A History of British Criminology

EDITED BY
PAUL ROCK

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A HISTORY OF BRITISH CRIMINOLOGY

Foreword

The last major review of the history of criminology was Mannheim's *Pioneers in Criminology* but it was published long ago in 1960 and much has happened since. The criminology that was pioneered then has been transformed and the ambitions and ideas of our predecessors have changed. Administratively and practically, British criminology has acquired a new character which deserves description. It appears to have moved beyond its sometimes precarious childhood to become a recognized part of the life of universities, polytechnics and government departments. Financially, precariousness has returned and there is apprehension about the future funding of research and appointments. Intellectually, the discipline has achieved a great deal and it has grown in reflectiveness. There are new historians of ideas who are starting to interpret what has occurred. But, as yet, the story has not been told and newcomers do not seem to know their past. They construct a history out of fragments of polemic, gossip, myth and old analysis. British criminology needs a written record of its own development.

The editorial board of *The British Journal of Criminology* thought it timely to commission a special issue focusing on the past and present condition of their discipline. Tony Bottoms, Nigel Walker and I came together to identify the issue's broad themes and specific contributions. The subsequent work of editing was mine.

Papers were commissioned on the evolution of thinking about the police and prisons but they were not completed. The remaining articles are an otherwise useful reflection of the discipline. Some are essays in the history of criminological ideas. Others describe the formation of particular emphases, methods and problems. And others are, in effect, personal accounts of major phases in the growth of the discipline. Together, and perhaps for the first time in many years, they give British criminology a clear report about its own history and present standing.

Paul Rock
January 1988

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BRITISH CRIMINOLOGY BEFORE 1935

DAVID GARLAND (*Edinburgh*)*

I

"Criminology", as a professional academic discipline, did not exist in Britain before 1935, and was established only gradually and precariously thereafter. So whatever this essay is about, it cannot be about criminology in quite the sense we think of it today. Instead, it examines some of the lines of emergence of that discipline, and in particular, the theoretical and institutional processes which gave rise to a scientific criminology in Britain. Given the short space available to me here, this can be no more than a very selective account, highlighting a few important currents, while ignoring much that would be essential to a proper genealogy of the subject. My central concern will be to show that the development of British criminology can best be understood by concentrating less upon the spread of ideas from abroad and more upon the ways in which penal and social institutions acted as a practical surface of emergence for this kind of knowledge. What is presented is not an abstracted history of ideas, but instead an attempt to situate criminology within the institutional practices and power relations which have formed its immediate context and foundation. It should be possible, in turn, to situate this history of institutional pragmatics within a wider field of social forces—see Garland (1985)—but no such analysis is attempted here.

By convention, modern scientific criminology[1] is said to have begun with

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[1] The term "scientific" is used in this essay to discuss those forms of talking about crime and criminals which were self-consciously undertaken within a framework derived from natural science. In using the term I intend to distinguish such criminologies from other ones which were phrased in moral, religious or common-sense vocabularies. This uncritical use of the term "science" is intended as an historical attribution, repeating actors' conceptions, not an epistemological evaluation. For a critical discussion of criminology's claims to be a science, see Garland 1985, Ch. 3.

Lombroso's criminal anthropology in the 1870s, and in one sense this is true enough, since it was the impact of Lombroso which sparked off the international congresses and debates of the 1880s and brought the idea of a criminological science to public prominence for the first time. But criminology in Britain did not develop out of the Lombrosian tradition. Nor did it derive from the European movement, despite the way in which Edwardian penal reforms appeared to follow its lead—even despite the fact that it would later be a group of European *émigrés* who did most to establish an academic profession of criminologists in this country. In fact the scientific approach to crime and punishment was not something which Britain reluctantly imported from abroad. On the contrary, there existed in Britain, from the 1860s onward, a distinctive, indigenous tradition of applied medico-legal science which was sponsored by the penal and psychiatric establishments, and it was this tradition which formed the theoretical and professional space within which "criminological science" was first developed in this country.[2] If we are to understand criminology and its social foundations it is important not to confuse these two traditions, or to collapse one onto the other. In particular, we should avoid assuming that any criminological work which is "positivist" in style is somehow derived from the "Scuola Positiva" of Lombroso. Much of the early British criminology which I will describe falls into the broad epistemological and methodological categories which we nowadays call "positivist"—but it had little to do with Lombroso's Positivism, nor indeed with that of Comte.

