

Introduction

“It is certain”, wrote Henry Maudsley, leading alienist and specialist on the criminal mind in 1874,

... that lunatics and criminals are as much manufactured articles as are steam engines and calico-printing machines, only the processes of the organic manufactory are so complex that we are not able to follow them. They are neither accidents nor anomalies in the universe, but come by law and testify to causality; and it is the business of science to find out what the causes are and by what laws they work.¹

If Victorian science did not yet have the ability to observe this “organic manufactory” at first-hand, it did consider itself perfectly capable of producing a detailed description of the finished article. But what was to be gained from such an enterprise? There was of course the desire to satisfy scientific curiosity; part of that quintessentially Victorian passion for measurement, classification and precise visual representation which swept through a whole raft of scientific disciplines of the period, a passion which left its lasting monument in the great nineteenth-century museums as well as countless private collections.²

This is part of the story, as we shall see, but not its entirety. There was not just a desire to *describe* criminals, but also to *explain* them. What gripped the minds of a wide range of Victorians and Edwardians was thus not simply a taxonomic desire to pin a label on “The Criminal” and place him or her under a bell jar, but to explore the very springs of crime itself. These two were very much complementary approaches of course, for it was an article of faith of Victorian inductive science that theory followed naturally from careful observation. Thus providing the object of study was approached with sufficient scientific rigour, the “facts” would speak for themselves. As leading French anthropologist Paul Broca put it in 1868, “it is the axiom of all observational sciences that facts must precede theories.”³ What was required was the methodological equivalent of Sherlock Holmes’s

magnifying glass; when brought to bear on the problem by a well-trained observer, the facts would miraculously spring into focus, just like a fingerprint at the scene of a crime. Only after such meticulous data collection could cautious generalisations be made.

If the elusive criminal diathesis could be distilled, bottled and rendered accessible to the scientist's gaze, a first and important step would have been made on the road to penetrating the workings of Maudsley's "organic manufactory". Further analysis should then logically permit hypotheses to be formulated concerning the cause—or causes—of crime. This was no mere academic conundrum, for upon its successful resolution depended the very life, limb and property of each of Her Majesty's subjects. At a time when the ingenuity and economic power of this, the first Industrial Nation, seemed capable of resolving any problem, intellectual or practical, criminal behaviour continued to stubbornly resist the best efforts of the country's greatest minds. Even when overall crime levels began to fall in the last quarter of the nineteenth century, there remained a rump of "habituals"—or "recidivists" as the fashionable new term from across the Channel would have it—apparently immune to both the punitive and reformatory elements in the penal system.

In the British case, research on the causes of criminal behaviour in the period covered by this book—from 1860 to 1918—would retain a fundamentally *practical* character. Its practitioners tended to shy away from grandiose, over-arching theories; speculation as to the causes of crime could safely be left to the various Continental schools of criminology with their "barren disquisitions and pretentious speculations".⁴ Indeed, with only one or two exceptions, the British took no part in the wide-ranging and often acrimonious debates on the causes of crime played out at a series of international congresses on criminal anthropology in the 1880s and 1890s.

Home-grown experts, in contrast to their continental colleagues, were almost exclusively criminal justice professionals, many of them doctors, psychiatrists or civil servants working in the Home Office-run prison system. Such men were looking for what they considered to be common-sense solutions to concrete problems faced by both law enforcement agencies and by the prison system: How to tell the difference between the criminal and the law-abiding; how to unmask an inveterate "habitual" who was claiming to be a first-time offender; how to distinguish between a convict genuinely "unfit" for the rigours of punishment or forced labour and a mere malingerer?

