and illegitimacy caused infanticide, child-murder was also perceived to be a product of insanity in the nineteenth century. The 1800s saw significant changes in the legislation of the Lunacy Acts. The Lunacy Act of 1845 and the County Asylums Act of 1845 combined to form mental health law in England and Wales.⁷⁸ Their most significant provision was in categorising mentally ill people as patients in order to stop the abuse of the insane; patients were admitted to licensed premises and institutionalised care was established for lunatics in public asylums.⁷⁹ This act was revisited in 1853 and ensured that a medical examination and certificate was to be issued and signed by a medical practitioner when administrating a patient to an asylum.⁸⁰ Finally, the Lunacy

⁷⁵ A. Loughnan, *Manifest Madness: Mental Incapacity in the Criminal Law* (Oxford, 2012), p. 154.

⁷⁶ Hunter, *On the Uncertainty of the Signs of Murder*, p. 6.

⁷⁷ J. Geyer-Kordesch, 'Infanticide and the Erotic Plot: A Feminist Reading of Eighteenth-Century Crime', in Jackson (ed.), *Infanticide*, p. 118.

⁷⁸ H. Small, *Love's Madness: Medicine, the Novel, and Female Insanity, 1800-1865* (Oxford, 1996), p. 21.

⁷⁹ C. Stebbings, 'Protecting the Property of the Mentally Ill: The Judicial Solution in Nineteenth Century Lunacy Law', *Cambridge Law Journal*, 71/2 (2012), p. 385.

⁸⁰ P. Bartlett, *The Poor Law of Lunacy: The Administration of Pauper Lunatics in Mid-Nineteenth Century England with Special Emphasis on Leicestershire and Rutland* (London, 1993), p. 192.

Act of 1890 generated a set of rules evoking legal controls over the psychiatric admissions of private patients.⁸¹ The newly founded legislation of the Lunacy Acts during the course of the nineteenth century demonstrates the ongoing formal treatment of insanity during the Victorian era. This formalised treatment of the 'insane' enabled the Criminal Justice System to utilise the new medical advances in mental illness to diagnose women with puerperal insanity and which constituted an 'appropriate charge' in place of a prison sentence.⁸² The emergence of 'moral insanity' into the medical profession saw the appearance of a body of 'alienists' whose job was to identify and treat mental conditions. This section assesses perceptions of insanity and establishes insanity as the chief influential factor in cases of infanticide during the nineteenth century. Furthermore, this section evidences that there was a growing sympathy for infanticidal mothers in Victorian Britain.

Puerperal insanity became a popular topic amongst 'alienists' and by the middle of the nineteenth century it had been readily implemented into the discourse of insanity.⁸³ The 1800s saw an increasing development of medicine as a natural science consequently leading to the rise of the medical profession and the specialisation of mental illnesses.⁸⁴ The medicalisation of infanticidal cases in the nineteenth century was dependent on medical professionals 'pathologising' puerperal mania, consequently treating the accused as subjects of 'medical rather than legal attention and treatment rather than punishment'.⁸⁵ In the nineteenth century, the role of doctors as witnesses in infanticide trials became increasingly prominent; this was a consequence of the complex forensic evidence they were required to

⁸¹ I. Butler and B. Drakeford, *Scandal, Social Policy and Social Welfare* (Basingstoke, 2003), p. 22.
K. Burtinshaw and J. Burt, *Lunatics, Imbeciles and Idiots: A History of Insanity in Nineteenth-Century* (Barnsley, 2017), p. 37.

⁸² Loughnan, *Manifest Madness*, p. 154.
Small, *Love's Madness*, p. 35.

⁸³ Loughnan, 'The "Strange" Case of the Infanticide Doctrine', p. 687.
Mauger, *The Cost of Insanity*, p. 155.

⁸⁴ T. Chakravarty, 'Medicalisation of Mental Disorder: Shifting Epistemologies and Beyond', *Sociological Bulletin*, 62/2 (2011), p. 21.

Tosh, *Manliness and Masculinities*, p. 132.

I. Burney, 'The Politics of Particularism: Medicalization and Medical Reform in Nineteenth-Century Britain', in R. Bivins and V. J. Pickstone, *Medicine, Madness and Social History: Essays in Honour of Roy Porter* (Basingstoke, 2007), p. 47.

⁸⁵ Loughnan, 'The "Strange" Case of the Infanticide Doctrine', p. 687.
Small, *Love's Madness*, p. 35.

Butler and Drakeford, *Scandal, Social Policy and Social Welfare*, p. 17.

provide; in the case of doctors whom worked in mental asylums legal proceedings such as infanticide trials could be considered opportunities to improve their status and repertoire.⁸⁶

This section assesses perceptions of insanity and establishes insanity as the chief influential factor in cases of infanticide during the nineteenth century. Furthermore, this section evidences that there was a growing sympathy for infanticidal mothers in Victorian Britain as a result of the increasing awareness of mental health disorders.

