

Republican Monsters: The Cultural Construction of  
American Positivist Criminology, 1767-1920

By

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A dissertation submitted in partial satisfaction of the

requirements for the degree of

Doctor of Philosophy

in

Jurisprudence and Social Policy

in the

Graduate Division

of the

University of California, Berkeley

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Fall 2019



## Abstract

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This dissertation examines the history of and cultural influences on positivist criminology in the United States. From Benjamin Rush to the present day, the U.S. has produced an extensive corpus of empirical and theoretical studies that seeks to discern an objective, scientifically-grounded basis for criminal behavior. American positivist criminology has drawn on numerous subfields and theories, including rational choice / economic theory, biology, and psychology, but in all cases, maintains that a purely scientific explanation of offending is possible.

This study proceeds from the perspective that divisions between scientific and non-scientific thought are untenable. Drawing on scholarship in literary criticism and sociology, I argue that positivist criminology confronts an inherent contradiction in purporting to develop a purely scientific account of phenomena that are defined by the moral and cultural sentiments of a society. I thus hypothesize that positivist criminology is in fact reliant on the irrational and fictive cultural tropes and images of crime that it claims to exorcize.

The dissertation proceeds by reviewing the literature on the history of criminology, developing a set of functional types or tropes for character analysis, and then examining four separate periods in the development of scientific criminology: eighteenth century studies of rational action, nineteenth century studies of defective reasoning, early twentieth century studies of race and crime, and the development of scientifically informed criminalistics programs. Each of these cases captures a different period and focus in the development of scientific criminology. In threading continuity between these cases, I show how criminological positivism is consistently reliant on culturally informed tropes and characters to render itself sensible and coherent.

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## Acknowledgments

This dissertation is the product of more years than I care to remember. It would not have been possible without the incredible encouragement, mentorship, guidance, support, and love given by those around me. Abigail Stepnitz and Shikha Bhattacharjee, my “Super Writing Friends” and source of accountability, have read and commented on more drafts of this text than any human should have to bear, and also ensured that I actually finished this. Johann Koehler has been an endless source of conversation, stimulus, debate, and criminogenic friendship. Michael Musheno fostered my initial interest in these topics more than a decade ago, even before I understood it myself. In the JSP program at UC Berkeley, Calvin Morrill, David Lieberman, Lauren Edelman, and Margo Rodriguez have all supported me and made sure that I navigated the twists and turns of graduate school with success. The Carceral Studies Working Group in Berkeley, California, lead by Anthony Platt and Jonathan Simon, has provided a supportive forum for airing and refining some of these ideas. My parents and siblings have been endlessly loving and supporting, whether expressed through words of encouragement, homemade meals, or some very necessary bottles of wine.

The outstanding librarians and archivists at the Bancroft Archive and the California Secretary of State’s archive deserve special mention. Their helpfulness, cheer, and encyclopedic knowledge of the collections is beyond description.

I am deeply grateful to my committee: Christopher Tomlins, Karen Tani, Jonathan Simon, and Bryan Wagner. They are all outstanding people. They have consistently been open to and supportive of these ideas while also guiding me to new insights, showing me what I did not know, and sharpening the work. I could not ask for a better group of mentors.

Cait – thank you for giving me the inspiration to finish this. And for putting up with me while I did.

Thank you all,

CSB

## Introduction

In 1938, the sociologist Albert Morris opened his *Criminology* by observing that although criminology “wants to develop its field as a science,” it was quite possible that “the ability to modify human nature can never be other than an art.”<sup>1</sup> Morris embraced a strong distinction between science and art, and admitted his worry that scientific criminology was an illusion, but he quickly abandoned these concerns and went on to develop a multifactor synthetic theory of the causes of crime. Today, Morris’s work would be considered ‘biopsychosocial.’<sup>2</sup> He apparently felt that regardless of whether or not human behavior was really amenable to scientific understanding, science was the only viable trajectory for disciplinary criminology. Science, for Morris, was as much of a commitment or ideology as a practice of knowledge.

Morris’s move reflects the general ideology and outlook of positivist criminology, which has been a dominant and mainstream model for criminological research throughout the nineteenth and twentieth centuries. I use the term positivism in the most general sense, to refer to a basic epistemological and methodological idea: that crime, and human behavior generally, is governed by a set of empirically discernable and scientifically objective natural or social laws.<sup>3</sup> The nature of the scientific rules thought to govern criminal behavior, and the appropriate methods used to observe them, have changed a great deal over the nineteenth and twentieth centuries. In the nineteenth century, crime was often supposed to be a product of biology, genetics, and psychological structures,<sup>4</sup> while the twentieth century saw a rise in the prevalence of sociologically positivist theories in the vein of Edwin Sutherland.<sup>5</sup> In the late twentieth century, biological and psychological positivism has returned with increasingly sophisticated measures of heart rate, blood flow in the brain, and other bodily metrics laid bare by modern

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<sup>1</sup> Albert Morris (1938) *Criminology* (2nd Edition). New York: Longmans, Green & Co, p. 2.

<sup>2</sup> Biopsychosocial criminology refers to the idea that criminal behavior is produced by an objectively scientifically discernable nexus between social causes and opportunities, individual predispositions and trauma, and biological causes including body type, genetics, and the condition of the brain. Morris’s statement was relatively crude compared to modern ones, but covered all three bases. For a statement of the biopsychosocial idea, see Adrian Raine (2014) *The Anatomy of Violence: The Biological Roots of Crime*. New York: Vintage Books.