"Common sense" is of course a fickle mistress. As Martin Wiener has perceptively noted, the British insistence on practical, value-free solutions to policing and penal problems

... has often served simply to obscure the sources and contexts of policy concerning criminals and others.... [I]t is obvious that even the most practical men do not act in a conceptual or moral vacuum. *Determining what constitutes practicality and common sense requires prior interpretations of experience*; and thus we are brought back to wider social and cultural questions.⁵

Thus, for “The Criminal” to be conceptualised as a worthy object of scientific study in the same way as, say, a mollusc or an unstable chemical compound, it was necessary to start from the kind of assumptions to which Wiener refers here; namely that criminals constituted a sub-category of the Human Race who differed from the law-abiding majority in other ways than simply by their lawbreaking, and that those differences were accessible to scientific investigation.

Thus, despite their emphasis on inductive method and self-evident facts “out there”, in reality British criminologists⁶ approached their chosen subject with a whole raft of preconceptions which coloured their view of the phenomenon. It is as if Sherlock Holmes’s magnifying glass had been fitted with a variety of distorting lenses and coloured filters, thereby subtly, almost imperceptibly, altering the image under scrutiny. The object of this book is to dust off and examine these “filters”, to explore Wiener’s “prior interpretations of experience” which structured the British approach to understanding criminal behaviour in this period.

Just as a particular species of mollusc has empirically demonstrable characteristics that permit a specimen to be unequivocally classified either within or outside the group, so, the Victorians reasoned, an individual could be unequivocally apportioned to one of two mutually exclusive categories: the “criminal” or the “non-criminal”. It was a matter of cracking the code. That it was possible to grasp the key to this code, the Victorian mind took as read. It might take some time to flush it out, but like Alice, eager to pursue that elusive white rabbit, scientists were convinced that they would eventually succeed in tracking down the equivalent of the “drink me” potion, thereby permitting policy-makers and criminal justice professionals to unlock the secrets of the criminal mind.

The stakes were high. Most of Britain’s criminologists were employed in the country’s centrally-administered and publicly-financed prison system—which before 1877 meant its convict prisons⁷—and felt keenly the pressure emanating from public and politicians alike to find penal solutions that were at once effective and economical. For the first part of our period, the crime rate seemed to be rising inexorably, and the pressure to do something—*anything*—to halt it in its tracks was intense. There

was a temptation in such circumstances, as historian Janet Saunders has observed⁸, for prison administrators to put up their hands and claim impotence in the face of a criminal class born and bred to incorrigible lawbreaking. As we shall see, by the 1860s, they were able to marshal convincing scientific arguments drawn from a number of fields—Darwinian biology, racial anthropology and French psychiatry among them—to support such a gloomily determinist prognosis. However, such arguments carried with them a major drawback. For career prison administrators and medical officers, impotence was not a very comfortable mantle to bear, at least not for any length of time. There was professional pride at stake. If Britain's criminal class was destined from birth to break the law and end up behind bars, what role did that leave for the senior personnel of the country's penal system, except as glorified turnkeys?

There was a more sophisticated version of this fatalistic argument, according to which prison could function to *deter potential wrongdoers*—particularly young people tempted by the easy pickings of a life of crime—while having little or no power to reform those who had already embarked upon the path of the career criminal. This argument would be advanced repeatedly by Sir Edmund Du Cane, Britain's prison supremo from 1877 until his retirement in 1895. If the country's prisons contained a greater and greater proportion of habitual criminals, this was not, he argued, proof of the inability of the system to reform prisoners, but rather of the prison's increasing success at inspiring a salutary dread in the breasts of those tempted by crime. "I should rejoice", Du Cane told an audience at the Social Science Association in 1875,

to see the day when no persons were convicted except those who had been convicted before; for if there were no fresh conviction, then clearly the criminal army would not be receiving any recruits, and we should be one step nearer to the full attainment of our object.⁹

According to such reasoning, the effectiveness of the prison as a deterrent would eventually mean that the supply of habituals would dry up altogether, and carceral institutions would render themselves obsolete (though quite how "deterrence" would operate in such circumstances with no habituals of which to make an example remains unclear).

