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## PSYCHOANALYSIS AND CRIME IN BRITAIN DURING THE INTER-WAR YEARS

Claire Valiér

[1]

Muriel Payne, who ran the Tavistock Clinic hostel, published a book in 1929 entitled *Oliver Untwisted*. This was the narrative of her experiences as Matron-Superintendent of 12 Poor Law homes for destitute children aged two to 16 years. She was critical of the official regulations for the punishment of refractory children, which stipulated the use of solitary confinement, a restricted diet, and corporal correction, commenting:

'How many children, under these conditions, must have longed to revile the Superintendants and insult the Matrons, but repressed the longing, with the result that they now swell the ranks of unhappy and revengeful people throughout the country. For it is such stings of cruelty and injustice, administered during childhood and youth, that are the seeds of all bitterness, hate and revolution.' (Payne 1929: 7)

In these homes the children were known by numbers, cleanliness was the index of good governance, and the rule of children by fear rather than love was the result. The delinquencies of former inhabitants of the Homes were explained as the product of original sin, but Payne saw them instead as unconscious compensations for feelings of inferiority and for the deprivation of love and freedom as a child. Payne saw the matrons under her as 'pathetic cases of life's failures, who were fighting out their own problems at the risk of killing the soul of every child who had the misfortune to come under their care' (Payne 1929: 11). Clearly more progressive leaders were required, who would be understanding as well as efficient. Payne introduced reforms into the Homes, including a system of self-governance. This aimed to replace the prohibitive system of rules and regulations with a community based on trust and a true justice that could provide an environment enabling both the physical and spiritual growth of the child. Payne saw her naughty, rebellious charges as 'these children starved of all affection' (Payne 1929: 36). Some of the children came to a similar insight into the origins of their behaviour: "I don't think I should thief if I was happy," sighed Harry' (Payne 1929: 28).

Payne's account demonstrates the influence of psychoanalytic ideas upon a project of progressive education and the belief in emotional conflict as an explanation of misconduct. How had this pedagogic mission come to be posited as the solution to this problem? Psychoanalysis has derived the mental life of the adult from that of the child. In the inter-war years a psychoanalytic explanation located the roots of adult crime in childhood experiences. Firstly, this rendered the child the focus of preventive effort: the prevention of delinquency was to be achieved via the prophylactic effect of good child-rearing practices. Secondly, the treatment of offenders sought to work through a re-enacting of the past, and crucially of unconscious reactions to parents laid down during infancy and early childhood.

By the time of the postwar period, individuals were able to attain positions of importance within criminology who had a psychoanalytic apprehension of crime such as Edward Glover and Henri Ellenberger (Valiér 1997). Something must have happened during the interwar years (not forgetting the effects of another world war in generating an interest in the origins of human aggression) for this to become possible. The emergence of psychoanalysis as an explanation of criminal behaviour, and of the use of psychoanalytic methods to treat criminals, occurred with wider changes in both psychiatric care and the administration of criminal justice.

In the psychiatric sphere, under the impetus of a mental hygiene movement there was a shift from institutional to outpatient care, with the treatment of milder and borderline cases. The psychoanalytic approach to the criminal found its place here with the emphasis on the fine line between the normal and abnormal: differences between delinquent and non-delinquent were a matter of degree. In the criminal justice system, uniform rules were supplemented by the means of exercising discretion: as the delinquent was approached as an individual, the sentence and the treatment must be individualised.

Donzelot (1979) located the use of psychoanalysis in the criminal justice system within the development of what he termed the 'tutelary complex'. The new profession of social work employed a psychiatric, sociological, and psychoanalytic knowledge for support, and aimed to replace stigmatising punishment with a careful consideration given to each individual's case: 'Knowledge would dissolve repressive power by opening the way to a liberating education' (Donzelot 1979: 97). However, as Donzelot also pointed out, substituting the educative for the judicial could also be seen as an extension of the judicial, its methods accordingly refined and its powers dispersed. The advent of child psychiatry came about as an expansion of the sphere of psychiatric expertise beyond the asylum. Rather than following from the discovery of a pathology unique to children, child psychiatry emerged from the search for a convergence between the prophylactic ambitions of psychiatrists and the disciplinary needs of the social apparatus. In France, psychoanalysis did not really enter the field of juvenile law until the years immediately after the second world war. The precondition for its deployment was an expansion of the pedagogic mission in the interwar years which rendered classical psychiatry obsolete. At the same time the judicial apparatus discovered the usefulness of such an ally. From 1930, an attempt to make the grid of analysis more flexible could be seen. Psychoanalysis took its place there as 'a vehicle for the softening of punishment, for the controlled "freedom" of surveillance' (Donzelot 1979: 145). It formed part of a 'new landscape of supervised education' tending towards:

'a gradual dilution of the spatial structures of correction, impelled by an educative desire which endeavours to be free of any hindrance, but which can accomplish this only by replacing the coercion of bodies with control over relations' (Donzelot 1979: 145).