On the 10 October 1881, Catherine (Kate) Rumsby from Hertford was accused of the murder of her new-born infant. The case demonstrates the newly founded importance of the doctor in infanticide trials. The attending registered medical practitioner, George Marshall Phillips, concurred that:

the umbilical cord was broken off and had not been tied. There was a long abrasion on the front of the neck about the length and width of a finger, blood on the brain, bruises to the right hand side of the face and blood in the ear. Both lungs inflated and were filling up the cavity of the chest nearly covering the pericardia. The ten portions of arms and legs were immersed in hot water sufficiently long enough to solidify the flesh. There were patches of blood on the accused's dress corresponding to the size of the placenta.⁸⁷

Doctor Phillips confirmed that the bruising on the forehead and blood on the brain were sufficient to cause death and that the lungs were capable of working upon birth. He also stated that he could not verify that the umbilical cord had been severed before death. The bruising on the top of the infant's cranium, as Doctor Phillips stated 'may have been caused by the child falling on the floor not in birth.' The remains of the infant were found in two separate places, the head and the torso in a paper box and the remaining limbs in a cooking pot upon the kitchen stove. Medical practitioner George Phillips deduced that the violent

⁸⁶ Marland, 'Getting Away with Murder', p. 171.

⁸⁷ ASSI 72/04, Murder: Rumsby, Catherine (Infanticide), The National Archives, London (TNA).

mutilation and trauma to the body were a consequence of the mother's insanity and concluded that Catherine Rumsby was in a 'state of much mental distress and excitement at the time of the murder'.⁸⁸ In 1859, Forbes Winslow, writing about puerperal insanity, argued that subsequent to giving birth the woman's temper 'changes completely, and family affection is apparently changed into the bitterest hatred; this is particularly observed as regards the child, which the mother often attempts to destroy.'⁸⁹ Catherine Rumsby pleaded not guilty of infanticide in court. Although a conviction on this case could not be found it might be considered that as a result of the statements given by Doctor Phillips and the apparent Victorian anxieties surrounding puerperal mania, Miss Rumsby may have been confined to an asylum as a result of suffering from puerperal insanity. In 1815, historian William Hunter declared that, 'it is only murder when it is executed with some degree of cool judgement, and wicked intention. When committed under phrenzy from despair, can it be more offensive in the sight of God, than under a phrenzy from a fever, or in lunacy?' In addition to this, Hunter also stated that, 'the insane are not to be held responsible for their actions'.⁹⁰ The case of Catherine Rumsby provides evidence to suggest that insanity was perceived to be the main influencing factor behind her act of infanticide.

Victorian notions of femininity understood the female body to be associated with unconditional love and nurture of her husband and offspring.⁹¹ These illustrations of the ideal women were based upon images of motherhood, domesticity and passive obedience, compared to 'the sexually aggressive harlot' exiled from society as a consequence of defying the Victorian codes of conduct that deemed their behaviour as 'irrational' or 'wicked'. Women who denied ideological codes of behaviour were understood as 'becoming more like the animal within, she was a mythical figure of power and destruction, selling her soul to the

⁸⁸ TNA, ASSI 72/04, Murder: Rumsby, Catherine (Infanticide).

⁸⁹ W. Forbes, 'On Puerperal Insanity', *Journal of Psychological Medicine and Mental Pathology*, 12 (1859), p. 21.

⁹⁰ Hunter, *On the Uncertainty of the Signs of Murder*, p. 5.

See also: K. Busfield, *Men, Women and Madness: Understanding Gender and Mental Disorder* (Basingstoke, 1996), p. 159.

⁹¹ Cossins, *Female Criminality*, p. 57.

powers of Darkness.⁹² The behaviour of mothers suffering from puerperal insanity was shocking to Victorian society as their unsettling and frightening behaviour became a risk to new-born children, a time when the young infant is in constant need of its mother's care and protection. 'The hand that rocked the cradle was also the hand that slapped, smothered or strangled the infant', as women suffering from insanity put their baby at risk of injury and even fatality.⁹³

During the middle of the nineteenth century, 'child-murder became a modern secret...the modernity of this secret was signalled in the vigorous publicity that surrounded it: everybody was talking about how no one was willing to talk about it.'⁹⁴ In 1862, William Burke Ryan described his first-hand account of living in a time of heightened infanticide rates.

[T]he feeble wail of murdered childhood in its agony assails our ears at every turn, and is borne on every breeze. The sight is horrified as, day after day, the melancholy catalogue of murders meets the view, and we try to turn away the gaze in hope of some momentary relief. But turn where we may, still we are met by the evidence of a widespread crime. In the quiet of the bedroom we raise the box-lid, and the skeletons are there. In the calm evening walk we see in the distance the suspicious-looking bundle, and the mangled infant within. By the canal side, or in the water, we find the dead child. In solitude of the wood we are horrified by the ghastly sight; and if we betake ourselves to the rapid rail in order to escape the pollution, we find a journey's end that the mouldering remains of a murdered innocent have been our travelling companion; and that the odour from that unsuspected parcel truly indicates what may be found within.⁹⁵

⁹² Cossins, *Female Criminality*, p. 57.

⁹³ H. Marland, *Dangerous Motherhood: Insanity and Childbirth in Victorian Britain* (Basingstoke, 2004), p. 4.

⁹⁴ Berry, 'Confession and Profession', p. 196.

⁹⁵ W. R. Burke, *Infanticide: Its Law, Prevalence, Prevention, And History* (London, 1862), p. 45-46.