Lombrosian criminology grew, somewhat accidentally, out of an anthropological concern to study man and his natural varieties. The identification of human types led Lombroso and others to isolate such types as the genius, the insane, the epileptoid and the criminal, and to subject them to scientific scrutiny and categorisation. To some extent this was effectively the rediscription in scientific language of distinctions which were already established in cultural terms, and certainly the excitement which followed Lombroso's identification of "the born criminal" occurred because his work allowed a spectacular convergence between human science and the concerns of social policy. His differentiation of "the criminal type" chimed with deep-rooted cultural prejudice and also with the real processes of differentiation which were then being established by the expanding prison system, so that the apparent policy implications of Lombroso's work immediately became a focus for widespread attention. But although Lombroso was well aware of the social policy relevance of his anthropology, and took pains to promote it, he was not, at first, particularly well informed about the practical realities of crime and punishment. In consequence, his penology was not just radical and at odds with current practices: it was also naive and uninformed, demonstrating a

[2] There were of course other, indigenous traditions of criminological thought in nineteenth century Britain, most notably the ecological and social survey work of writers like Joseph Fletcher and Henry Mayhew. See on this, Lindesmith and Levin (1937), Morris (1957) and Carson and Wiles (1971). This particular genre was to be retrieved as an important strand in twentieth century British criminology, but it was not the central, continuous tradition through which the discipline initially developed in this country. For a comprehensive discussion of early criminology in Britain, see Radzinowicz and Hood (1986), Part I.

lack of familiarity with the normal range of offenders and with the institutions which dealt with them.[3] In fact it is clear that Lombroso had developed his conception of the criminal type more out of theoretical commitment than from practical experience or observation. And although exposure to criticism and his increasing involvement in penal affairs eventually led him to amend his initial framework, and to tone down his more outrageous propositions, it was the clear and unqualified claims of his early work which continued to define the Lombrosian tradition, particularly for those who viewed it from afar.

The psychiatric and medico-legal framework within which Britain developed its early criminological science was different from the Lombrosian tradition in a number of important respects.[4] Unlike anthropology, psychiatry was not concerned to isolate discrete types of human individuals and classify them by means of racial and constitutional differences.[5] Instead, it was a therapeutically oriented discipline based upon a classification system of psychiatric disorders which, like the disease model of nineteenth century medicine, discussed the condition separately from the individual in whom it might be manifested. Within the classification system of morbid psychology there were a variety of conditions which criminals were typically said to exhibit—insanity, moral insanity, degeneracy, feeble-mindedness, etc. But generally speaking, *the* criminal was not conceived as *a* psychological type. Instead the spectrum of psychiatric conditions might be usefully applied to a part of the criminal population: there was no separate criminal psychology or psychiatry, based upon ontological difference.

But more important than this *theoretical* difference was the way in which British psychiatry contrasted with Lombrosian anthropology in its *practical* commitments and its relationship to the institutions of criminal justice. Theorising about the condition of criminals was not done in the abstract, but instead was linked to professional tasks such as the giving of psychiatric evidence before a court of law, or the decisions as to classification, diagnosis and regimen which prison medical officers made on a daily basis. This practical experience was crucial in shaping the psychiatric approach to criminological issues because it ensured that psychiatrists and prison medics were well aquainted with the day to day realities of criminal justice and with the need to bring psychiatric propositions into line with the demands of courts and prison authorities.[6]

[3] For a critical discussion of Lombroso's penology, see the review by Arthur St. John (1912). St. John contrasts Lombroso, who has "never quite thought out the practical part of the subject", with the practical common sense of James Devon and his book *The Criminal and the Community* (1912).