This formulation developed that of Foucault's carceral continuum, described in the last section of *Discipline and Punish* (1977), and applied this framework to the developments of the twentieth century. Additionally, Foucault (1978) had challenged the identification of psychoanalysis as the means to a liberation, seeing this as a trap into which we had unwittingly fallen. A conception of psychoanalysis as a practice having liberation as both its aim and method leads one to wonder when the terminal point of expression could be reached, and with Foucault to explore the power effects that this 'talk' could induce. Thinking about the psychoanalytic apprehension of criminal behaviour offers the opportunity to consider the relations between these two texts of Foucault's, a task all the more important given that criminology continues to privilege the first one as an object of discussion.

## I.

The application of psychoanalytic methods to the treatment of criminals importantly developed outside the formal criminal justice system in the sphere of outpatient clinics. The most important of these were the Tavistock Clinic and the ISTD. The Tavistock Clinic was established in 1920 as an out-patient clinic to provide psychotherapy based on concepts inspired by psychoanalytic theory. The clientele aimed at were out-patients suffering from psychoneuroses and allied disorders who were unable to pay private fees. The first report of Hugh Crichton-Miller (1877-1959) to the Council of Administration in 1927 included this scenario:

'if a child of 12 is referred to us by the headmaster of his school for persistent pilfering, it is futile to say, 'Stealing is an anti-social act; he must learn the consequences of his actions; let him have a good caning or be handed over to the police; that will teach him a lesson he will not forget.' But will it? Our attitude is that a reason must be found to explain why this particular boy should need such drastic penal treatment. What is it in his personality that makes him incapable of assimilating the usual lessons of honesty? If we can find out the answer to that question we may possibly save the community from having on its hands in years to come one more incorrigible criminal' (Dicks 1970: 18-19).

The drama of the court and the application of corporal punishment could be forestalled by an alliance between educator and medical psychologist. Timely intervention could prevent the graduation from minor to more serious offences. According to Charles Burns, physician at the

Tavistock Clinic from 1926 to 1934, such work with delinquents necessitated an unshakable optimism and belief in the goodness to be found. The malign energy expressed in the delinquent act could be sublimated, channelled. Providing an outlet was vital:

'for the human being must be thought of in terms of energy which may be damned up or misdirected and manifest itself as disease, neurosis, or delinquency. What we have to do in such a case is to discover when and where this disturbance has occurred and liberate once more its flow, or direct it into reasonable channels.' (Burns 1930: 53)

Sporting activities, clubs, and organisations such as the boy scouts, provided a more wholesome sphere for the expression of youthful energies. Educator, parent and doctor were to be foremost in the approach to criminal behaviour, and not policeman and magistrate.

The Institute for the Scientific Treatment of Delinquency was founded in 1932, its chief goal being the examination and treatment of cases of anti-social conduct while on remand or probation, especially among the young.<sup>[2]</sup> The Psychopathic Clinic was opened in 1937, and other activities included the education of public opinion, the training of students, and seminars for probation officers, police and welfare workers. Most of the activity of the Clinic and Institute was in the psychological field. However, there was also the involvement of a social worker, and arrangements for physical examination at other specialist centres. Psychological treatment at the ISTD took the form of a range of techniques from pure suggestion and hypnosis to psycho-analysis, and often the use of combined methods, guidance and persuasion. Many cases were only given advice and instruction. Psychological treatment was usually combined with 'environmental handling': supervision and help from a probation officer, or an environmental influence from other social workers. The Howard League was supportive of the ISTD (see Howard Journal 1933), but the Home Office declined to support it (see Clarke Hall Fellowship 1934-1937, Minutes of the Executive Committee, 1 February 1935).<sup>[3]</sup>

Adolescence came to be viewed as a problem in the late nineteenth and early twentieth centuries, due to a new perception of the significance of the emotional and physical changes of puberty, which rendered adolescence both formative and dangerous. This new conception of the perilous instability of adolescence, and its identification as a source of delinquency, can be seen in the work of the child psychiatrist Emanuel Miller (1893-1970), Co-Director of the ISTD. Miller asserted that the disorders of youth should be seen as peculiar to a particular period of human development in which the mental forces were not in balance:

'We accept the process of "growing up" as if it were a direct unfolding of an uninterrupted suave process. If we look into the matter more closely we find that human "growing up" is by no means a simple matter, but is accompanied by vicissitudes, biological and psychological, which have a profound and disturbing influence on behaviour.' (Miller 1935: 183)

Miller perceived a tension between the parallel development of a regulating self and an equally powerful self that craved instinctual satisfaction. Some sort of balance appeared to have been achieved from childhood to adolescence, but in adolescence new forces called up the old urges, and with their emergence censorship of the impulse became increasingly necessary. Treatment was not to consist of segregation and training, but some form of psycho-therapy aided by any social readjustments necessary.