The Victorian era was a period surrounded by an atmosphere of elevated anxieties concerning the endangerments of childbirth 'and threats to the sanctity of the bourgeois home offered an ideal medium for it to take hold and flourish'.⁹⁶ The period saw the introduction of the new term and medical jargon 'puerperal insanity' and 'puerperal mania' into medical texts which incorporated the newly established forms of mental illness associated with childbirth.⁹⁷ Expectant mothers before the introduction of 'puerperal insanity' were still thought to fall victim to mental disorders, such as hysteria.⁹⁸ Women's biological weaknesses that had been medically determined in the nineteenth century were thought to have put them at risk of developing insanity during pregnancy or subsequently months after giving birth due to their weakened mental state.⁹⁹

Giving birth in the Victorian era was increasingly described as, 'dangerous and pathological rather than normal and natural'; in his introduction to 'Lectures on the Theory and Practice of Midwifery', Robert Lee states that that all women were 'exposed to great suffering and danger during pregnancy and childbirth'.¹⁰⁰ Although the disorder became a complete contradiction to the social norms of behaviour during this period, puerperal insanity became so frequently identified by male medical professionals that it became an accepted accomplice to the process of giving birth.¹⁰¹ The new medical jargon and legislation surrounding insanity and puerperal mania ensured that childbirth was perceived to be a threat to new mothers and also became a 'successful defence strategy' in infanticide cases during this period.¹⁰² The Victorian period saw the introduction of the term 'puerperal insanity' and its use in both a medical and social setting; violent mania, severe melancholia, or postpartum dysphoria were accredited by physicians to be accepted as a common consequence of childbirth.¹⁰³ In the 1880s the eminent psychiatrist Thomas Clouston

⁹⁶ Marland, *Dangerous Motherhood*, p. 3.

⁹⁷ Shepherd, *Institutionalizing the Insane*, p. 9.

⁹⁸ Andrews and Digby, *Sex and Seclusion*, p. 165.

⁹⁹ Marland, *Dangerous Motherhood*, p. 3.

¹⁰⁰ R. Lee, *Lectures on the Theory and Practice of Midwifery: Delivered in the Theatre of St. George's Hospital* (London, 1844), cited in Marland, 'Getting Away with Murder', p. 175.

¹⁰¹ Marland, *Dangerous Motherhood*, p. 5.

¹⁰² Marland, 'Getting Away with Murder', p. 175.

¹⁰³ Marland, *Dangerous Motherhood*, p. 4.

described how childbirth, 'One of the most joyous times of life is made full of anxiety and the strongest affection on earth is then often suddenly converted by disease into an antipathy: for the mother not only 'forgets her suckling child', but often becomes a danger to its life'.¹⁰⁴

In 1848, James Reid, physician to the General Lying-in Hospital in London, described how:

the mothers urged on by some unaccountable impulse to commit violence on herself or on her offspring... the infant is usually the object ... in puerperal insanity; an impulse to destroy, haunts the mind continually, and struggles with maternal tenderness... The sufferer, in some cases, implores that the infant may be removed from her, lest she should altogether lose her self-control, and is heard praying to heaven to prevent her from yielding temptation.¹⁰⁵

It is significant to note the juxtaposition of the emotional and dispassionate language used by Reid, when he refers to children as the 'object' and cause of the mothers suffering yet, he discusses 'maternal tenderness', juxtaposing 'puerperal insanity' with 'maternal tenderness'.¹⁰⁶

In the case of Rose Earle for the murder of her new-born child (in Appendix 3) who was also named Rose Earle in Liverpool October 1899, (by cutting of the throat) the mother is explicitly described as showing extreme physical signs of insanity. Medical Officer (MO) Arthur Price stated that:

Her general health has not been good. She has been depressed in her manners subject to outbursts of crying, swinging of the hands and generally chewing...She also suffers from delusions to the effect that God told her to kill her child to save it

For anxieties surrounding puerperal mania see: D. Brunton, *Health and Wellness in the 19th Century* (Oxford, 2014), p. 142.

¹⁰⁴ T. S. Clouston, *Clinical Lectures on Mental Diseases*, 2nd edn (London, 1887), p. 502.

¹⁰⁵ J. Reid, 'On the Causes, Symptoms and Treatment of Puerperal Insanity', *Journal of Psychological Medicine and Mental Pathology*, 1 (1848), p. 135. Reid was an author on puerperal insanity who was much cited in forensic texts.

¹⁰⁶ Reid, 'On the Causes, Symptoms and Treatment of Puerperal Insanity', p. 135.

from suffering and she hears impossible voices urging her to commit suicide, says she must die as she is not fit to live...I consider her to be unsound of mind.¹⁰⁷

Rose Earle's apparent affection and maternal tenderness for the child was demonstrated when she stated that she must save it from 'suffering'. The MO's evaluation of her physical symptoms and emotional verbal outbursts demonstrates the changing nature of how women were perceived to have developed insanity during the nineteenth century as a result of giving birth.¹⁰⁸ In addition to this, the certificate (in Appendix 3) provides evidence to suggest that the medicalisation of insanity born of the nineteenth century shaped the way in which infanticidal women were treated in court. The certificate confirms that Miss Earle was incarcerated in the Liverpool Lunatic Asylum in 1899.