This argument had the merit of restoring a certain positive role for the prison—if it can be called that—in that it emphasised the need for a particular carceral regime, though one whose chief objective was to make prison as thoroughly disagreeable for its inmates as possible. This regime was not chiefly for the benefit of the prisoners themselves (though "hard

labour, hard fare and a hard bed” would not do them any harm, it was reasoned), but rather to deter potential criminals *outside* the prison walls. However, such a conception of the function of the prison system left little scope for intervention by prison doctors; little, that is, beyond administering to ailments real or imaginary (the latter in the form of *malingering* were considered to represent a particularly intractable problem), and distinguishing between prisoners who were “fit” for labour or punishment, and those whose poor mental and/or physical condition meant that they were “unfit” to undergo its rigours.

This latter question was of no little importance in the daily routine of the prison doctors, and we shall see that attempts to resolve it was an important impetus to research on the mental and physical characteristics of the convict population by medical officers from the 1860s onwards. These pioneering researches drew both on long-standing stereotypes of the Criminal drawn from phrenology and physiognomy, and newer biological, anthropological and psychiatric theories becoming current in mid-Victorian empirical science. Out of the blending of these intellectual influences and the practical necessities of the prison regime would emerge something closely resembling a *criminal-type*: a generic portrait of the Criminal in both his physical (particularly physiognomic) traits and behavioural aspects.

Significantly, attention would be focussed almost exclusively on establishing a *male* criminal-type. The reasons for this are complex and yet to be fully determined, but need to be considered briefly here to explain why a decision was taken to largely exclude any consideration of theories of female criminal behaviour from this book. Most important perhaps, the apparent crime wave of the 1850s and 1860s which served as a catalyst for early research on the springs of criminal behaviour was perceived as an almost exclusively male affair, linked in both the public mind and official discourse to the release of unreformed convicts back into the community. The threat posed by the “Criminal Class” was thus seen in strongly gendered terms. Female crime did of course pose its own problems to the dominant moral order—seen above all in the long-running debate on prostitution¹⁰—but the priority among Britain’s first generation of criminologists was on doing something about the urgent “problem of the habitual criminal”; a problem seen—with some empirical justification¹¹—in largely male terms.

Though the precise reasons for the increasing rarity of women in the machinery of the nineteenth-century criminal justice system are yet to be adequately explained¹², the relatively modest size of the female prison population may account in part for the relative lack of interest in the scientific

study of its behavioural and physical specificities. Other factors may also be involved. Outside the specialised women's prisons (the first of which were built in the 1850s), there would have been little opportunity for medical officers to come into regular contact with female offenders, and this may have limited the opportunities for research. There was also (again) the question of professional pride. The female convict service was regarded by medical officers and officials as the least desirable posting in the Victorian prison service. Perhaps research on women prisoners would have suffered by association. At the same time, the male corps of Victorian prison doctors may have considered speculation on the behavioural and particularly *physical* characteristics of female criminals to be either of dubious moral propriety or likely to lead to allegations of prurience from their colleagues or the wider reading public. The way in which the 1895 English translation of Cesare Lombroso and Guglielmo Ferrero's anthropological study of women criminals, *La donna delinquente* (published in the UK as *The Female Offender*¹³) was heavily bowdlerised, leaving out or toning down any material of a sexually explicit nature, reveals the force of such unwritten taboos.¹⁴

Whatever the reasons, while there are scattered references in the literature to the physiognomy of women criminals¹⁵, and general remarks about their "troublesome" and "unreasonable" natures¹⁶, they were conspicuous by their absence in the criminological research produced during the period covered by this book, despite the availability from 1895 of Lombroso and Ferrero's book.¹⁷ Only in the Edwardian period would the situation begin to change, with growing eugenics-inspired concern about the procreative capacities of "feeble-minded" female criminals.¹⁸