## II.

Freud himself did not analyse criminals. Seeing that delinquents had ego disturbances, and as such were incapable of being honest, he was therefore uninterested in treating them (Roazen 1979: 163). However, numerous eminent psychoanalysts have treated criminals in Britain, such as Melanie Klein, W.H. Gillespie, John Bowlby, Wilfred Bion and Edward Glover. The treatment of criminals appeared to require various departures from the classical Freudian method. Firstly there were time constraints, then that the co-operation of the patient was not assured: attendance at analysis was often compulsory and not voluntary. This created problems in the creation and management of the transference.

Beyond the practice of a psychoanalytic method with criminals there was the existence of a psychoanalytic viewpoint on crime. Popular expositions of a psychoanalytic approach to crime often identified themselves as written 'from the standpoint of the "new psychology"', as did Hollander's *The Psychology of Misconduct, Vice and Crime*. According to Hollander, morality arose from a conflict between the unconscious self-gratificatory instinct and the gregarious instinct. Education involved the repression of instinctive impulses, and where this failed crime resulted, a product of the failure of inhibitory control, an inability to refrain from satisfying

some strong instinct. Hollander stressed the role of the mother in moral training and in the repression of anti-social acts. He considered adolescence to be the most dangerous age, perilous because the individual then received impulses which he had not yet the judgement to control. According to Hollander, 'The good citizen is he who is satisfied with existing conditions and is obedient to authority' (Hollander 1922: 149). Re-education would involve reconciling the patient with reality, and would implant new ideals.<sup>[4]</sup>

What other frameworks were used in the inter-war years to explain crime? Competing explanations of criminality included degeneracy, mental defect, hormonal imbalance, organic injury or deficiency, and poverty. In *Love In Children And Its Aberrations* (1924) Pastor Pfister asserted that:

'Lombroso has done a great deal of harm with his doctrine of the 'born criminal'. It is not true that there are persons whom an inexorable destiny forces into criminal paths, persons for whom the most careful and loving education is of no avail. Nor is it true that such individuals, who are supposed to be characterised by bodily stigmata, can best be treated as brute beasts.' (Pfister 1924: 496).

The psychoanalytical discourse on crime dissolved criminality into a wider nexus of petty delinquencies, misbehaviour, childhood naughtiness and maladjustment. Additionally, while sometimes maintaining a place for the transmission of constitutional weakness or instability from parent to child, delinquency was predominantly formulated as an acquired disorder. The psychoanalytic understanding of criminal behaviour did not exclude all consideration of biology, but did displace this from the centre of explanatory power. This made for therapeutic optimism. In contrast, criminal anthropology's battery of measures had been distinguished by incarceration and the eliminatory, not the correctional. The work of both Lombroso and Freud attributed a central aetiological role to the past, Lombroso with atavism and Freud with the primitive and the infantile. However, whereas for Lombroso the stamp of the past was irrevocably fixed on the criminal as an innate regressive phenomenon, Freud developed techniques to destabilise the effects of the past on his patients.

Another prominent explanation of criminality in the early twentieth century was that of mental defect. Within the discourse of mental deficiency, delinquent children were innately and incurably bad. Cox (1996) commented that while other discourses were available to explain delinquency and maladjustment, for example psychoanalytic studies, the language of mental deficiency prevailed in shaping popular notions of mental abnormality, drawing on familiar concepts of poverty and degeneracy. She stated that other discourses of mentality were not public discourses, tending to be confined within small professional and academic circles (Cox 1996: 192). A eugenic approach, for example that of Goring, could be opposed to a psychoanalytic approach, and certainly confrontations of this kind took place. Maurice Hamblin Smith (1870-1936) declared himself 'a convinced and a quite unrepentant Freudian' (Hamblin Smith 1934: 130). In a 1922 paper, 'The Medical Examination of Delinquents', Hamblin Smith explained that recently the conception had arisen of a mental abnormality that might not be certifiably 'insane'. This new approach made every offender a problem to be investigated, and according to Hamblin Smith the prevalence of mental conflict could alter the whole way in which the offender and his proper treatment were regarded.<sup>[5]</sup> In the course of the discussion following this paper, Sir Robert Armstrong Jones (1857-1943), a retired asylum medical superintendent, asserted that he did not agree that delinquency was due to mental conflicts, regarding the delinquent in these cases as congenitally weak-minded with a deficiency of self-control. However, the shift from the innate to the acquired should not obscure the positioning of both the eugenic approach and the psychoanalytic within the discourses of sexuality.