Marland states 'that doctors saw infanticide as an actual symptom of puerperal insanity, so prevalent was the extraordinarily deranged and dangerous behaviour of the women, expressed in sexual obscenity, filthy language, self-neglect, attempted suicide and violence to others.'¹⁰⁹ This can be evidenced through the confinement of women to asylums as punishment for infanticidal crimes in replacement of execution. Subsequent to both the mental and physical pain of giving birth, new mothers were seen as predisposed to developing deranged, neglectful and violent behaviour. Thus, they became a risk to themselves, their family members and most importantly their new-born infant(s). These behaviour traits were categorised as mental conditions and labelled as puerperal insanity or mania. This newly established diagnosis in new mothers led to its increasing use in defence of the mother in cases of infanticide in the Criminal Courts.¹¹⁰ Furthermore, Logan states that, 'deliberate infanticide by a sane woman has far different connotations from the unaccountability of a random act prompted by insanity,' further demonstrating the ongoing

¹⁰⁷ ASSI 52/44, Murder: Earle, Rose (Infanticide), TNA.

¹⁰⁸ TNA, ASSI 52/44.

¹⁰⁹ Marland, *Dangerous Motherhood*, p. 4.

¹¹⁰ Marland, 'Getting Away with Murder', p. 173.

understanding of mental health and how this resulted in growing sympathy for infanticidal mothers in the nineteenth century.¹¹¹

In the case of Bridget Doyle accused of the murder of Ellen Doyle in Liverpool in 1899, the witness statement from Mrs Doyle's eight year old son John shows that the accused made statements such as 'Oh my Jesus, begin today tomorrow is too late.' After that she remained in a kneeling position on the bed and seemed to be praying silently until 4 o'clock the next morning when she said, 'the devil is coming into me and it is not Kate Holland.'¹¹² The accused was, according to young John Doyle, 'sitting on the floor bleeding from a wound in her throat and the deceased lying a little to the right in a pool of blood.' Bridget Doyle was under mental observation since her reception on 27 September 1899 and was assessed by Medical Officer Arthur Price who found her to be:

very violent, behaving in an excited maniacal fashion shouting incoherently. It had been necessary to transfer her to prison in a strait jacket, restraint was continued for two days when she became stuporous...She still refuses to speak nor has she spoken since I have seen her. I consider her to be unsound of mind.¹¹³

Though the incriminating evidence suggests that Bridget Doyle was guilty of the murder of her child and thus of infanticide the certificate in Appendix 4 demonstrates that Bridget Doyle was 'unfit to plead' and was 'to be detained in strict custody as a criminal lunatic until her Majesty's pleasures be known'. Bridget Doyle's indefinite confinement to a lunatic asylum in Liverpool as punishment for her crime further supports the argument that the changing legislation of insanity shaped responses to infanticidal mothers and created a more 'sympathetic approach' in infanticidal trials as a result of the medicalisation of insanity.¹¹⁴

¹¹¹ Logan, *Fallenness in Victorian Women's Writing*, p. 184.

¹¹² ASSI 52/43, Murder: Doyle, Bridget (Infanticide), TNA. After extensive research it was not possible to identify what Mrs Doyle meant when referring to Kate Holland.

¹¹³ TNA, ASSI 52/43.

¹¹⁴ Marland, 'Getting Away with Murder', p. 173.

Puerperal mania was of great interest to psychiatrists during this period as it not only 'developed their theories which tied women's mental disturbances to their intrinsic weakness and the rigours of reproductions, but also linked women to a wider range of social, environmental and moral factors'.¹¹⁵ It was mania which appeared most frequently in infanticide cases with its, 'temporary nature and sudden onset, typified by the struggle that mothers felt... between not wanting to harm their infants and the inability to prevent themselves from doing so'.¹¹⁶ This can be evidenced in the case of Mary Harrison who was charged with the murder of her two children on the 28 September 1894 at the parish of Bootle in the County of Cumberland; her charge reads as follows, 'She did feloniously wilfully and of her malice afterthought did kill and murder one Hannah Mary James and John Harrison against the peace of our Sovereign Lady the Queen her Crown and Dignity.' Upon questioning at H. M. Prison Carlisle on 11 October 1894, the accused stated that:

On Friday morning last I brought my children down stairs soon after my husband had left the house. I got a step ladder and put it against the water tub. I went up the ladder with Hannah Mary and baby in my arms. I got into the water with them I held them in the water until they were dead. I intended to drown myself but the water in the barrel was not deep enough... I have been troubled in my mind for the last three years...I told Hannah Mary I was going to drown them both she cried bitterly and said oh mamma mamma don't. I now sincerely regret I have done... I hope the lord will forgive me.¹¹⁷

Women who suffered from puerperal insanity often displayed outbursts of deranged and dangerous behaviour such as 'attempted suicide and violence to others' as displayed by Mary Harrison.¹¹⁸ The Victorian period saw a general consensus about puerperal insanity

¹¹⁵ Marland, *Dangerous Motherhood*, p. 6.

S. Trowbridge and T. Knowles, *Insanity and the Lunatic Asylum in the Nineteenth Century* (London, 2015), p. 156.

¹¹⁶ Marland, 'Getting Away with Murder', p. 176.

¹¹⁷ ASSI 52/20, Murder: Harrison, Mary (Infanticide), TNA.