[4] I do not intend to imply here or elsewhere that the criminology of other countries can be accounted for by reference to the Lombrosian tradition. My discussion here relates only to Britain and my intention is to show how the history of British criminology differs from its conventional description—not from that of other countries.

[5] These theoretical differences were not, however, absolute; there was a certain fluidity and overlap between all of the mid-century "sciences of man". Although psychiatry was primarily concerned with mental or psychic phenomena, it was at times intensely "physicalist" in its mode of explanation, and readers of the British psychiatric journals were kept well informed of developments in European anthropology, craniology and biology. The same overlap can be seen in Lombroso's own work, which draws indiscriminately upon all of these different "sciences".

[6] On this process of conflict and adjustment, see R. Smith (1981).

One can see the developing effects of this professional experience by reading through the psychiatric journals of this period and noting the changing terms in which criminals are discussed. In the 1860s Henry Maudsley and particularly J. Bruce Thomson could write, quite unguardedly, about "the genuine criminal" and "the criminal class", variously calling them "morally insane", "degenerate", "defective in physical organisation—from hereditary causes" and "incurable" in a way which is, for all the world, Lombrosian before Lombroso. Others though, like G. McKenzie Bacon, took care to distinguish between the "wilful" criminal on the one hand, and "the diseased" on the other,[7] and from the 1870s onward, prison doctors such as David Nicolson and later John Baker set about redefining "the morbid psychology of criminals", so as to differentiate a range of conditions rather than a single type. Nicolson emphasised that professional observation made it clear that only a minority of criminals were in any sense mentally abnormal, and he forcibly dispelled any suggestion that the general reformation of offenders was put in question by psychiatric science.[8] At the same time, the wider profession was learning—sometimes to its cost—that the criminal courts would not tolerate any psychiatric evidence which contradicted legal axioms about the general nature of action, or the importance of responsibility for conduct, and it gradually developed a practical *modus vivendi* which aimed to minimise conflict between psychiatry and the legal institutions. By the 1880s, leading figures of the new profession such as Needham, Hack Tuke, Nicolson and the mature Maudsley were able to distance themselves from the kind of embarassing or outrageous claims made by psychiatrists in earlier years—claims which were now being taken up again by the new criminal anthropologists.[9]

The British tradition of scientific thinking about criminals was thus, from an early age, situated within an institutional framework which had the support of the prison establishment and the prestige of medicine behind it. Partly in consequence, it was generally modest in its claims, and very respectful of the requirements of institutional regimes and legal principles. As far

[7] See G. McKenzie Bacon (1864); H. Maudsley (1863); J. Bruce Thomson (1867), (1869–70) and (1870–71).

[8] See D. Nicolson ("D.N.") (1872–73) where he stresses the importance of studying "the mental condition of the mass [of prisoners]"—not just the minority of insane or weak-minded inmates. In Nicolson (1873–74) (continued in subsequent volumes) he sets out a typology ranging from the "accidental criminal" to the "habitual and thorough criminal" and talks of the "psychical range" which the population of criminals displays. See also Nicolson (1878–79) where he criticises the claims of J. Bruce Thomson as "rash and misleading and fallacious" (p. 18) as well as Maudsley's tendency to generalise the link between insanity and crime. His concern is with the dangers such exaggerations present to the hope that ". . . there may be found a consentatious principle upon which the law and medical psychology may be able to harmonise in the matter of criminal responsibility" (p. 20). See also John Baker (1888), (1891) and (1896).