The interest in 'physical factors' cannot be seen to have simply receded in the face of the emergence of psychological explanations, as illustrated by both endocrinological studies and research on the incidence of organic injury or deficiency that was supported by the problems of handling sufferers of the sequelae of encephalitis lethargica. An epidemic of encephalitis lethargica (EL), an inflammation of the brain and spinal cord popularly known as 'sleepy sickness', emerged in Europe around 1917 and suddenly receded in 1927. A striking feature of the disease was the virulence of its sequelae: new manifestations would appear often after an apparently disease-free interval. Observers of the sequelae of EL found that adults tended to manifest symptoms of mental illness, whereas children demonstrated behavioural disorders. The School Medical Officer for Birmingham described to the Medico-Psychological Association the 'moral changes' following EL, including persistent thieving and lying, disobedience, spitefulness, destructive habits, noisy excitability at night, and violent behaviour

(Auden 1925). The category of 'mental deficiency' was redefined in the 1927 Mental Deficiency Act to embrace acquired mental deficiency as a result of the difficulties of detaining post-encephalitic patients under the provisions of the 1913 Act (Walker and McCabe 1973: 62, 211). The anti-social behaviour of post-encephalitic patients was used to support the idea that organic injury or deficiency could be found underlying psychopathy, and from 1944 electro-encephalographic study of psychopathic prisoners was conducted at various London hospitals.[\[6\]](#)

Endocrinological studies demonstrated hormonal abnormalities in criminals that were perceived to effect their emotions and sexual impulses. Grimberg's *Emotion and Delinquency* (1928) saw the organic basis of psychopathology as residing in a defective endocrine system. Grimberg suggested therefore replacing the idea of the Lombrosian born criminal with that of the constitutional inferior. The driving force of action for Grimberg was the emotions, the stability of which he saw as dependant on the condition of the endocrine system. Delinquency stemmed from a general emotionality produced by a hereditary abnormality of the endocrine system. By contrast, the psychoanalytic approach sought to explicate the specific emotional complexes in each individual case. Both psychoanalytic and endocrinological explanations shared the sexual function as a central feature of their theoretical framework though. Psychological and biological explanations could be used in a complementary manner, for example as they were in the case of Arnold Anderson (who was investigated by the endocrinologist Max Schlapp and the psychoanalyst A.A. Brill), and the work of Burt in which mental defect and mental conflict co-existed.

Edward Glover addressed a Summer School for women magistrates at Oxford in September 1922. He spoke of the violent temper, egocentrism, destructive habits, and sexual impulses of the normal human infant, and observed that in the criminal type labelled psychopathic it was apparent that many of these characteristics could under certain circumstances persist into adult life. This led him to remark that: 'judged by adult social standards, the normal baby is for all practical purposes a born criminal' (Glover 1922: 8). This led the Chairman, Mrs. St. Loe Strachey, to question: 'But doctor, the dear babies! How could you say such awful things about them!' (Glover 1922: 8n). In the same address Glover also aroused the indignation of Lord Olivier, an early Fabian-socialist peer, who protested: "'Never have I listened to such outrageous nonsense regarding the motivation of theft. Quite obviously the motivation of offences against property is economic in nature and the offences will disappear when a reasonable economic organization of society is established'" (Glover 1922: 12n).

Sydney Olivier (1859-1943) was a civil servant who occupied several senior colonial positions and joined Ramsay Macdonald's first Labour government. He joined the Fabian Society in 1885. In his 1889 essay for the collection *Fabian Essays In Socialism*, Olivier wrote that only in very extreme cases were crimes to be regarded as evidence of mental aberration, for 'the desires which prompt men to them are only at worst exaggerations of the desire for wealth or subsistence' (Olivier 1950: 103). Crimes which might be caused by mental aberration were those where there was no obvious motive of gain. Glover had suggested that the thief, the commonest of offenders, who appeared in other respects normal and even aware of the legal and moral wrongness of his deed, might in fact be suffering from disordered mental functions. An analysis such as that would not be admissible to a Fabian at this time.

Mrs St. Loe Strachey was to be a key figure in the child guidance movement in Britain. The 'pornographic' nature of psychoanalytic explanations was a source of considerable opposition, and in this light the idea of infantile sexuality appeared shocking. As Bowden points out, Charles Mercier (1852-1919) was a self-confessed Freud-hater, establishing a campaign to condemn psychoanalysis as morally corrupting and to persuade respectable physicians to have nothing to do with it (Bowden 1994: 338). Certainly psychoanalysis has been critical of conventional morality while introducing its own values.