¹¹⁸ Marland, *Dangerous Motherhood*, p. 174.

and its sub-divisions: Melancholia, 'a form of intense misery which was likely to result in permanent insanity' and Mania, 'distinguished by overexcited, disruptive and deviant behaviour, usually curable within a few months.'¹¹⁹ Mary Harrison's initial regret for the murders of both her children in her confession provides confirmation that she was suffering from mania; her apparent ignorance to her child's cries at the time of the murders suggests a poor emotional and mental state and that she may have been suffering from post-partum melancholia. Furthermore in a statement made by J. A. Campbell the Medical Superintendent of Cumberland and Hertfordshire concludes that, 'Mary Harrison was insane at the time her two children were drowned on September 28th 1894'.¹²⁰ This is further supported by the certificate in Appendix 5 in which the verdict reads that Mary Harrison was 'Found insane on arraignment by a jury duly empanelled for this purpose' and certifies that the accused will be, 'detained in custody until Her Majesty's pleasure shall be known'. The courts verdict in response to Mary Harrison's exhibit of insane behaviour further illustrates that there was a growing recognition and perception of insanity that shaped the responses to infanticidal women in the nineteenth century. Moreover, the treatment of Mary Harrison as a victim of insanity in conjunction with the case studies of Rose Earle and Bridget Doyle demonstrates that the newly perceived consequences of insanity became the most important factor in cases of infanticide in nineteenth-century Britain.

The ambiguity surrounding the definition of puerperal mania contrasts the increasing levels of precision that were used in the establishment of procedures evaluating the circumstances of new-born infant mortality; this included establishing the difference between stillborn infants and those who had been born alive. It was difficult to establish evidence whether the child had breathed independently from the mother, whether strangulation by the umbilical cord was accidental and occurred during the birthing process, or whether the infant had been deliberately suffocated.¹²¹ This can be seen in the case against Florence Dolman

¹¹⁹ Marland, 'Getting Away with Murder', p. 176.

¹²⁰ TNA, ASSI 52/20.

¹²¹ Marland, 'Getting Away with Murder', p. 179.

who at the parish of South Bearsted in the county of Sussex on the 15 March 1881 'did feloniously wilfully and of her malice aforethought did kill and murder a certain female infant child born of her body'. After Dolman's employer discovered the body of the new-born infant, Dr Samuel Maughan was called to the scene and noted:

There was blood in several places of the carpet in the small room. I saw two boxes underneath the basin on the shelf, upon opening the box I found the body of a female child. The child had the head turned downwards, it was dead but quite warm. On examining the body, I found two wounds on the neck (one either side). The wound on the right was 2-2.5 inches long, deep. Superficial on the left around 1 inch. The windpipe and the gullet were both severed underneath the skin. The head was bruised at the back, potentially from birth. They did a test hydrostatic, the lung floated. I cannot say whether the child was fully born when the wounds were inflicted but it had respired. The deep wounds had the appearance of being done with scissors. I saw the scissors at the time on the floor...The right wound was such as would have caused death had the child been born alive. The umbilical cord was torn about 3 inches from the trunk. There was a loose piece about 6 inches long in the same vessel as the after birth. This appeared to have been cut. Jugular veins had been divided but not the main artery, assuming the child was born alive the wounds would have been fatal. There is not medical proof of the child being born alive. I think the wounds may have been inflicted before the child was fully born by the mother, I have heard of such cases and believe it to be possible.¹²²

The denial of either pregnancy or of the new-born infant there after often resulted in the death of the infant.¹²³ Miss Dolman when approached by Dr Maughan and asked about the child said 'I have not had one.' Upon asking a second time the accused simply denied having had the child. Her denial further illustrates her weakened mental state. Although the verdict for this case could not be found, it demonstrates the difficulties that both medical and

¹²² ASSI 36/25/14 Sussex. Accused: F Dolman. Offence: Infanticide, TNA.

¹²³ Thorn, 'Introduction', p. 13.

L. I. Schwartz and N. Isser, *Child Homicide: Parents Who Kill* (London, 2007), p. 50.

legal professionals had in finding concrete evidence to convict women of infanticide in the nineteenth century, as Dr Maughan could not find 'medical proof of the child being born alive'.¹²⁴ Sit, Rothschild and Wisner stated that patients involved in cases of infanticide often 'denied their pregnancy and the pain of childbirth; they often experienced dissociative hallucinations, brief amnesia, and depersonalization'.¹²⁵ Moreover, the case of Florence Dolman provides evidence to support that the changing legislation of the Infanticide Acts in the nineteenth century increased convictions of concealment of birth which further supports the fact that there was an ever increasingly sympathetic reaction to the infanticidal mother in the Victorian period.

To further illustrate the difficulties in evidencing still-birth and infanticide it is important to note that all forms of abortion were illegal. However, abortion after the fifth month of pregnancy remained a capital crime throughout the nineteenth century.¹²⁶ Nevertheless, unwanted pregnancies often resulted in abortions at all different stages of pregnancy; some desperate women who lacked networks in order to have an abortion resorted to infanticide.¹²⁷ Thorn describes the killing of new-born bastard infants during this time period as a 'kind of belated birth control, regrettable but nonetheless understandable'.¹²⁸ In 1862, George Graves noted that the law's classification of live birth in contrast to stillbirth could be seen 'in the eye of the law of England, that it is, no crime to strangle a child with a cord, to smash its skull with a hammer, or to cut its throat from ear to ear... [if] its lower extremities are at the time within the body of the mother'.¹²⁹ Using Graves's statement as a platform for the perceptions of society in the Victorian period, the case of Florence Dolman becomes representative of a more prominent sympathetic reaction to infanticide in cases of belated abortion.