[9] See H. Maudsley (1889): ". . . first, there is no general criminal constitution, predisposing to and, as it were, excusing crime; second, . . . there are no theories of criminal anthropology so well-grounded and exact as to justify their introduction into a revised criminal law" (p. 165) and the remarks made in discussion by Dr. Needham and Dr. Hack Tuke (ibid.). See also D. Nicolson (1895) and the discussion by Sir Edmund Du Cane, Dr. Clouston and Dr. Conolly Norman: ". . . any address which exposes the puerilities of criminal anthropology is distinctly an advantage" (pp. 589–590). Finally, see H. Maudsley (1895) where he criticises the "lamentable extravagances" of the latest school of criminology: ". . .although they make the vulgar stare, they make the judicious grieve" (p. 662).

as most prison doctors and experienced psychiatrists were concerned, the majority of criminals were more or less normal individuals; only a minority required psychiatric treatment, and this usually involved removing them from the penal system and into institutions for the mentally ill or defective. And although the diagnostic and therapeutic claims of psychiatry changed over time, from an early stage there was a recognition that, for the mainstream of offenders, the normal processes of law and punishment should apply. Compared to the sweeping claims of criminal anthropology, the psychiatric tradition was, by the 1880s, somewhat conservative in appearance.

But conservative or not (and here it depends on point of view) it was within this framework that most scientific-criminological work was done in Britain up until the middle of the twentieth century. It is, for example, almost exclusively within the Reports of the Medical Commissioner of Prisons and of the various Prison Medical Officers that one will find any official discussion of criminological science in the period before 1935. Similarly, most of the major scientific works on crime, written in Britain before 1935, were written by medics with psychiatric training and positions within the prison service, among them J. F. Sutherland (1908), R. F. Quinton (1910), J. Devon (1912), M. Hamblin Smith (1922), W. C. Sullivan (1924) and W. Norwood East (1927).

The first university lectures in "Criminology" delivered in this country—given at Birmingham by Maurice Hamblin Smith from the 1921/1922 session onwards—were directed to postgraduate medical students within a course entitled "Medical Aspects of Crime and Punishment", and long before Mannheim began teaching at the London School of Economics (LSE) in 1935 there were courses on "Crime and Insanity" offered at London University by senior prison medical officers such as Sullivan and East.

As for professional journals, although there was no specialist periodical devoted to criminology before 1950 (if one excludes the crime enthusiast's magazine *The Criminologist*, one issue of which appeared in 1927), a variety of medical and psychiatric journals devoted regular sections to issues of criminological science, above all the *Journal of Mental Science* (JMS), which had a criminological review section and regular articles, and the *Transactions* of the Medico-Legal Association, which from 1933, was renamed *The Medico-Legal and Criminological Review*. In contrast, journals such as *The Sociological Review*, which would later become an important outlet for criminological publications, carried nothing substantial on the subject from its inception in 1908 until the first British publications of Mannheim and Radzinowicz in the late 1930s.

Set against this background, the scepticism which greeted Havelock Ellis' campaign to introduce to Britain the teachings of criminal anthropology can be understood rather differently.[10] It was not, as historians have suggested, that the idea of a scientific approach to crime was culturally alien to the British. In fact Ellis' book was warmly welcomed by eminent representatives of the new scientific spirit such as Francis Galton, and many lay reviewers

[10] See H. Ellis (1890), (1890a) and his "retrospects" section in the *JMS* where he reviewed works on criminal anthropology from 1890 until 1919.

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considered it to be of great interest[11]—as, apparently, did the literate public, which continued to buy it through three editions and several print runs. Rather, what the book encountered was a professional scepticism, based not upon anti-scientism but upon a rather different scientific tradition—one which was more modest, more acceptable to the institutional authorities, and was organised by engaged professionals rather than by maverick intellectuals. In his later years, the first Medical Commissioner of Prisons, Sir Horatio Bryan Donkin, gave clear expression to the distinction between the two traditions. Professing some discomfort at having to use the term at all, he contrasted what he understood as "criminology" properly so-called—namely the investigations undertaken by "persons concerned in some way with prison authorities who strive to discover just principles on which to base their work"—with the newer "doctrine and debate on the causation of crime" which he condemned as "theories based on preconceived assumptions regardless of fact".[12] A similar position was still being argued by Norwood East in the 1930s, when he occupied this same leading office.