### III.

Cyril Burt (1929) explained to his radio audience that criminal conduct was instinctive conduct. Burt (1883-1976) worked from 1913 to 1932 as an educational psychologist attached to the Education Department of the London County Council, and was a member of the British Psycho-Analytical Society from 1920. In *The Young Delinquent*, Burt held that heredity was not a major cause of criminality, and that poverty could only engender crime by its action upon the mental life of the potential offender. He saw that the character or temperament of a



criminal child was of far greater significance than intelligence, the commoner delinquencies being either direct expressions of primitive and universal impulses or modified reactions springing from these emotions. Burt's approach was developmental, reconstructing the past history of a case to discover antecedent influences, and this is one aspect in which he found the method of psychoanalysis to be useful:

'The delinquent's character and conduct, what he now is and what he has just done, these are the fruit of a long and complicated process of development; and his present predicament, with all its problems and temptations, must be viewed, not as the mere sum of its contemporary constituents, but as the product of converging forces operating cumulatively throughout his life.' (Burt, 1944: 8)

For Burt, the inheritance of an ordinary emotion to an excessive degree could drive the juvenile to misconduct. In girls a step-mother complex was often found, and in the boy, authority and disgust complexes. Treatment should operate sublimation and not the repression of the provocative instincts, via the provision of less harmful outlets.

In the inter-war years, child guidance clinics were set up on the basis of the need of children demonstrating behavioural and personality difficulties for expert advice. The extent to which they used psychotherapy varied from clinic to clinic. In 1927 the Jewish Health Organisation opened the East London Child Guidance Clinic under the directorship of Emanuel Miller, with Burt as an honorary consultant. Over half of the referrals were from educational sources (Renton 1978). The majority of the children treated were perceived as essentially normal, but having unhappy relationships characterised by anxiety and fear. The use of child guidance clinics by the courts during the inter-war years remained limited, for example the clients of the Whitechapel and Islington clinics were less criminals than bedwetters (Thom 1992).

By the late 1930s, the child guidance movement had become a site for the discussion of psychoanalytic approaches to juvenile delinquency. The *Proceedings Of The Child Guidance Inter-Clinic Conference Of Great Britain* of 1939 record that the afternoon session of Friday, 27 January saw a session on juvenile delinquency. The speakers included Denis Carroll, Director of the ISTD, who asserted that teachers should be trained to spot the indications of a predisposition to delinquency, which could then be prevented by bringing in the child guidance psychiatrist. In the session on 'Substitute Homes', the speakers included John Bowlby (1907-1990), who felt that the decision to remove the child from the home was of great significance and often taken casually, without consideration of:

'the vital background of emotional security which even a bad home provides for a child. They ignore the fact that if the relation between the parent and child is bad, the removal of the child elsewhere fails to improve the relationship. Above all, they fail to realise that the emotional bond between mother and child is the basis for all further social development and the child's future social relationships are being jeopardised.' (Child Guidance Council 1939: 118-19).

Bowlby presented the case of 'Derek', who engaged in persistent pilfering, truancy and staying out late at night. Derek, aged 6, had been hospitalised for nine months at the age of eighteen months. He called his mother 'nurse' when he returned to the family home and seemed to have no affection for anyone. Bowlby attributed the child's problems to the development of an inability to form emotional relationships, which would follow a period of separation from the mother between the years of four months and three years.

The Children Act of 1908 required the establishment of juvenile courts. Margery Fry (1874-1958) was to become an important figure in their advocacy. Fry was involved with schools education in Birmingham, meeting Hamblin Smith there and learning about his work in the medical classification of prisoners (Jones 1966: 112). She became Secretary of the Penal Reform League in 1918 (which was amalgamated with the Howard League for Penal Reform in 1921), and from 1922 she sat as magistrate of the London Juvenile Court. Fry addressed a group of women doctors about the need for a 'naughtiness clinic' and gave evidence to the Home Office Committee on Young Offenders (Jones 1966: 122, 160). During the early months of World War II, Fry met John Bowlby, who was then working for the London Child Guidance Clinic, and was very enthusiastic about his *Forty-Four Juvenile Thieves*. Later she read his report on *Maternal Love and Mental Health*, and telephoned Bowlby to insist that it should be published in a popular version (Jones 1966: 219).