¹²⁴ TNA, ASSI 36/25/14.

¹²⁵ D. Sit, A. J. Rothschild, and K. L. Wisner, 'A Review of Postpartum Psychosis', *Journal of Women's Health*, 15/4 (2002).

¹²⁶ S. Mitchell, *Victorian Britain: An Encyclopaedia* (Oxford, 1998), p. 1.

¹²⁷ Fuchs, *Gender and Poverty*, p. 54.

¹²⁸ Thorn, 'Introduction', p. 25.

¹²⁹ G. K. Behlmer, 'Deadly Motherhood: Infanticide and Medical Opinion in Mid-Victorian England', *Journal of the History of Medicine and Allied Sciences*, 34/4 (1979), p. 411.

The changes to the legislation of the Lunacy Acts during the nineteenth century had a profound effect on the establishment of the mentally ill as medical patients; further supported by historian Michael Foucault who has argued that madness has been understood to be a 'phenomenon assessable and resolvable within the terms of the nineteenth-century explanatory programmes of chemistry, physics and biology' and that prior to the nineteenth century there were no specific scientific regulations that classified a diagnosis of insanity.¹³⁰ Thus the medicalisation of insanity in this period created a more protective environment for the patients and established an improvement in their care in institutionalised asylums.¹³¹ The case of Florence Dolman demonstrates the difficulty that doctors had in evidencing that the child was alive after birth in conjunction to establishing still-births in infanticide cases. Moreover, the cases of Rose Earle and Mary Harrison provides evidence to demonstrate that women who were accused of infanticide in the nineteenth century could now be verified as victims of a mental disorder and in association, not be convicted on a murder charge but treated more sympathetically escaping the death penalty.¹³² The growing recognition and perception of insanity in the nineteenth century shaped the responses to infanticidal women and the way in which patients were treated in a court of law and by medical professionals.¹³³ This new found perception of puerperal mania as a mental illness shaped the way in which women were treated in infanticide trials evoking an increased sympathetic response from both judge and jury.¹³⁴ Similarly, the newly established language around 'puerperal mania' and 'puerperal insanity' demonstrates a shift away from the historical perceptions of hysteria and insanity that attacked women for their madness towards a more medicalised diagnosis and thus provided justification for infanticidal crimes.

¹³⁰ A. Still and I. Velody, 'Introduction', in A. Still and I. Velody, *Re-Writing the History of Madness Studies in Foucaults 'Histoire de la folie'* (London, 1992), p. 2.

¹³¹ Stebbings, 'Protecting the Property of the Mentally Ill', p. 2.

¹³² Loughnan, *Manifest Madness*, p. 154.

¹³³ Stebbings, 'Protecting the Property of the Mentally Ill', p. 2.

¹³⁴ Chakravarty, 'Medicalisation of Mental Disorder', p. 21.

Conclusion

Victorian periodicals sensationalised crimes of infanticide linked to illegitimacy and poverty in the nineteenth century. Acknowledging women as the victims of distressing social conditions shaped the way in which infanticidal women were received with compassion in both the criminal courts and in society. Although, illegitimacy juxtaposed the Victorian ideals of femininity and motherhood, single vulnerable mothers were seen to be victims of men who were perceived in the nineteenth century to be sexual aggressors and thus infanticidal women were treated with increasing sympathy.

Infanticidal fathers challenged the new-found ideologies of fatherhood as a moral protector and were treated with a greater sense of hostility both in society and in the court of law. Victorian society became progressively lenient towards the crime of infanticide when committed by women as a consequence of suffering from emotionally distressing conditions such as insanity, poverty and illegitimacy and therefore shaped society's responses to infanticidal women. Nevertheless, female baby-farmers were treated with greater hostility as they juxtaposed the construct of motherhood that was seen as central to female identity in the nineteenth century. Additionally, female baby-farmers were continuously villainised during this period as they disrupted the duty of other mothers and presented a threat to society. Male offenders accused of infanticide and the proprietors of baby-farms were punitively judged in society and were increasingly portrayed in a negative light as they became a threat to the Victorian ideologies and society's well-being. Although the majority of the people accused of infanticide were women, it is significant to note that infanticidal fathers were also tried for the crime. Even though there were significantly fewer cases of infanticide committed by fathers during the course of the nineteenth century, men were treated considerably harsher than women in court as a consequence of transgressing the moral codes of masculine behaviour.

Nineteenth-century Britain saw a period of increased anxiety around child-murder; female infanticide was an act of emotional desperation in response to distressing social

conditions. Newly established medical knowledge and recognised treatments of the insane confirmed society's perception of insanity as the most influential factor instigating child-murder in this period. The new-found perception of puerperal mania as a mental illness fashioned the way in which women were treated in infanticide trials with an increasingly sympathetic response from both judge and jury. The social constructs of femininity by Victorian definition, similar to those of the sixteenth and seventeenth centuries contained women to the domestic sphere and defined women as being, 'virginal, passive and obedient'.¹³⁵ Insanity became a threat to Victorian society and a solution was therefore needed. Overall, there were shifts in the nineteenth century in how infanticide was viewed; there was a growing recognition of the impact of insanity, poverty and illegitimacy in shaping the actions of mothers who killed their babies.