In fact Havelock Ellis perfectly epitomised Donkin's view of the "theoretical" criminologist, whose knowledge was based entirely on book learning and second-hand doctrine.[13] Of the all criminological experts of this period, he was the only one with no practical involvement or experience, which was why he was able to approach the work of Lombroso, Benedict and Ferri with such unqualified enthusiasm. It was also why he continued to think of men like Maudsley and Nicolson as being forerunners of the Lombrosian tradition, even after they had done their vehement best to distance themselves from it.[14] In the end, Ellis' popularisation of criminal anthropology had little impact upon the thinking of practitioners, though it was important in other ways. His introduction into English of the term "criminology" in 1890 had the effect of firmly associating that name with the "criminal type" doctrines of Lombroso, thereby making it the subject of considerable scepticism, even where the Lombrosian heritage was actually negligible. In the same way, his much-referenced historical account of the subject has tended to link British criminology to criminal anthropology, and to assimilate all indigenous work to this single, European tradition. Less importantly, it was Ellis (followed by Bonger (1936)) who first made the now conventional attribution of the term "criminology" to remarks by Topinard in 1889. In fact the word—or rather its French and Italian equivalents—was certainly in use earlier than this. It was, for instance, the title of Garafalo's major work of 1885.

Interestingly, the only other person to take up the continental writers in the 1890s was the Revd W. Douglas Morrison, a Canadian who became a prison

[11] See the anonymous review of *The Criminal* in *The Atheneum*, 6 September 1890. Francis Galton's review appears in *Nature*, 22 May 1890 at pp. 75–76. See also the anonymous review in *The Saturday Review*, 30 August 1890 which doubts the scientific wisdom and practical use of criminal anthropology.

[12] H. B. Donkin (1917) p. 17.

[13] For Ellis' own account of his writing of *The Criminal*, see Ellis (1940).

[14] See Ellis' footnote in "The Study of the Criminal" cited above: "In recent utterances Dr. Maudsley seems to ignore, or to treat with indifference, the results of criminal anthropology. These results are, however, but the legitimate outcome of the ideas of which it is his chief distinction to have been the champion" (p. 6).

chaplain at Wandsworth and whose radical criticisms of the system helped provoke the appointment of the Gladstone Committee in 1894. Morrison was responsible for establishing and editing "The Criminology Series", a rather quirky, short-lived venture, which published translations of works by Lombroso (1895), Ferri (1895), and Proal (1898), as well as Morrison's own *Juvenile Offenders* (1896). Significantly though, Morrison's utilisation of these European theorists—as demonstrated in his "Introductions" to their texts and in his own work[15]—placed greatest emphasis upon the penal reform arguments which the new movement provided. Indeed his reduction of the new criminology to a scientific argument for penal reform which could strengthen the evangelical and humanitarian campaign, was perhaps the most characteristic way in which the European tradition was received in this country. When Major Arthur Griffiths, the retired Prison Inspector and one-time delegate to the Congress of Criminal Anthropology in Geneva, 1896, was commissioned to write the first ever entry on "Criminology" for the 11th (1910–11) edition of the *Encyclopaedia Britannica*, he showed the same broad scepticism for the theory of criminal types, together with a cautious interest in the penological ideas which were by now emerging from the movement.

II

The British tradition of institutionally-based, administratively-oriented criminology was, by its nature, a dynamic, evolving tradition. The "criminological" texts which it generated grew out of practical contexts which were forever changing, since institutions continually redefined their operations and took on new concerns, and also because new methods, theories and techniques became available to the professionals responsible for administering them.

Much of nineteenth century criminology, in this sphere, had grown out of the reclassification of selected offenders as being primarily psychiatric cases, rather than criminal ones, either because of moral insanity, or later, because of the less severe but more widespread diagnosis of feeble-mindedness. Underlying this process and the theoretical texts it produced was, of course, the institutional division between the asylum and the prison, or more broadly, between medicine and law. After about 1895 this simple division began to be reformulated to accommodate the much more complex world of penal-welfare institutions, with its more refined classifications and selection procedures, and the allocation of offenders to a greatly extended range of institutions and regimes. One result of this was an important extension of the specialist's role within the system, and a corresponding increase in the production of criminological literature which theorised those new diagnostic and classificatory tasks and the principles upon which they should be based. Such work as *Alcoholism* (1906) by W. C. Sullivan, *Recidivism* (1908) by J. F. Sutherland, *The Psychology of the Criminal* (1922) by M. Hamblin Smith and

[15] See W. D. Morrison (1889) and (1891).