Fry's Clarke Hall lecture of 1940, 'The Ancestral Child', demonstrates her adoption of psychoanalytic views. She stated that the hope of diminishing crime lay in a better comprehension of the minds of offenders, rather than in admonishment, spoke for the substitution of the idea of incomplete development for that of 'depravity', and for optimism

about treatment and prevention. Thefts were a product of unhappiness in the child's surroundings, of a faulty emotional life:

This unhappiness may be the result of unsympathetic, unloving treatment, sometimes of actual cruelty. On the other hand, as Dr. Bowlby has shown by researches not yet published, it is sometimes the result of a check to the child's emotional growth in very early life, which may result from circumstances for which no blame can be attached to anyone. (Fry 1940: 43). Fry also referred to William Clarke Hall's use of reports on individual children from psychiatrists and psychologists to determine the right treatment. Sir William Clarke-Hall (1866-1932) was a Metropolitan magistrate from 1913, first at the Thames Court, then at Old Street. He asked Emanuel Miller to sit with him and also established a procedure whereby young offenders could be put on probation on condition of attendance at Miller's clinic for treatment. Other magistrates open to psychoanalysis included Claud Mullins, Basil Henriques.<sup>[7]</sup> (1890-1961), Chairman of the East London Juvenile Court from 1936 to 1955, and John Watson (1903-1978), Assistant-Chairman of the Inner London Juvenile Courts from 1936 to 1968.<sup>[8]</sup>

By 1944, Radzinowicz and Turner recognized that a large number of offenders had a mental condition deviating from the average standard of normality. The presence of chapters by Tavistock and ISTD staff such as Rees, Pearce, Miller, and Glover, in this collection suggest that a psychoanalytic perspective, and the use of psychoanalysis to treat offenders, were seen as worthy of consideration (Radzinowicz and Turner 1944a).<sup>[9]</sup>

## IV.

Noting that there was some opposition of the establishment to the psychoanalytic treatment of offenders, that attendance at a clinic for childhood behavioural disorders could prevent a later stigmatising criminal record, and that ambulant treatment avoided the suffering occasioned by imprisonment, should not mean that we fail to address some normative and prescriptive aspects of the psychoanalytic approach to crime. Firstly there is the question: if crime is a symptom of disease, what is the index of health? Miriam Van Waters' 1926 book *Youth In Conflict* discussed the stages of emotional development and the possibility of fixation, finding that: 'fortunate is the person who having lived through each period and left it behind, comes to full emotional maturity ready for a marriage of comradeship and social responsibility' (Van Waters 1926: xv). Van Waters wrote her book from the point of view of the social worker, and commented that social work aimed to achieve 'adjustments which are necessary between the individual and his human world for successful living together' (Van Waters 1926: xxi). Juvenile delinquency was formulated by Van Waters as maladjustment on the basis of a very conservative conception of 'the biologically healthy family'. Others stressed the importance of a 'normal family life' that they failed largely to describe. The post-war popularisation of Bowlby's work advanced a prescriptive model of the role of the mother that crystallised into the formula 'delinquent = latchkey kid' (Mitchell 1974). The association of adult criminality with immaturity and associated paternalistic conceptions of the offender was another consequence of the indirect influence of a psychoanalytic approach.

Cyril Burt's 1921 paper, 'The Dreams and Day-Dreams of a Delinquent Girl', presented the case of 'Nellie Malone'. Nellie was a servant of 16 years of age who had engaged in the repeated theft of her mistress's jewellery, lying, and staying out all night. Her father was divorced from her mother when Nellie was six years old, and Nellie was told that he had died. Burt wrote that he had acquired by analysis the confession of two obscure motives that for a long time had animated much of the girl's misconduct: a half-forgotten affection for her father and all who reminded her of him, and a half-forgotten hostility towards her mother and all who reminded her of her mother. Nellie conducted thefts and then wore the stolen objects, the pleasure derived attributed in part to vanity, and in part to a half-conscious feeling of revenge, both upon the owners of the articles (her mother and her mistress), and upon the wider society for creating the injustice of social and economic inequalities. Burt felt that the pleasure derived was however mainly in the form of fantasies connected with the articles:

'Jewellery and gold suggest wealth and social superiority; the rings suggest marriage; the heart suggests affection; the chain of the necklace suggests fetters and suffocation. One night she tore it from her neck, literally "breaking the chain" - a metaphor quite familiar to her from the melodramatic novels she devours.' (Burt 1921: 11).