¹³⁵ Cossins, *Female Criminality*, p. 57.

Appendices

Appendix 1:

Anon, 'The Execution of Mrs Winsor' (1865), in M. Jackson (ed.), *Infanticide: Historical Perspectives on Child Murder and Concealment, 1550-2000* (Aldershot, 2002)

You mothers all, come listen to me,

While a dreadful tale I tell.

Of all she crimes upon this earth,

This one does all excel.

Children slaughter'd fearlessly,

And by a woman's hand,

Just for the sake of getting gold,

This woman you command.

This dreadful woman, Charlotte Winsor,

Took children in to nurse,

A Devil she was in human form,

We could not call her worse;

She would tamper with their young mother,

With if you would like to pay,

For a few pounds, say three or four,

I will put your child away.

Those children belong to some poor girl,

That had been led astray,

Mrs. Winsor would take them to nurse,
As long as they would pay.
She would murder them – yes, strangle them,
For this paltry gain,
By putting them between beds,
Or pressing the juglar vein.

What must this wretch's feelings be,
While the babes on her would smile,
She would kiss and feed him tenderly,
And murder all the while.
She would tamper with their motuers,
And of them beg and pray,
With get four pounds together dear,
And your child shall die to day.

She stifled one just three weeks old,
Jane Harris, she would say,
You will never see them after,
They will sink in the Torquay.
Dead children tell no tales,
And cause no more strife,
And with children smiling on her,
She would take away their life.

No one knows this woman's crime,

Bet God's a l eeing eye,
But justice overtook her,
And for these crimes she died.
The tempter and the murderess,
As you see by these lioes,
As gone to face their Maker,
And to answer for her crimes.

Appendix 2:

Anonymous, 'Baby Farming Mothers Beware' (London, 1871), in P. Chassaigne and W. Heppel, 'Popular Representations of Crime: The Crime Broadside – A Subculture of Violence in Victorian Britain?' *Crime, Histoire & Sociétés / Crime, History & Societies*, 3/2 (1999), pp. 23-55.

Oh, mothers, fond mothers your attention
I pray.
And listen awhile to a pitiful lay.
It's a out baby farming, a scandalous trade,
And shocking disclosures have lately been made,
Near Brixton, in Surrey, this system so base,
Has at last! been discovered, a social disgrace.

Then mothers, fond mothers, of your children take care,
And against baby farming I pray you beware.

What is baby farming, some mothers may say
Tis a practice that takes a poor infant away
From the care of it's mother by a stranger instead,
The poor little creature is foster'd and bred.

It encourages vice and [?] I won't name,
Tis a means to get rid of the offspring o'shame.

Sometimes a young woman has been led astray,
Sends the child of her guilt to be out of the way.
She pays a few pounds, tis a bargain, and then
She gives it up never to see it again,
While the indolent wife in luxury fed,
Pays a stranger to suckle her offspring instead

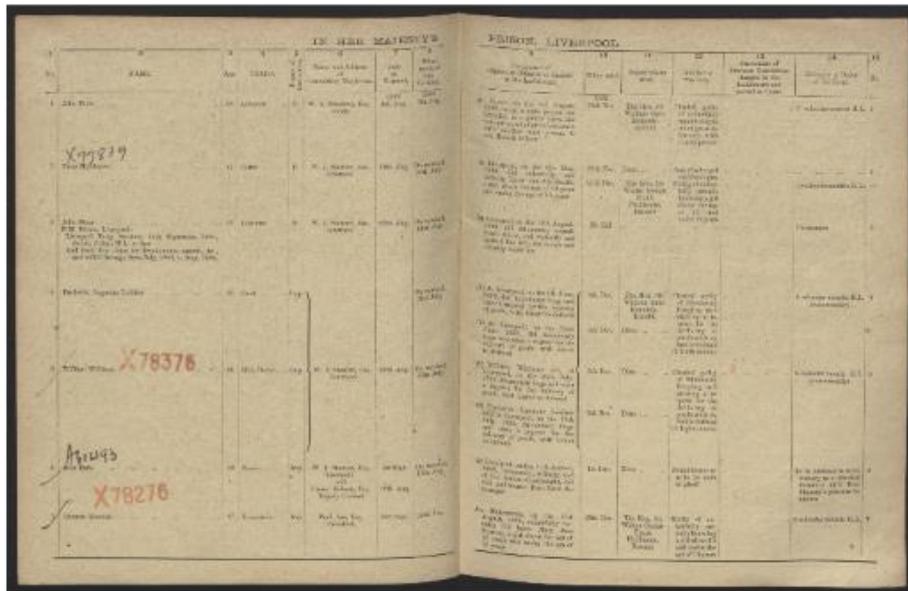
In a Terrace, at Brixton, two sisters did dwell
And of their sad doings the newspapers tell.
How they tempted poor mothers their offspring to leave,
To their tender care, but alas to deceive.
They starved them to death, for of late has been found.
The bodies of infants in the fields there around.

Poor children half-naked, their state we deplore,
Too weak for to stand, they laid on the floor
Unwashed and neglected by night and by day,
Till their dear little souls from life pass away
And what cared the nurse for the dead ones, [?]
The [?] of a child, why a saving would be.