In fact in many ways, the trajectory of criminological thinking is gender-specific. A recent study has argued that *The Female Offender* "actually had a greater long-term impact on the study of female crime than *Criminal Man* did on theories of male crime."¹⁹ It was felt that to do full justice to that specificity was beyond the scope of this book. However, if anything close to an adequate history of these early years of British criminology is to be written, the intriguing possibilities of the statement quoted above will need to be unravelled. That task still awaits its historian.²⁰

In the last decades of the nineteenth century, British prison medical officers would increasingly be drawn towards a new, *therapeutic* conception of their role, one which went beyond merely sorting prisoners into one of a number of administrative boxes: "fit for punishment", "fit only for light duties", etc. As they delved deeper into the darker recesses of the criminal mind—amassing data on the physical and mental traits of the prisoners in their charge—it is not surprising perhaps that prison doctors should

have sought a more rewarding, and socially more prestigious function within the prison system than that of the filing clerk, one in fact more in keeping with the growing social and professional status of the medical profession as a whole.²¹ After all, medical practitioners on the outside were in a position to heal—or at least attempt to heal—their patients, and were able to draw on an increasing body of knowledge about complex psychological and psychiatric disorders in order to do so. Prison medical officers were keen to share in these exciting new developments, and adapt new treatments to the case of individual criminals, or perhaps come up with suitable treatments of their own. Such a conception of the criminal was clearly incompatible with one that emphasised the incorrigibility of large swathes of the prison population. Since British criminology was born in this medico-penal context, the occupational priorities of this small, close-knit group of practitioners is of vital importance.

David Garland has argued²² that the therapeutic, individualising impetus of late nineteenth-century British thinking on crime can be contrasted with the approach favoured by Victorian physical anthropologists, who sought to classify individuals into discrete groups based on generic constitutional and racial attributes. Such a conception of British criminology is offered as an explanation of why home-grown practitioners remained resolutely, often vituperatively, hostile to Italian criminologist Cesare Lombroso and his conception of the atavistic *delinquente-nato* or “born criminal-type”, programmed from birth to commit crime.²³ Identifiable by means of distinctive anatomical and physiognomic stigmata, here was “a group of criminals born for evil, against whom all social cures break as against a rock.”²⁴ Such an approach was consistently lambasted in British medical journals and criminological treatises from the 1890s onwards; condemned not just for its fundamentally misguided search for an all-encompassing criminal-type instead of the case-by-case approach favoured on this side of the Channel, but also for its slapdash methodology and deductive, rather than inductive, reasoning.

According to this view, theories of the born criminal-type were at best, like phrenology and physiognomy, quaint reminders of the pre-history of scientific scrutiny of criminal behaviour. At worst, recycling old stereotypes of atavistic, low-browed born criminals pandered to what an 1894 article in the *British Medical Journal* called the “morbid love of notoriety fostered by the cheap newspapers of the present day with their blood-curdling ‘bills’ and their puffing paragraphs.” It was one thing for penny dreadfuls, broadsheets and popular theatre to feed such unwholesome public interest in the gruesome details of violent crime and the inhuman “monsters” believed

to perpetrate them. It was quite another for respectable men of science to sully their hands with notions which, in the view of the journal, represented “a greater danger to society than ‘atypical confluence’ of the fissures of the brain and other signs relied upon by criminological Zadigs.”²⁵

Indeed, British specialists in the late-Victorian and Edwardian periods frequently poured scorn not only on the biological determinism of Lombroso but also on its principle rival, the sociological model of criminal behaviour associated with the French *milieu social* school of Alexandre Lacassagne and Gabriel Tarde. Some British criminologists would even go as far as ruling out the value of generalisation *per se*.