<sup>3</sup> Positivism is a contested term in criminology. My definition is drawn heavily from Piers Beirne, who defines positivism as “a discourse about crime that is predicated on the belief that there is a fundamental harmony between the methods of the natural and social sciences, a discourse that views its observational categories as theory independent and that requires a specific form of empirical inquiry in support of its argumentation.” Piers Beirne (1987) “Adolphe Quetelet and the Origins of Positivist Criminology.” *The American Journal of Sociology* 92.5 (March 1987): 1140-1160, 1141. This definition offers a way to think about the continuities and shared commitments between the schools of criminology often referred to as biological positivism and sociological positivism, which together make up a great deal of the underpinnings of criminological theory. Of course, the term is often used for other purposes -- to describe one of these particular movements, to signal particular Comtean commitments, or even as an epithet.

<sup>4</sup> Nicole Rafter (1998) *Creating Born Criminals*. Urbana: University of Illinois Press; Jan Goldstein (1989) *Console and Classify: The French Psychiatric Profession in the Nineteenth Century*. Chicago: University of Chicago Press; Piers Beirne (1993) *Inventing Criminology: Essays on the Rise of ‘Homo Criminalis’*. Albany: SUNY Press.

<sup>5</sup> C. D. Gartrell and John Gartrell (2003) “Positivism in sociological research: USA and UK (1966-1990).” *The British Journal Sociology*. 53.4: 639-657; Travis Hirschi and Michael Gottfredson (1990) “Substantive Positivism and the Idea of Crime.” *Rationality and Society* 2.4: 412-428; Edwin Sutherland (1947) *Principles of Criminology* (4th Edition). Chicago: J.B. Lippincott Co.

technology.<sup>6</sup> But in all of these cases, the commitment to a scientific, rationalized, “secularized intellectual discourse on evil” has guiding principle of positivist criminology.<sup>7</sup>

Of course, secularized and scientific is a contested description of positivist discourse. Fiora Haines and Adam Sutton imagine empirical criminology as a deeply moral and religious practice,<sup>8</sup> while cultural and critical criminology in the late twentieth century have challenged the dominance of positivism and argued that scientific objectivity is a fiction.<sup>9</sup> These perspectives are actionable, not purely theoretical: scholars have produced studies of crime, conflict, and trouble that center subjectivity, perspective, and culture, while methodologically avoiding pretenses of natural or social scientific rigor.<sup>10</sup> The dominance of the positivist model and concept of criminology is a product of historical developments and of choices away from alternatives.

These critiques also reveal that scientific ‘purification’ in criminology is a pretense: the science and morality/religious discourse of crime cannot be fully disentangled.<sup>11</sup> The history of criminological positivism is laden with the gothic imagery and rhetoric of monsters, demons, possession, and other supposedly exorcized figures: Lombroso’s criminology was replete with vampire imagery (to a sufficient extent that in Bram Stoker’s *Dracula*, Mina Harker invokes Lombroso to explain the nature of the count); twentieth century accounts of ‘wilding’ are steeped in werewolf imagery; and the advent of statistical criminology was related to the monstrous depiction of black men as bestial and otherworldly.<sup>12</sup> Positivism cannot escape its discursive and cultural context, and must thus present itself as an intelligible and coherent discourse on crime within a sociocultural frame where ‘crime’ is not a neutral, scientific concept, but is rather emotive, fearful, and passionate.<sup>13</sup> Crime invokes people’s fears, superstitions, nightmares, and sometimes traumas, and clinical pretenses cannot sterilize those references.<sup>14</sup> As critical

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<sup>6</sup> See e.g. Kevin Beaver and Joseph Schwartz (2016) “The utility of findings from biosocial research for public policy.” In: Thomas Blomberg, Julie Brancale, Kevin Beaver, William Bales (eds.), *Advancing Criminology & Criminal Justice Policy*. New York: Routledge, pp. 452-460; Elizabeth Cauffman, Laurence Steinberg, and Alex Piquero (2005) “Psychological, Neuropsychological and Physiological Correlates of Serious Antisocial Behavior in Adolescence: The Role of Self-Control,” *Criminology* 43.1: 133-176; Raine, *The Anatomy of Violence*.

<sup>7</sup> Caroline Picart and Cecil Greek (2007) “Introduction: Toward a Gothic Criminology,” in Caroline Picart and Cecil Greek, eds., *Monsters In and Among Us: Toward a Gothic Criminology*. Madison: Farleigh Dickinson University Press, pp. 1-19, 11.

<sup>8</sup> Fiora Haines and Adam Sutton (2000) “Criminology as Religion?” *The British Journal of Criminology* 40.1: 146-162.

<sup>9</sup> Jeff Ferrell, Keith Hayward, and Jock Young (2015) *Cultural Criminology: An Invitation* (2nd Edition). London: Sage, p. 14-15.

<sup>10</sup> For example, see Calvin Morrill & Michael Musheno (2018) *Navigating Conflict: How Youth Handle Trouble in a High-Poverty School*. Chicago: University of Chicago Press; Victor Rios (2011) *Punished: Policing the Lives of Black and Latino Boys*. New York: NYU Press.

<sup>11</sup> Bruno Latour (1993) *We Have Never Been Modern* trans. Catherine Porter. Cambridge: Harvard University Press.

<sup>12</sup> Nicole Rafter and Per Ystehede (2010) “Here Be Dragons: Lombroso, The Gothic, and Social Control.” *Sociology of Crime, Law and Deviance* 14: 263-284; Bram Stoker (1897) *Dracula*. New York: Grosset & Dunlap, p. 319; N. Jeremi Duru (2004) “The Central Park Five, The Scottsboro Boys, and the Myth of the Bestial Black Man.” *Cardozo Law Review* 25: 1315- 1366; Khalil Muhammad (2011) *The Condemnation of Blackness: Race, Crime, and the Making of Modern Urban America*. Cambridge: Harvard University Press.