Will the hen drive the chicken from under under her wing,
And leave it to perish, the poor little thing,
Or will dumb brutes desert their offspring, ah ! no,
What proofs of affection animals show.
Yes mothers alas their children will slay,
Or else pay another to put it away.

Appendix 3:

Rose Earle Certificate. The National Archives, ASSI 52/44, Murder: Earle, Rose (Infanticide), 1899.



Appendix 4:

Bridget Doyle Certificate. The National Archives, ASSI 52/43, Murder: Doyle, Bridget (Infanticide), 1899.

No.	NAME	Age	TRADE	Name and Address of Coroner's Magistrate	Date of Verdict	When received and Classify	Offence as charged in the Indictment	When tried	Before whom tried	Verdict of the Jury	Particulars of Penalties imposed in the Indictment and period in Court	Remarks or Order of the Court	No.
13	Edith Harrison	21	Wife	W. J. Stewart Esq. Liverpool	19th Sep	On receipt 19th Sep	At Liverpool on the 20th February 1894, unlawfully and feloniously murdering the said child, the said child being then in the arms of the said Edith Harrison.	19th Sep	The Hon. Mr. Justice James Kaye	Guilty of No. 1st	Death by hanging	4 months waiting H.L.	10
14	John Paine	23	Wife	R. W. Leggett Esq. Liverpool	27th Sep	On receipt 27th Sep	At Liverpool on the 20th July 1894, unlawfully and feloniously murdering the said child, the said child being then in the arms of the said John Paine.	27th Sep	The Hon. Mr. Justice James Kaye	Guilty of No. 1st	Death by hanging	3 years and months	11
15	John Paine	23	Wife	R. W. Leggett Esq. Liverpool	27th Sep	On receipt 27th Sep	At Liverpool on the 20th July 1894, unlawfully and feloniously murdering the said child, the said child being then in the arms of the said John Paine.	27th Sep	The Hon. Mr. Justice James Kaye	Guilty of No. 1st	Death by hanging	3 years and months	11
16	John Paine	23	Wife	R. W. Leggett Esq. Liverpool	27th Sep	On receipt 27th Sep	At Liverpool on the 20th July 1894, unlawfully and feloniously murdering the said child, the said child being then in the arms of the said John Paine.	27th Sep	The Hon. Mr. Justice James Kaye	Guilty of No. 1st	Death by hanging	3 years and months	11
17	Mary Harrison	21	Wife	W. J. Stewart Esq. Liverpool	19th Sep	On receipt 19th Sep	At Liverpool on the 20th February 1894, unlawfully and feloniously murdering the said child, the said child being then in the arms of the said Mary Harrison.	19th Sep	The Hon. Mr. Justice James Kaye	Guilty of No. 1st	Death by hanging	4 months waiting H.L.	10

Appendix 5:

Mary Harrison Certificate. The National Archives, ASSI 52/20, Murder: Harrison, Mary (Infanticide), 1894.

No.	NAME	Age	TRADE	Name and Address of Coroner's Magistrate	Date of Verdict	When received and Classify	Offence as charged in the Indictment	When tried	Before whom tried	Verdict of the Jury	Particulars of Penalties imposed in the Indictment and period in Court	Remarks or Order of the Court	No.
1	Catherine Hoyle	23	Wife	W. A. Irvine Esq. Everton, Liscard	2nd Aug 1894	On receipt 2nd Aug	At Liverpool on the 20th August 1894, unlawfully and feloniously murdering the said child, the said child being then in the arms of the said Catherine Hoyle.	2nd Aug	The Hon. Mr. Justice James Kaye	Guilty of No. 1st	Death by hanging	To be discharged	1
2	John Thompson	23	Wife	W. R. E. Vane Esq. Everton, Liscard	7th Aug	On receipt 7th Aug	At Liverpool on the 20th August 1894, unlawfully and feloniously murdering the said child, the said child being then in the arms of the said John Thompson.	7th Aug	The Hon. Mr. Justice James Kaye	Guilty of No. 1st	Death by hanging	3 months waiting H.L.	2
3	Isabella Stephenson	20	Wife	W. R. E. Vane Esq. Everton, Liscard	7th Aug	On receipt 7th Aug	At Liverpool on the 20th August 1894, unlawfully and feloniously murdering the said child, the said child being then in the arms of the said Isabella Stephenson.	7th Aug	The Hon. Mr. Justice James Kaye	Guilty of No. 1st	Death by hanging	3 years and months	3
4	Mary Harrison	21	Wife	W. R. E. Vane Esq. Everton, Liscard	7th Aug	On receipt 7th Aug	At Liverpool on the 20th August 1894, unlawfully and feloniously murdering the said child, the said child being then in the arms of the said Mary Harrison.	7th Aug	The Hon. Mr. Justice James Kaye	Guilty of No. 1st	Death by hanging	To be discharged in custody of the said Mary Harrison	4
5	Mary Hoyle	21	Wife	W. R. E. Vane Esq. Everton, Liscard	7th Aug	On receipt 7th Aug	At Liverpool on the 20th August 1894, unlawfully and feloniously murdering the said child, the said child being then in the arms of the said Mary Hoyle.	7th Aug	The Hon. Mr. Justice James Kaye	Guilty of No. 1st	Death by hanging	To be discharged in custody of the said Mary Hoyle	5

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