Burt drew analogies between a recurrent plot at the base of Nellie Malone's day-dreams and the fairy tales popular in most countries. He pointed out that a considerable number of delinquent girls had a day-dream of the 'step-mother' fantasy type, in which the girl pictured herself as an orphan, step-child, or illegitimate daughter, ill-treated and unjustly deprived of her magnificent birthright. The story ended with a marriage, or at least a close friendship, between the dreamer-heroine and some glorified rescuer, usually a mysterious stranger of the opposite sex, who possessed great wealth and power and restored the outcast child to her true status. Burt saw that the motive of the story was a progressive wish-fulfilment: 'Nellie desires, on her own ultimate avowal, a happy home, a loving companion, beautiful dresses, and a life of thrilling excitement' (Burt 1921: 147). According to Burt, Nellie came to understand her troubles and the origin of her deeds, and her pilfering ceased. Later in the unfoldings of the tale the heroine gave birth to a child - this was added or admitted to by Nellie. Burt felt that this part of the fantasy was to be encouraged as it was leading her from self-love to the love of others, from narcissism to altruism. Burt observed from the statistics that only a small proportion of criminals were young married women with children, and inferred that when the fantasy of domestic harmony had been achieved in reality, Nellie would be free of the risk of further delinquency. This case demonstrates then that the psychoanalytic apprehension of the female offender was more concerned with her progression towards conjugal heterosexuality than her femininity.

Psychoanalysts repeatedly asserted that crime was not a psychoanalytic concept and that they treated individuals for mental problems such as neurosis. This led to the co-existence of the psychoanalytic critique of the criminal justice system with a conservative, unquestioning tendency. Both clinics and prisons undertook the treatment of those who had been convicted of homosexual offences. The East and Hubert report of 1939 described psychological treatment at Wormwood Scrubs in the 1930s. Hubert, who had been analysed by Melanie Klein, undertook the treatments (Bowden 1996). In its section on sex offenders the report began by outlining the usual course of sexual development. Sexual perversion was explained as a deviation from procreation as the aim of normal sexual activity. Case XLII, who was 19 years old, had been convicted of two offences of sodomy and received a sentence of 3 and 3.5 years penal servitude concurrent:

'He realised that his homosexual tendencies were becoming more dominant, and although he expressed no disgust at his conduct, he had become concerned at the peril in which it had placed him. He had previously been willing to accept the risk of arrest and conviction... His make-up was strongly homosexual. In treatment every effort was made to release as far as possible his heterosexual drives ... He was an example of the kind of case, who without treatment would before very long become a confirmed and unalterable homosexual, but who, with treatment, stands an excellent chance of developing his heterosexual possibilities.' (East and Hubert 1939: 93).

This case had felt no revulsion about his desires and his anxiety concerned the danger of legal punishment in which homosexual behaviour placed him. Case XLX had been convicted of six offences of indecency with males, and sentenced to 18 months imprisonment concurrent on each charge:

'He was not essentially anti-social, and was genuinely anxious to lead a life of normality and propriety. The homosexuality could be related to much delay in ordinary emotional development, and in the cultivation of ordinary social relationships ... It might almost be said in his case that psychotherapy became educative in direction. He co-operated well and the result should be satisfactory.' (East and Hubert 1939: 99-100)

In this case the question of whether homosexuality was anti-social was raised. The subject's homosexuality was attributed to retarded emotional development.

Case LIV had been convicted of gross indecency and sentenced to six months imprisonment:

'The prisoner was relieved to find from his admirer that he was not alone in his sex perversion ... He was always apprehensive that the girls he met would come to realise that he was a homosexual pervert. Two years before the present offence he was convicted of gross indecency with a male and was bound over ... Heterosexuality was easily achieved but gave him no satisfaction ... He will probably find in the future that he has received considerable help in the management of his impulses but that there is little change in their power.' (East and Hubert 1939: 104)

In this case the desires of the subject had not been altered but he had been helped to control them. A similar practice can be seen in Claud Mullins' use of Dr. Alexander Court for the treatment of elderly homosexuals. Dr. Court associated homosexuality with loneliness and



had talks with his patients to remedy this loneliness. Mullins commented that always at least one year passed without further police charges. Mullins later commented:

'Courts are not concerned with the complete cure of their delinquents; so long as the delinquents are able to live and work without again breaking the criminal law, courts have reason to be satisfied. The old men referred to at the end of the previous chapter were certainly not cured, but they ceased, at least for a time, to be public nuisances.' (Mullins, 1943: 68-9)

The control of motivating factors was to some extent achieved, a sufficient change to ensure social conformity.

Those who wrote from a psychoanalytic perspective opposed the use of corporal and capital punishment. It would be possible to see this replacement of punishment with treatment simply as the substitution of a new and more subtle form of punishment, taking as its target the mind rather than the body. However, there is perhaps more to be said. The East and Hubert report of 1939 presented the case of a homosexual offender who refused to accept the psychoanalytic explanation of his behaviour. Case XLIV had been sentenced to four months imprisonment for importuning for an immoral purpose:

'He had carefully analysed his condition and had no real desire to change his means of sex expression. At the same time he was anxious to remain within the confines of recognised society and had no wish to openly flaunt the social conventions ... its application (treatment) was quite impossible as both his perversion and his other weaknesses were justified by him intellectually ... ' (East and Hubert 1939: 94)

In *Why Crime?*, Mullins cited a letter sent to him by a homosexual which had declared 'I was born inverted' in support of a lack of the wish to be cured (Mullins 1945: 16). In this respect the psychoanalytic apprehension of crime can be seen as problematic, leaving the offender less recourse against the desire of others that he stop his troublesome activities, and also leaving him less recourse against his own wish to be accepted. However, the development of the correctional meant that resistance could become its counterpart, a coupling in which psychoanalysis largely remains locked today.