<sup>13</sup> For example, see Stuart Hall, Charles Critcher, Tony Jefferson, John Clarke, and Brian Roberts (1978) *Policing the Crisis: Mugging, the State, and Law and Order*. London: Macmillan; Stanley Cohen (1972) *Folk Devils and Moral Panics: The Creation of the Mods and Rockers*. London: MacGibbon and Kee Ltd.; Kai Erikson (2004) *Wayward Puritans: A Study in the Sociology of Deviance*. Upper Saddle River: Prentice Hall.

<sup>14</sup> This remark is intended for comparative, not scientific, purposes. This project does not address questions such as whether it is possible for ‘gravity’ to be an objective scientific concept.

criminologists remind us, crime is a variable social attribution constructed at a nexus of morality, power, and culture -- not to mention the compounding problem of the fluidity and capriciousness of human behavior. Morris's initial worry was right: crime belongs at least partially to a realm of art or culture, to a part of experience that is not reducible to scientific objectivity.

This dissertation asks how criminology came to present itself as a rationalized, secular discourse on evil. This question is multifaceted: it requires also asking how criminologists presented themselves and their work as 'purified' of non-scientific thought while still preserving their theoretical intelligibility within their cultural context, and asking how positivism emerged from that process as the central criminological model. This project aims to show how American criminological positivism coalesced by drawing on cultural tropes, narratives, and biases for legibility, and then naturalizing those biases by presenting them as a set of objective scientific claims. Therefore, the ways that criminology drew on and naturalized pre-existing beliefs about gender, race, nationality, and crime are central to my analysis. I argue that criminological positivism was historically a discursive system of social control rather than a scientific model for generating knowledge about crime.

This study is focused on American criminology from the late eighteenth century to the early twentieth. Despite the fact that the term 'criminology' did not come into common use until the late nineteenth century, historians of criminology generally agree that criminology was in development by the late eighteenth century.<sup>15</sup> And as Piers Beirne has shown, criminological positivism predates Lombroso's anthropological school, having been firmly inaugurated by the bio-statistical studies of the early eighteenth century, but conceptually developing even earlier with Beccaria's eighteenth-century development of the figure of a 'criminal man'.<sup>16</sup> Downes, Rock, and McLaughlin term this period "proto-criminology,"<sup>17</sup> while Mariana Valverde uses the term "miserology"<sup>18</sup> to signal the humanistic and cultural breadth of writing on crime in the nineteenth century. Proto-criminology and miserology signal that 'criminology' in the eighteenth and nineteenth centuries was not the independent and well-regarded university discipline that exists today, but also emphasize the continuity, development, and history of criminological thought. Accordingly, I find both of them useful: proto-criminology to describe academic work in this period, and miserology to describe cultural and literary studies of crime.

This project thus examines the cultural contexts and discourses of the rise and coherence of criminology as a field of study, and in particular the dominance and assumptions of the positivist model, in the formative American period of proto-criminology. My objective is both to contribute to the historical understanding of American criminology, and to challenge the prevailing myths and rationalizations of the mainstream positivist project in criminology. I will proceed by situating this project within the established history of criminology as a discipline, setting out my methodological approach to analyzing cultural discourses in criminology, and then discussing the outline of chapters and cases that I focus on. I conclude the introduction by expanding on my view of alternative criminologies, to emphasize that the discipline is not and

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<sup>15</sup> Beirne, *Inventing Criminology*; Fijnaut (2017) *Criminology and the Criminal Justice System: A Historical and Transatlantic Introduction*. Cambridge: Cambridge University Press; Paul Rock (ed.) (1988) *A History of British Criminology*. Oxford: Clarendon Press.

<sup>16</sup> Beirne, *Inventing Criminology*, p. 20-33.

<sup>17</sup> David Downes, Paul Rock, and Eugene McLaughlin (2016). *Understanding Deviance: A Guide to the Sociology of Crime and Rule-Breaking*. Oxford: Oxford University Press, p. 48.

<sup>18</sup> Mariana Valverde (2017) "'Miserology': A New Look at the History of Criminology." in Sharon Dolovich and Alexandra Natapoff (eds.) *The New Criminal Justice Thinking*. New York: New York University Press, pp. 325-338.

need not be determined by positivism. Problematizing the mainstream history of criminology does not and should not entail giving up on generating authoritative knowledge about crime.

### The History of Criminology

Any project on the history of criminology must reckon with the challenge of describing what ‘criminology’ is. In the proto-criminological period, as Nicole Rafter emphasizes, criminology often occurred in “cottage industries” of different cities, asylums, and hospitals.<sup>19</sup> In the twentieth century, Sutherland declared that criminology was the study of “making laws, of breaking laws, and of reacting toward the breaking of laws,”<sup>20</sup> but this broad agenda did not provide disciplinary coherence. Instead, criminology fractured into a number of competing schools and departments, cracking under the weight of diverging political commitments and methodological disputes.<sup>21</sup> The challenge of describing criminology is further aggravated by the discipline’s considerable lack of historical reflection. With regards to history, criminology prefers “forgetfulness” and “ignorance” to memory, condemning the discipline “operate with one hand -- maybe two -- tied behind our backs.”<sup>22</sup> Thanks to the work of several historians and criminologists, we have a broad outline of criminology’s contours, and the different forms it has taken. However, although useful, I argue this literature has failed to follow through on the critical integration of cultural and academic sources, and has also failed to seriously challenge criminology’s historical self-conception as a rationalizing discipline.

As commonly taught, the history of criminology begins with the Classical School of the late eighteenth century, heralded by Beccaria’s *On Crimes and Punishments (Dei Delitti E Delle Pene)* (1764).<sup>23</sup> Beccaria’s work found receptive audiences in much of Europe and the United States, including Jeremy Bentham and an assortment of American founding fathers. The textbook perspective of Beccaria’s criminology is that of a theoretical exercise, an Enlightenment-era attempt to rationalize the criminal law.<sup>24</sup> However, as Piers Beirne has shown, Beccaria’s work also imagined crime as the result of certain necessary material laws that pressed on and informed human nature.<sup>25</sup> The strength of material causes pressing on human nature meant that certain problems of punishment, with sufficient thought, could be solved with a “geometric precision.”<sup>26</sup> Beccaria was developing a picture of the scientific representation of

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<sup>19</sup> Nicole Rafter (2009) *The Origins of Criminology: A Reader*. London: Routledge, p. xiii; for a good overview of the international scope of many of the ‘cottages,’ see Fijnaut, *Criminology and the Criminal Justice System*.