"The Psychology of Crime" (1932) by H. E. Field are significant examples of criminological work derived from this developing context.

In 1919, the new penological emphasis upon individual character and specialised treatment—together with concerns about the large numbers of shell-shocked and mentally disturbed men returning from the War—led the Birmingham Justices to establish a permanent scheme for the clinical examination of adult offenders who came before the courts. Previously such work had been done on an occasional, *ad hoc* basis, and depended upon the skill and interest of the local prison doctor. By appointing M. Hamblin Smith and W. A. Potts, both psychiatrically-trained prison medics, and charging them with these new duties, the Justices (together with the Prison Commission) effectively created a new specialism for applied criminology. Before long, Potts, and particularly Hamblin Smith, were adapting the standard forms of mental tests for use in this specialist area, publishing the results of their clinical studies, and writing extensively about the need for this kind of investigation and its implications for the treatment and prevention of crime. In *The Psychology of the Criminal* (1922) and in a series of articles in the JMS, The Howard Journal and elsewhere, Smith emphasised the importance of criminological study, though for him this meant the kind of clinical examination of individuals which the Birmingham scheme employed.[16] As Britain's first authorised teacher of "criminology", and the first individual to go under the title of "criminologist", it is significant that Smith, too, rejected the search for "general theories" in favour of the "study of the individual".[17] Significantly too, the centres of criminological research and teaching, which he called to be set up in each university town, were envisaged as places where "young medical graduates" would be trained to become expert in the medical examination and assessment of offenders.

Hamblin Smith was also one of the first criminological workers in Britain to profess an interest in psycho-analysis, which he utilised as a means to assess the personality "make-up" of offenders, as well as proposing it as a technique for treating the mental conflicts and abnormalities which, he claimed, lay behind the criminal act. In this respect, Smith met with much official opposition, particularly from W. Norwood East,[18] but there were others, outside the establishment, who were more enthusiastic about the role of psycho-analysis. In the winter of 1922–23 Dr. Grace Pailthorpe voluntarily assisted Smith in the psycho-analytic investigation of female offenders at Birmingham, and went on to complete a 5-year study at Holloway, funded by a grant from the Medical Research Council (MRC). Her Report—completed by 1929, but delayed by the MRC until 1932—and its claim that crime was a symptom of mental conflict which might be psycho-analytically resolved, met with some consternation in official circles (see East 1936, 319) but it excited the interest

[16] See M. Hamblin Smith (1921), (1922) and (1925) and the reviews which Smith contributed to the *JMS* in this period. See also W. A. Potts (1921) and (1925).

[17] M. Hamblin Smith (1922) at p. 25.

[18] See, for example, East (1924–25). This kind of opposition seems to have restrained Smith somewhat, as East noted in his obituary: "Hamblin Smith was a convinced determinist and an omnivorous reader of philosophy and speculative psychology, but he retained a clear distinction between assumptions and facts, and his theoretical inclinations never obtruded in his daily duties" East (1936a) at p. 292.

of a number of analysts and medical psychologists who formed a group to promote the Report and its approach. Out of their meetings emerged the Association for the Scientific Treatment of Criminals (1931), which, in 1932, became the Institute for the Scientific Treatment of Delinquency (ISTD).[19]