This situation of the homosexual offender was one of the most prominent sites at which the more general problem of the offender patient arose. By 1936 the problem of the 'unwilling patient' merited a symposium, published in the *British Journal of Medical Psychology*, which involved participants from the ISTD, the Tavistock Clinic, prisons, and the sphere of child guidance. The question of the ultimate goal of the treatment of offenders emerged in this context, the idea of a preliminary period prior to treatment proper, the use of punishment as a treatment device to make the individual more responsive, the selection of amenable cases, the intensity of counter-transference feelings.

The psychoanalytic approach was to become a dominant one in the British criminology of the post-war period. This discussion of some of the contours of the discourses of the early period has demonstrated ambiguities that cannot be said to have altogether receded today. A developmental conception of the causes of delinquency as written into the life-history of the offender, and an identification of family relationships as the privileged site of the origins of delinquency commenced with the psychoanalytic approach to crime. The idea of the normal family was simultaneously raised and problematised within these accounts. What could be the opposite of the dysfunctional family? The idea of a latent meaning of phenomena meant that criminal behaviour lost its specificity, becoming the analogue of the dream, while simultaneously making of uniqueness something to be explained, which was later to be conceptualised as 'acting out'. The idea of a therapeutic optimism introduced by a psychoanalytic approach to crime suggested a potential malleability of all offenders that would mark the skill and efficacy of psychoanalytic treatment and also locate those who resisted change as a problem.

The psychoanalytic apprehension of crime can be seen as part of the discourses of sexuality. What is of concern is its specific place within this constellation of discourses. Psychoanalysis did not unproblematically take its place in a discursive formation already in existence, but can be seen as a sign of the reconfiguration of the discourses. In criminal anthropology the place of the family was in the pedigree and inheritance (so much bad blood). Endocrinology and eugenics can be seen to have refined this construction and made possible a new set of interventions posited on new understandings of the criminal. Was psychoanalysis a subversive principle then? From its formulation that all people at all times possess repressed, unconscious, aggressive impulses and fantasies, the discipline that set out to undermine conventional morality, in its dealings with the criminal could only falter in upholding this

observation. The limitation of this active principle was not only a consequence of the exigencies of the forensic context. The site at which psychoanalysis is most problematic is after all not in its assertion that we failed to become like them, but that they were ever like us.

## Notes

1. I would like to thank the Economic and Social Research Council for the award of a research studentship, and the President and Fellows of Queens' College, Cambridge, for the election to a Munro Studentship. [\[Back to text\]](#)
2. Miller (1936) explained the medico-psychological approach of the ISTD to the study and treatment of delinquency. [\[Back to text\]](#)
3. On the ISTD during this period, see Saville and Rumney, and Glover (1949). On Glover, see Cordess (1992). [\[Back to text\]](#)
4. For other popular expositions, see Goodwin's *The Soul of a Criminal* and *Insanity and the Criminal*. [\[Back to text\]](#)
5. The Birmingham scheme for dealing with the abnormal offender brought before the courts involved Hamblin Smith and Potts, and was inaugurated in 1919. See Short, Potts and Hamblin Smith (1921), and Potts (1925), on the organisation of the scheme, and Bowden (1991), on Hamblin Smith. [\[Back to text\]](#)
6. There was psychoanalytic study of post-encephalitic syndromes, which sought to explain their etiology and form in terms of unconscious mental conflicts. [\[Back to text\]](#)
7. See Mullins (1943, 1945) and Henriques (1934). [\[Back to text\]](#)
8. Just after the Second World War, Hermann Mannheim commented that: "magistrates are now making fairly wide use of medico-psychological expert knowledge before sentencing" (Mannheim, 1946: 221). Further research will aim to discover what kind of medico-psychological knowledge was 'integrated' into the Magistrates and Juvenile Courts in this way. [\[Back to text\]](#)
9. Psychoanalysis was seen as an interesting new development, worthy of a careful but cautious scrutiny, by Radzinowicz and Turner themselves (1944b). [\[Back to text\]](#)

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## About the author

Claire Valiér is a PhD student at Queens College, Cambridge University.

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