<sup>20</sup> Edwin Sutherland and Donald Cressey (1978) *Criminology* (10th Edition). Philadelphia: J.B. Lippincott Company, p. 3.

<sup>21</sup> Johann Koehler (2015) “Development and Fracture of a Discipline: Legacies of the School of Criminology at Berkeley.” *Criminology* 53.4: 513-544.

<sup>22</sup> Nicole Rafter (2010) “Silence and Memory in Criminology.” *Criminology* 48.2: 339-355, 342. This article is the text of the 2009 Sutherland Address, which Rafter delivered to the American Society of Criminology. Inviting a historian to give the Sutherland address perhaps indicates some receptiveness to historical thinking, but the talk itself was not taken very seriously. Rafter remarked in correspondence to a friend that “So far as I knew, no one had ever even read my Sutherland talk. I was told that there was only one comment about it on the internet and that said that I was not a ‘dynamic speaker.’” Nicole Rafter, email correspondence to Johann Koehler on 11/13/15, copy on file with the author.

<sup>23</sup> Cesare Beccaria ([1764]1872) *An Essay on Crimes and Punishments*. Albany: W.C. Little & Co.

<sup>24</sup> See e.g. chapter 3 of Jon Heidt and Johannes Wheeldon (2014) *Introducing Criminological Thinking: Maps, Theories, and Understanding*. London: Sage.

<sup>25</sup> Piers Beirne (1991) “Inventing Criminology: The ‘Science of Man’ in Cesare Beccaria’s *Dei Delitti E Delle Pene* (1764).” *Criminology* 29.4: 777-820.

<sup>26</sup> Beccaria, *An Essay*, 45.

criminal man, and although certainly not a ‘positivist’ in several important senses (such as the lack of any empirical commitments), Beirne argues that Classical criminology is better seen as a positivist precursor than a completely distinctive ‘school’ of theory.

Cesare Lombroso’s *Criminal Man (L’uomo delinquente)* (1876), a collection of the body types, facial features, tattoos, habits, and other markers of criminals and delinquents, is often credited with the birth of ‘criminology’ as a discipline, and with the rise of positivism.<sup>27</sup> There is some truth to these points; Lombroso was one of (if not the first) scholars to identify as a ‘criminologist,’ and his work was incredibly influential in propagating the theory that crime was caused by bad or atavistic heredity, particularly popular in the United States.<sup>28</sup> On the other hand, easy to place too much responsibility for the rise of positivism on Lombroso’s shoulders. The treatment of crime as an object of natural science was well underway before Lombroso: as early as 1837, Lindesmith and Levin argued Lombroso’s status was a “myth,” pointing to the social scientific work of Adolphe Quetelet in the 1820s as the actual precursor to positivism.<sup>29</sup> Beirne similarly observes Quetelet’s influence, emphasizing Quetelet’s connections between crime and natural phenomena such as astronomy, and as Nicole Rafter and Arthur Fink have both shown, the importation of phrenology into the United States by the 1820s provided an independent basis for claims about criminal biology.<sup>30</sup> At the same time, American ‘alienists’ -- essentially proto-psychiatrists -- drew on French theories of alienation and mania to suggest the roots of crime lay within psychologically and scientifically discernible quirks of personality.<sup>31</sup> Lombroso popularized positivist criminology, but he did not invent it. The nineteenth century more broadly saw positivism grow from the shadows gestured at by Beccaria and his peers, emerging into a multitude of different criminological research projects.

The nineteenth century was also the age of Valverde’s miserology. Social critics, humanists, playwrights, and novelists turned to the connection between crime, social conditions, urbanization, and social order, often in works that crossed the spaces between fiction and nonfiction. Victor Hugo’s *Les Misérables* (1862) considered the meaning of rehabilitation and life after conviction in the context of urban poverty in France, William Simms’s *Martin Faber* (1837) provided Americans with one of the earliest first-person psychiatric accounts of crime, and Edgar Allen Poe’s *Murders in the Rue Morgue* (1841) provided a template for belief in the

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<sup>27</sup> Marvin Wolfgang (1961) “Pioneers in Criminology: Cesare Lombroso (1825-1909).” *Journal of Criminal Law and Criminology* 52.4: 361-391. Lombroso’s *L’uomo delinquente (Criminal Man)* was originally published in 1876 in Italian, and was not fully translated into English for more than a century. There are two primary editions of interest to English language readers: the first is the 1911 abridged summary of *Criminal Man* prepared by Lombroso’s English-speaking daughter Gina. Gina Lombroso-Ferrero (1911) *Criminal Man: According to the Classification of Cesare Lombroso*. New York: G.P. Putnam’s Sons. The second is the relatively recent critical and comprehensive translation by Mary Gibson and Nicole Rafter. Cesare Lombroso (2006) *Criminal Man* trans. Mary Gibson and Nicole Rafter. Durham: Duke University Press.

<sup>28</sup> Nicole Rafter (2006) “Criminal Anthropology: Its Reception in the United States and the Nature of its Appeal.” In: Peter Becker & Richard Wetzel (eds.) *Criminals and Their Scientists*. Cambridge: Cambridge University Press pp.159-182; Elizabeth Brown and George Barganier (2018) *Race and Crime: Geographies of Injustice*. Berkeley: University of California Press, p. 67-106.