In fact most of the founder members of this group were in some way or other involved in the new and expanding out-patient sector of psychiatric work, made possible by the opening of private clinics such as the Tavistock (1921), the Maudsley (1923), the new child guidance centres, and eventually, the ISTD's own Psychopathic Clinic (1933) (later moved and renamed the Portman Clinic (1937)). Once again this new field of practice gave rise to its own distinctive brand of criminological theory. The early publications of the ISTD emphasise the clinical exploration of individual personality, and in that sense are continuous with much previous work. But they also manifest a new preventative emphasis, which reflected the fact that the new clinics operated outside the formal penal system, and could deal with individuals before their disturbed conduct actually became criminal. Eventually the group's emphasis upon psycho-analysis, and its open hostility to much official penal policy, ensured that the ISTD remained essentially outsiders, usually operating at arms length from the Home office and the Prison Commission.[20] This outsider status forms an important background to the later decision of the Home Office to establish a criminological institute at Cambridge, rather than under ISTD auspices in London, for although "the formation of such a body was one of the original aims of the ISTD" (Glover 1960, 70) the Home Office appears not to have even considered such an option.

Despite its subsequent neglect, the work of W. Norwood East—particularly *Forensic Psychiatry* (1927) and *The Medical Aspects of Crime* (1936)—better represents the mainstream of British criminology in the 1920s and 1930s. East was a psychiatrically trained prison medical officer who became a leading figure in the 1930s as Medical Director on the Prison Commission, and President of the Medico-Legal Society, and his views dominated official policy-making for a lengthy period. East was himself a proponent of a psychological approach to crime, but he viewed its scope as being sharply delimited, and consistently warned against the dangers and absurdities of exaggerating its claims. In 1934, he established an extended experiment at Wormwood Scrubs, whereby those offenders deemed most likely to respond to psychological therapy—particularly sex offenders and arsonists—were subjected to a period of investigation and treatment by Dr. W. H. de B. Hubert. At the end of five years, East and Hubert's *Report on the Psychological Treatment of Crime* (1939)

[19] According to E. Glover's (1950–51) obituary of Dr. E. T. Jensen, this early group included the following individuals: Dr. E. T. Jensen, Mrs. Charles Tharp, Victor B. Neuberg, Dr. Jennings-White, Dr. A. C. Wilson, Dr. Worster Drought, Dr. David Eder, Dr. J. A. Hadfield, Dr. E. Miller and Dr. E. Glover himself. About the same time that Pailthorpe was completing her research at Holloway, Alice Raven published a number of articles setting out a psychoanalytical approach to crime. See Raven (1928) and (1929). See also Melanie Klein (1927) and (1934). The founding document of this psychoanalytical approach to crime was Freud's "Criminality from a Sense of Guilt" which was first published in 1915.

[20] Emanuel Miller recollects: ". . . . feeling like a conspiratorial group as the Establishment was hardly sympathetic; early criminological workers such as Norwood East, Hubert and prison administrator Lionel Fox were sympathetic but markedly orthodox" Miller (1970).

re-affirmed East's view that while 80 per cent of offenders were psychologically normal, and would respond to routine punishment, a minority might usefully be investigated and offered psychological treatment. The Report proposed a special institution to deal with such offenders—a proposal which was immediately accepted but not enacted until the opening of Grendon Underwood in 1962. East and Hubert also recommended that this proposed institution should function as a centre for criminological research, and it is significant that here, when a criminological centre is proposed for the first time in an official Report, it should be envisaged as a psychiatric institution, dealing only with a small minority of offenders.

An important departure from this series of clinically-based, psychiatric studies, was *The English Convict: A Statistical Study*, by Dr. Charles Goring.[21] This work also grew out of institutional routines, insofar as anthropometric measurement was used in prisons for the identification of habitual offenders during the 1890s, but it represented much more than the writing up of daily experience. In fact, in its final, expanded form, the study represents a major development because it signals the use of deliberately undertaken social science research to answer questions posed in institutional practice. The questions taken up here were numerous, and came from a variety of sources. Major Arthur Griffiths had previously suggested that data might be collected to test Lombroso's criminal type hypothesis against the evidence of English prisoners (Radzinowicz and Hood 1986, 20) and this may have been the original motivation of his name-sake, Dr. G. B. Griffiths, who began the work at Parkhurst Prison in 1901. It was probably a belief that other, useful information could be generated—for example, about the numbers of feeble-minded persons in prison, or the effect of prison diet and conditions upon the physical and mental health of inmates—which led Sir Bryan Donkin and Sir Herbert Smalley, the senior medical staff of the prison system, to take up the research and extend it considerably. The work was completed by Dr. Charles Goring, after a lengthy secondment at Karl Pearson's Biometrical laboratory, where he tabulated and analysed a vast quantity of data—motivated, no doubt, by a mixture of scientific curiosity and eugenist commitment.