This account of the origins of British criminology was found to raise some troubling questions however. Prison medical officers shared, we have noted, in researches in the 1860s and 1870s which conceptualised the Criminal as belonging to a relatively homogenous “criminal class”, with distinctive physical and mental traits, precisely the kind of assumptions underlying Lombroso’s later conception of the born-criminal type (an intellectual debt which the Italian was quite happy to acknowledge). The conventional account has the researches conducted by these “English precursors of Lombroso”²⁶ petering out around the mid-1870s, at which point criminological research apparently disappeared from these shores until its re-birth in the 1890s in a new therapeutic and ferociously anti-Lombrosian form. The intention in the following pages is to explore this puzzling series of events in further detail. To look at where that early research took its inspiration, and why—if such was indeed the case—this search for the criminal-type faded into obscurity barely a decade after it began. Equally, the sudden arrival of Garland’s therapeutic criminology in the 1890s, with assumptions apparently in stark contrast to those of the previous generation of researchers, would require further examination.

As the foregoing remarks may already have hinted, neither the mysterious disappearance of the “precursors”, nor the equally miraculous emergence of the white-coated therapeutic discipline twenty years later, proved to be quite what they seemed. It turned out that there was not in fact a fifteen-year standstill in British theorising on the causes of crime from the mid-1870s, neither was the “new” criminology of the 1890s quite as new as contemporaries—and some historians—have suggested. Equally, the opposition between continental theorising—whether clothed in French environmentalism or Italian atavism—and the home-grown variety proved to be much less clear-cut than a superficial reading might suggest. This is not to deny the existence of important differences between British criminological practice and dominant approaches in France and Italy. What tended

to get lost in the heat of debate, however, was that these competing schools had a number of fundamental assumptions in common.

The search for a distinctive criminal-type—for a set of physical and mental traits believed to be common to all criminals, or at least to certain kinds of criminals—would in fact prove to be an enduring feature of British criminological discourse during the whole period from 1860 to 1918, despite wide-ranging changes in the socio-economic, political and intellectual climate in which this search was grounded, and despite the currency of comments expressing the precise opposite. The language would change, the theories mustered to justify the existence of the criminal-type would change, but many of the visual signifiers of the “gaol look” as it was sometimes called, would prove remarkably resilient during this sixty-year period. When Edwardian prison doctors and psychiatrists described the visual traits of the “feeble-minded” offender, and eugenicists sought to define those of the “unfit” or “degenerate”, striking similarities can be observed with the crude physiognomic stereotypes of the 1850s and ’60s. In short, Cesare Lombroso’s *delinquente nato* had not after all been consigned to the history books, nor was it confined to the harmless rantings of foreign theorists, but was alive and well and safely ensconced at the heart of British criminological practice.

NOTES

- 1 Henry Maudsley, *Responsibility in Mental Disease*, New York, 1900 [1874], p. 30.
- 2 Bernard Lightman (ed.), *Victorian Science in Context*, London, University of Chicago Press, 1997.
- 3 Quoted in Stephen J. Gould, *The Mismeasure of Man*, 2nd edition, London, Penguin, 1997, p. 116.
- 4 Henry Maudsley, “Remarks on Crime and Criminals”, *Journal of Mental Science*, vol. xxxiv, 1888, p. 167.
- 5 *England 1830–1914*, Cambridge, Cambridge University Press, 1990, p. 6 [my emphasis]. Cf. Roger Cooter, *The Cultural Meaning of Popular Science: Phrenology and the Organisation of Consent in Nineteenth Century Britain*, Cambridge, Cambridge University Press, 1984, p. 35: “... the task before the historian ... is to determine how and why some conceptions of reality acquire the mantle of scientific truth and enter into the domain of common sense while others come to be regarded as arrant nonsense.”
- 6 The term will be used in this book to denote those using scientific or pseudo-scientific methodology to investigate the causes of crime. The word “criminologist” would not in fact be used in Britain until the 1890s, and even then its use remained controversial.