<sup>29</sup> Alfred Lindesmith and Yale Levin (1937) “The Lombrosian Myth in Criminology” *American Journal of Sociology* 42.5: 653-671

<sup>30</sup> Beirne, *Inventing Criminology*; Nicole Rafter (2005) “The Murderous Dutch Fiddler: Criminology, History, and the Problem of Phrenology,” *Theoretical Criminology* 9.1: 65-96; Arthur Fink (1938) *Causes of Crime: Biological Theories in the United States, 1800-1915*. Philadelphia: University of Pennsylvania Press.

<sup>31</sup> Karen Halttunen (2000) *Murder Most Foul: The Killer and the American Gothic Imagination*. Cambridge: Harvard University Press; Goldstein, *Console and Classify*; Henry Werlinder (1978) *Psychopathy: A History of the Concepts*. Stockholm: Almqvist & Wiksell International.

inductive crime-solving capabilities of detectives. Meanwhile, social reformers used the style of a monitory (or admonitory) story, developed in the eighteenth century, to warn of the dangers of poverty, bad influences, and the abuse of alcohol.<sup>32</sup> In fact, Lombroso himself was something of a miserologist: as Mary Gibson and Nicole Rafter observe in their translation of *Criminal Man*, and as a close reading of the text reveals, he believed in sociological and psychological causes of crime ranging from bad environmental conditions, to a lack of financial resources, to trauma.<sup>33</sup> In this sense, gesturing forward toward social strain or social disorganization theories alongside his interest in atavism, Lombroso was perhaps the first biopsychosocial criminologist.

By the *fin de siècle*, influenced by Comte and Durkheim as well as social reform efforts to remake and reinforce American exceptionalism in the wake of the crisis of the Civil War, an American social science of crime was also in development.<sup>34</sup> Early sociological criminology in the United States straddled the border between academic and applied work, and sociologically inclined protocriminologists often worked (for better or worse) with neighborhood programs, juvenile courts, or prisons.<sup>35</sup> This applied sociological work produced several different directions in American criminology. Some scholars, influenced by sociological and statistical methods but also by Lombroso's anthropology and a particular misappropriation of Darwinism, produced a body of eugenic criminology that identified crime as caused by degenerate or regressive individuals and races, often culminating in institutional sterilization programs and other eugenic horrors.<sup>36</sup> Others began to increasingly believe that crime was social, not biological (as well as believing social and biological contexts were distinct, not intertwined) and sought a

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<sup>32</sup> See e.g. A Friend of Man (1811) *The Criminal Recorder*. Philadelphia: M. Carey; Anonymous (1837) *The Temperance Textbook: A Collection of Facts and Interesting Anecdotes Illustrating the Evils of Intoxicating Drinks*. Philadelphia: E.L. Carey and A. Hart.

<sup>33</sup> Mary Gibson and Nicole Rafter (2006) "Editors' Introduction." In: Lombroso, *Criminal Man*, pp. 1-36, p. 2, 15-22 2; Lombroso-Ferrero, *Criminal Man*, 143-162.

<sup>34</sup> Dorothy Ross (1990) *The Origins of American Social Science*. Cambridge: Cambridge University Press; Stephen Turner and Jonathan Turner (1990) *The Impossible Science: An Institutional Analysis of American Sociology*. Newbury Park: Sage. Turner & Turner and Ross disagree strongly over the extent to which American concerns of identity and destiny were distinctive: Ross situates American social science firmly within the context of exceptionalism, while Turner & Turner consider nationalism to have been a less distinctive, more general feature. However, both situate the rise of social sciences and sociology in the context of conversations with social reform movements, which is supported by primary sources in the particular case of criminology. See, for example, Charles Richmond Henderson (1901) *Introduction to the Study of the Dependent, Defective, and Delinquent Classes*. Boston: D.C. Heath & Co. Henderson's part-reform, part paternalistic 'charity,' and part sociological criminology was the first "criminology textbook" read by Edwin Sutherland, widely recognized as the father of American sociological criminology, and Sutherland took a class with Henderson early in his career. See David Friedrichs, Isabel Schoultz, and Aleksandra Jordanoska (2017) *Edwin H. Sutherland*. London: Routledge, p. 29. On the co-construction of deviance with social reform movements in the Progressive era, see Anthony Platt (2009) *The Child Savers: The Invention of Delinquency*. London: Routledge. As discussed in Chapter 1, American discourses on crime were firmly situated in the national identitarian and colonial context. In short, without attempting to weigh in on the general dispute over the origins of social science, it is clear that social reform movements aimed at preserving some sense of American exceptionalism were influential in early sociological criminology.

<sup>35</sup> See e.g. Sophonisba Breckinridge & Edith Abbott (1916) *The Delinquent Child and the Home*. Chicago: New York Survey Associates Inc.; Henderson, *Introduction*.

<sup>36</sup> Miroslava Chávez-García (2012) *States of Delinquency: Race and Science in the Making of California's Juvenile Justice System*. Berkeley: University of California Press; Rafter, *Creating Born Criminals*; Alexandra Stern (2015) *Eugenic Nation: Faults and Frontiers of Better Breeding in Modern America*. Berkeley: University of California Press.

sociologically positivist method and theory of the observation of the objective social conditions of criminal behavior.<sup>37</sup>

From the late eighteenth to early twentieth centuries, American criminology was a multitude of concepts, theories, and experiments, frequently not conceived of as ‘criminology.’ we do generally know when and how central organizing ideas in the history of criminology and proto-criminology arose. But there are several omissions in the literature that require further historical reflection on the discipline. In particular, I hope to address problems of the use of sources, and of the role of rationalization.