As its sponsors intended, the study gave a definitive refutation of the old Lombrosian claim that the criminal corresponded to a particular physical type, thus confirming the position which the British authorities had held all along. However Goring's study went much further than this negative finding. In fact, in an important sense Goring's analysis *began* by assuming that there was no criminal type, as such, and although it was not much noticed at the time, his study is chiefly notable for demonstrating a quite new way of conceiving the criminal "difference". In the early part of the book, Goring set out extensive theoretical and methodological arguments which insisted that criminality should be viewed not as a qualitative difference of type, marked by anomaly and morbidity, but instead as a variant of normality, differentiated only by degree. Following the arguments of Manouvrier and Topinard, he pointed out that so-called criminal "anomalies" are only "more or less

[21] For a detailed discussion of this work, see Beirne (1987).

extreme degrees of character which in some degree are present in all men". Moreover, he made it clear that his use of statistical method necessarily presupposed this idea of a criminal characteristics which is a common feature of all individuals, and he went on to name this hypothesized entity "the criminal diathesis".

This conception of criminality as normal, rather than morbid or pathological, implied a new basis for criminological science, which Goring vigorously set forth. From now on, criminology could no longer depend upon the clinical gaze of a Lombroso and its impressionistic identification of anomalies. (Goring had, in any case, provided a devastating critique of such methods.) Instead it must be a matter of large populations, careful measurement and statistical analysis, demonstrating patterns of differentiation in the mass which would not be visible in the individual or to the naked eye. His own study, he concluded, had revealed a significant, but by no means universal, association between criminality and two heritable characteristics, namely low intelligence and poor physique.

Although *The English Convict* made a massive impact abroad, and especially in the U.S.A., in Britain it received a surprisingly muted response which dismayed both its author, and his mentor, Karl Pearson. On the one hand, Goring's attack had been centred upon theoretical positions which had little support in this country; and on the other, it appeared to have policy implications—eugenic and otherwise—which were not altogether welcome in official circles. The Prison Commission, while supporting the study's publication as a Blue Book, refused to endorse all of its conclusions. Sir Evelyn Ruggles-Brise provided a preface to the book which took care to render its finding compatible with the official brand of penal reform, while Sir Bryan Donkin distances himself from the study altogether, arguing that "even correct generalisations . . . . concerning convicted criminals in the mass are not likely to be of much positive value in the study or treatment of individuals . . . ".[22] In much the same way W. C. Sullivan, the medical superintendent of Broadmoor, argued in *Crime and Insanity* (1924) that clinical rather than statistical methods were the only reliable means to obtaining useful, policy relevant knowledge. Nevertheless, Goring's major argument—for the importance of statistical method in criminological research—was, in the long term, taken up by the British authorities. By the end of the 1930s, the Prison Commission and the Home Office had each embarked upon large-scale, statistically-based projects—eventually published as East (1942) and Carr-Saunders *et al.* (1942)—and this became the characteristics form of government sponsored research in the years after 1945.

The English Convict was a transitional work. Its conception of criminality as continuous with normal conduct, together with its statistical sophistication, opened up new research questions and methods for their solution, and gave British criminological work a scope and rigour which it had not possessed before. However its extensive engagement with older questions about

[22] Sir H. Bryan Donkin (1919). This article is part of an exchange with Goring, provoked by Donkin's (1917) paper. See Goring's response; Goring (1918).

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