- 7 Until 1877, prisoners serving sentences of less than three years were incarcerated in local prisons, outside Home Office control. The term “convict” applies thus to those serving longer terms, either of transportation or penal servitude.
- 8 Janet Saunders, “Quarantining the Weak-minded: Psychiatric Definitions of Degeneracy and the Late-Victorian Asylum”, in W. F. Bynum *et al.* eds., *The Anatomy of Madness: Essays in the History of Psychiatry*, vol. 3, London, Routledge, 1988, p. 277.
- 9 Edmund Du Cane, “Address on the Repression of Crime”, *Transactions of the National Association for the Promotion of Social Science*, 1875, p. 279.
- 10 See Judith R. Walkowitz, *Prostitution and Victorian Society: Women, Class and the State*, Cambridge, Cambridge University Press, 1980.
- 11 Between 1857 and 1890, the proportion of women proceeded against for indictable offences fell from 27–19% (Clive Emsley, *Crime and Society in England 1750–1900*, 2nd edition, London, Longmans, 1996, p. 152). See also Lucia Zedner, “Wayward Sisters”, in Norval Morris & David Rothman (eds.), *The Oxford History of the Prison: The Practice of Punishment in Western Society*, Oxford, Oxford University Press, 1998, p. 297.
- 12 Emsley, *op. cit.*, ch. 6.
- 13 Cesare Lombroso & Guglielmo Ferrero, *The Female Offender*, London, 1895.
- 14 Cesare Lombroso & Guglielmo Ferrero *Criminal Woman, the Prostitute and the Normal Woman*, trans. & ed. Nicole Hahn Rafter & Mary Gibson, Durham, Duke University Press, 2004, “Editors’ Introduction”, pp. 4–5.
- 15 Lucia Zedner, *Women, Crime and Custody in Victorian England*, Oxford, Clarendon Press, 1991, p. 78.
- 16 Typical of such comments is that by Prisons inspector Major Arthur Griffiths, who described women prisoners as “... more troublesome because they cannot be so firmly governed; they require humouring, a lighter hand, the tact which can command while seeming to persuade. Their artifice goes deeper; defiance is not less marked, and more prolonged ... Feminine nature is more hysterical, unreasonable and uncontrollable” (Major Arthur Griffiths, *Secrets of the Prison House*, 2 vols., London, 1894, vol. 1, p. 41). See also his *Fifty Years of Public Service*, London, Cassell, n.d. [1904], pp. 205–6.
- 17 On the significance and subsequent influence of this work, Lombroso & Ferrero, *Criminal Woman*, “Editors’ Introduction”, pp. 23–29.
- 18 See below, Chapter Five.
- 19 Lombroso & Ferrero, *op. cit.*, “Editors’ Introduction”, p. 4.
- 20 It is to be hoped that the publication of this new unbowdlerised English version of *La donna delinquente*—the first English translation of one of Lombroso’s criminological works in nearly a hundred years—will stimulate further research in this area. A new translation of Lombroso’s *L’Uomo delinquente* (“Criminal Man”), by the same indefatigable team, is planned for 2005.
- 21 Joe Sim, *Medical Power in Prisons: The Prison Medical Service in England 1774–1989*, Buckingham, Open University Press, 1990, p. 56.
- 22 Garland, David, “British Criminology Before 1935”, *British Journal of Criminology*, vol. 28, no. 2, Spring 1988, pp. 1–18.
- 23 First revealed in Cesare Lombroso, *L’Uomo delinquente*, Milan, Hoepli, 1876. See Chapter Three.

- 24 Cesare Lombroso, *Crime: Its Causes and Remedies*, Boston, Little Brown & Co., 1911, p. 447.
- 25 “Criminals and Criminal Anthropology”, *British Medical Journal*, 24 February 1894, p. 427. See also “The ‘Criminal Type’ of Development”, *The Lancet*, 15 February 1879, pp. 239–40.
- 26 C. H. S. Jayewardine, “The English Precursors of Lombroso”, *British Journal of Criminology*, vol. 4, no. 1, July 1963, pp. 164–70.