The problem of sources is that despite the arguments of Beirne, Rafter, Valverde, and others for a capacious view of criminological source material and a continuous rather than disjointed view of disciplinary history, we have not understood how to systematically integrate cultural materials, fictional intertexts, and other non-academic sources of criminological knowledge in criminological histories. Rafter’s reader on the origins of criminology begins with an eighteenth-century death narrative,<sup>38</sup> starting from the same source location as Karen Haltunnen’s history of the literary imagination of murder.<sup>39</sup> But Rafter then moves into scientific and philosophical treatises: Beccaria, phrenology, physiognomy, the sciences. Valverde, likewise, speculates on the fact that 19th century literary and theatrical works engaged in criminology, but she does not say what this cultural criminology has to do with the criminology being done by alienists, asylum superintendents, and anthropologists. We have established that criminology was developed in both the laboratory and the novel, the classroom lecture and the popular speech. We must, then, approach these sources in conversation and understand their co-development and co-constitution, rather than writing siloed histories of distinct criminological fields. Currently, the history of criminology falls short of the most original and provocative intellectual arguments historians have made about its origins and development.

The problem of rationalization is a problem concerning how the rise and fall of different criminological concepts or schools is explained, and the failure to deal seriously with the recurrence of certain tropes and images. To be clear, the problem is *not* that scholars have uncritically accepted a whiggish history of scientific advancement and progress. Beirne and Foucault both emphasize the rise of criminology as a disciplinary project that distinguishes the normal from the deviant; Rafter contextualizes the rise of criminal anthropology in pseudoscientific regression, racism, and a conception of scientific history as a circular recurrence of fundamental conceptual errors.<sup>40</sup> These scholars clearly do not believe that criminology’s history is a march towards rationality, progress, or correct solutions.

However, there is a tendency both implicit and explicit in histories of criminology to treat criminology as rationalizing in the sense of dividing the world into the rational and irrational, and expelling the irrational. For Beirne, for example, classical/early positivist criminology took the side of rationality in opposition to witches and magic in order to claim a type of argumentative and scientific superiority against older religious reasoning about crime.<sup>41</sup>

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<sup>37</sup> See e.g. Frederic Thrasher (1929) *The Gang: A Study of 1,313 Gangs in Chicago*. Chicago: University of Chicago Press; Clifford Shaw, Frederick Zorbaugh, Henry McKay, Leonard Cottrell. *Delinquency Areas: A Study of the Geographic Distribution of School Truants, Juvenile Delinquents, and Adult Offenders in Chicago*. Chicago: University of Chicago Press; Sutherland, *Principles of Criminology*.

<sup>38</sup> Rafter, *The Origins of Criminology*.

<sup>39</sup> Haltunnen, *Murder Most Foul*.

<sup>40</sup> Beirne, “Inventing Criminology,” 783-785; Michel Foucault (1979) *Discipline and Punish: The Birth of the Prison*. New York: Vintage Books, p. 73-103, Rafter, *Creating Born Criminals*.

<sup>41</sup> Beirne, “Inventing Criminology,” 783-785.

However, classical criminologists were often preoccupied with witches or ghosts, whether because the ‘expulsion’ didn’t really happen, or because their concept of scientific rationality could only be described by the construction of oppositions.<sup>42</sup> Similarly, although Rafter & Ystehede observe the influence of Gothic culture on Lombroso’s criminal anthropology in their powerful reading of his work as a study of vampires, they also argue that the “maturing of scientific modernism” produced a “technocratic mood [that] hastened the demise of scientific Gothicism,” sweeping away monsters with technical progress.<sup>43</sup> And yet the same figure of the vampire continued to characterize modernized criminology’s descriptions of capitalism, biological criminology invokes images of werewolves, and the black body as gothic monster framed early assessments of statistical risk assessments.<sup>44</sup>

The gothic monster recurs and returns after its expulsion, haunting discourses on crime once again. Further, the monster seems intrinsic to many expressions of criminological ideas -- a symbol, trope, or figure that can explore violence and deviation that might otherwise be difficult or impossible to describe. The fearful figures of uncontrollable atavists, or rapacious capitalists, or superpredators, or other subjects of criminological concern are made recognizable to an audience by framing them as monsters. Therefore, perhaps the development of scientific positivism in criminology depends on, rather than expels, the monster.

Addressing the problems of sources and rationalization in the historiography of American criminology requires an approach to that history informed by a theoretical and methodological commitment to taking the gothic aspects of criminology seriously. Theoretically, this means considering social and literary critic’s understandings of the forms, meanings, and significance of monsters. Methodologically, criminology must be understood as not only an intellectual and scientific discourse, but a popular one aimed at a general and political audience, and one which draws on its available cultural and artistic context for meaning.

### Criminology, Dialectics, and Interpretation

The established history of American criminology thus shows that conventional periodizations of ‘classical,’ ‘positivist,’ and ‘sociological’ eras are not supportable, and that criminology is informed by cultural and political discourses. Turning these insights into a research agenda requires a way of thinking about the connections between formally criminological texts and other texts that contain criminological ideas. One approach is a Foucaultian archeology, which searches for governing rules of a discursive field and demonstrates how, for example, criminologists of delinquency redeploy moral-discursive rules from religious speech.<sup>45</sup> However, this approach requires fairly direct and elusive evidence of cross-textual transmission and influence and is highly rule-bound, which risks missing the fluidity of a constantly changing discursive field. The criminologist David Churchill argues that

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<sup>42</sup> Silvia Frederici (2004) *Caliban and the Witch: Women, The Body and Primitive Accumulation*. Fayetteville: University of Arkansas Press; Owen Davies and William de Blecourt (2004) *Beyond the Witch Trials: Witchcraft and Magic in Enlightenment Europe*. Manchester: Manchester University Press; Colin Dayan (2013) *The Law is a White Dog: How Legal Rituals Make and Unmake Persons*. Princeton: Princeton University Press, p. 13-14.

<sup>43</sup> Rafter & Ystehede, “Here Be Dragons,” 279

<sup>44</sup> Picart and Greek, “Introduction”; Duru, “The Central Park Five”; Muhammed, *The Condemnation of Blackness*.

<sup>45</sup> Becker & Wetzel, *Criminals and their Scientists*.

historical progress thus requires abandoning stadialism entirely in favor of a flexible multi-temporal approach to criminological history.<sup>46</sup>

I propose to rethink the temporality of criminology from the starting point that positivist criminology is dialectical. In Marxist theory, dialectic processes resolve or address contradictions, understood in terms or practices of material life rather than formal logic.<sup>47</sup> Positivist criminology is addressed at a fundamental contradiction in the material life of society - the existence of crime. For an early example of crime's contradiction with society, consider the case of William Beadle: in 1782, Beadle sent his slave to his doctor's house with a letter declaring God's desire that Beadle and his family die.<sup>48</sup> While the slave was away, Beadle killed his four daughters and his wife with an axe, then killed himself with a pair of pistols. His diary was lucid, rational, and -- alarmingly, for American pastors -- a straightforward theological case that he had been mechanistically destined by God to commit the murders. As a white successful head of a colonial household, the reality of Beadle's actions contradicted every social, cultural, and theoretical expectation of him.

Further, his actions seemed to contradict the basic understanding of his rational Christian nature and essence. From the perspective of Enlightenment criminological theory, the work of Beccaria or Rush, crime was an aberration that could soon be done away with: people were rational agents and the laws of society were their collective self-authored will. Beadle and others like him embody living contradictions with this understanding of society. Discourses explaining the Beadle case thus were not attempts to explain Beadle on his own, but to reconcile the challenge posed by his being. Foucault observes the same problem in the history of criminology and penal systems, describing them as a form of class-based civil war against criminals who are not simply criminals but treasonous enemies of the public.<sup>49</sup> For Foucault, the implicit contradiction is that civil peace is reliant on civil war, and the contradiction is resolved by rationalizing the power involved.<sup>50</sup> Criminals, in transgressing society, stand outside of it and defy society's political self-understanding. Crime is a fundamental political-theoretical problem.

Frederic Jameson argues that creative texts produce and articulate unconscious solutions to cultural and political problems, and the dialectic of these texts incorporates and reveals the tensions or contradictions that should be resolved or ignored.<sup>51</sup> This claim explains criminological positivism's reliance on monsters: because positivism provides a solution to the problem of monstrous behavior in civilization, it is reliant on the monster for its own articulation and existence. Jameson's idea invites a reading of criminology as a cultural text, one in which

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<sup>46</sup> David Churchill (2018) "History, Periodization, and the Character of Contemporary Crime Control." *Criminology & Criminal Justice* 19.4: 475-492.

<sup>47</sup> Lawrence Crocker (1980) "Marx's Use of Contradiction," *Philosophy and Phenomenological Research* 40.4: 558-563.

<sup>48</sup> The Beadle case is discussed at much greater length in Chapter 1. Briefly, for the aspects drawn on here, see Stephen Mitchell (1783) *A Narrative of the Life of William Beadle*. Hartford: Webster; John Marsh (1783) *The Great Sin and Danger of Striving with God*. Hartford: Hudson & Goodwin.

<sup>49</sup> Michel Foucault (2015) *The Punitive Society: Lectures at the College de France, 1972-1973*. London: Palgrave; the practice of 'civil death' which declared that felons were legally dead while being biologically alive may be another example of the political contradictions of crime. See Rebecca McLennan (2011) "When Felons Were Human," *On the Human* : <https://nationalhumanitiescenter.org/on-the-human/2011/08/when-felons-were-human/>, last accessed 6/24/19.

<sup>50</sup> Michel Foucault (1997) "*Society Must Be Defended*": *Lectures at the College de France, 1975-76*. New York: Picador.

<sup>51</sup> Frederick Jameson (1981) *The Political Unconscious: Narrative as a Socially Symbolic Act*. London: Routledge.

expressive causality with the forms and tropes of other literatures can be found, even if we must also respect the “relative autonomy” of criminology’s distinctive disciplinary context.<sup>52</sup>

Even though criminology and literature are different fields or levels of society’s dialectic, literature’s “central role in the dialectical process” invites a reading of criminology and literature alongside one another.<sup>53</sup> We can imagine criminology as one of several different genres of collective narrative addressing the problem of crime. Genre is a historical concept to narrative, a form that emerges in particular times and places, yet is continuously drawing on, rearticulating, and extending past genres and forms to maintain intelligibility.<sup>54</sup> Without formalistically claiming that criminology *is* a genre, and attempting to fit its analysis within those lines, the metaphor of genre is a powerful concept for thinking about how criminology maintains its distinctiveness from fictional narrative, while also drawing on forms and tropes from those narratives for the purposes of intelligibility. And as Jameson argues, these moments of narrative conjunction across autonomous levels reveal something of our political unconscious. Crime is a political problem, and the monster is the unconscious fear that it raises.

I intend to undertake a critical reading of positivist criminology as a dialectic narrative form that addresses the underlying problem of crime in the political unconscious and attempts to resolve the contradictions of power that beset criminology. This perspective departs from stadialism and instead sees criminology as existing within several different temporal contexts, including its cultural timeline and its internal scientific chronology. Particular explanations of crime further have their own internal chronologies and timelines. This reading is structured by attentiveness to two particular themes that express themselves in both cultural and criminological literature, which indicates their resonance for addressing basic political problems.

### The Monster and The Uncanny

In their explanation of methods for narrative criminology, Lois Presser and Sveinung Sandberg emphasize the centrality of character. Whether in an accused’s self-construction of their motives and actions (perhaps sympathetic, perhaps strong and independent, perhaps learning and remorseful), or in a courtroom narrative or victim impact statement, narratives of crime construct characters of different identities and traits.<sup>55</sup> This is not a work of narrative criminology, but as a study of criminological representation informed by narrative, character is likewise a central theme in this work.

Without being genre-bound, literary criticism of the gothic offers the most insight into fictive character types and tropes as they relate to crime, which can be developed and searched for their resonance in criminology. This is because Gothic literature is often somewhat criminological in its interests. Leslie Fiedler suggests there is a certain criminological core to the American gothic in particular, which is deeply concerned with themes of guilt, insanity,

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<sup>52</sup> Jameson, *The Political Unconscious*, 28-29.

<sup>53</sup> Frederic Jameson (1974) *Marxism and Form: 20th-Century Dialectical Theories of Literature*. Princeton: Princeton University Press, xi, 329.

<sup>54</sup> Michael McKeon (2000) “Introduction.” In: Michael McKeon (ed.) *Theory of the Novel: A Historical Approach*. Baltimore: Johns Hopkins University Press, pp. xiii-xviii, xiv; E.D. Hirsch (2000) “Validity in Interpretation,” in McKeon, *Theory of the Novel*, pp.14-33, 28

<sup>55</sup> Lois Presser and Sveinung Sandberg (2015) “Introduction: What is the Story?” In: Lois Presser and Sveinung Sandberg, eds., *Narrative Criminology: Understanding Stories of Crime*. New York: New York University Press, pp. 1-23.

illegitimate desires, and the nature of the self.<sup>56</sup> Botting suggests that the essence of the gothic is methodological, an approach to “displaying the underside of enlightenment and humanist values,” but the figures that test the limits of rationality change over time, from “monsters, skeletons, demons” in the eighteenth century to “scientists...madmen, criminals, and the monstrous double” by the nineteenth.<sup>57</sup> Gothic writing emerged in the United States as a transnational popular literary style in the late 1700s, and took roots in part due to its capacious language and imagery for exploring new and troubling social conditions.<sup>58</sup> Gothic is not, therefore, a ‘horror’ or frightening genre, as much as it is a genre concerned with the ethical and intellectual experiences that produce horror.<sup>59</sup> Of course, what it means to experience horror changes, depending on who the subject is -- the gothic can range from deeply conservative (crime and subversion are terrifying to the establishment) to subversive and critical (for many black writers in American history, whiteness and slavery were the monsters).<sup>60</sup>

The intersection between crime and the gothic is reflected in criminologists’ frequent invocations of the gothic, from Benson’s concept of the gothic carceral state, to Picart and Greek’s gothic criminology. Taking the resonance between these discourses seriously, I used literary criticism to develop a list of potential character tropes that I hypothesized may have had resonance in criminological writing. Of course, identifying tropes is not self-evident, and inevitably requires some level of authorial intervention -- as Eve Sedgwick observes, the different levels of ambiguity and generality at play make it difficult to give a name to a particular convention.<sup>61</sup> Is dangerous ambition a gothic theme, or is the theme desire more generally? Or more specifically, the trope of a Faustian deal? Thus, although I endeavored to ground my exploratory character tropes in the critical literature, my own judgment as to significance and groupings was the deciding factor.

My initial set of tropes was disease, and characters who carry it (reflecting theories that crime is in some way contagious),<sup>62</sup> characters who threaten or subvert the existential order of civilization,<sup>63</sup> characters (or places) that represent and reflect old-world value inversions such as decaying castles,<sup>64</sup> characters who are monstrous, and characters who are uncanny. After reading a selection of mainstream criminology from different eras – Benjamin Rush and Charles Caldwell from the revolutionary era, W. Duncan McKim and Frederick Hoffman from the Eugenic Era, and Edwin Sutherland and Maurice Parmelee from the early twentieth century

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<sup>56</sup> Leslie Fiedler (1977) *Love and Death in the American Novel*. Champaign: Dalkey Archive Press, 129.

<sup>57</sup> Fred Botting (1996) *Gothic*. London: Routledge, 2.

<sup>58</sup> Cathy Davidson (1986) *Revolution and the Word: The Rise of the Novel in America*. Oxford: Oxford University Press, 218.

<sup>59</sup> Agnieszka Monnet (2010) *The Poetics and Politics of the American Gothic: Gender and Slavery in Nineteenth-Century American Literature*. Ashgate: Burlington, 5-6; see also Joseph Crawford (2013) *Gothic Fiction and the Invention of Terrorism*. London: Bloomsbury.

<sup>60</sup> See e.g. Teresa Goddu (2013) “The African American Slave Narrative and the Gothic,” in Charles Crow (ed.) *A Companion to American Gothic*. London: John Wiley & Sons, pp. 69-83.

<sup>61</sup> Eve Sedgwick (1999) *The Coherence of Gothic Conventions* (Revised Edition). North Stratford: Ayer.

<sup>62</sup> See for example Faye Getz’s discussion of ‘Gothic epidemiology.’ Faye Getz (1991) “Black Death and the Silver Lining: Meaning, Continuity, and Revolutionary Change in Histories of Medieval Plague,” *Journal of the History of Biology* 24.2 (Summer): 265-289, p. 279; Martin Willis (2016) *Vision, Science, and Literature, 1870-1920: Ocular Horizons*. London: Routledge. For an example of a theory of crime as contagious, see the discussion of mimetic contagion in Michael Meranze (1996) *Laboratories of Virtue: Punishment, Revolution, and Authority in Philadelphia, 1760-1835*. Chapel Hill: UNC Press, pp. 87-130.

<sup>63</sup> See Crawford, *Gothic Fiction and the Invention of Terrorism*; Philip Fisher (2009) *The Vehement Passions*. Princeton: Princeton University Press.

<sup>64</sup> Davidson, *Revolution and the Word*.

sociological era – I chose to focus this study on the tropes of monstrosity and the uncanny. Disease, civilizational threat, and value subversion have all been used to explain crime, and show up in various ways. However, in my opinion, they are more situational, bounded, and speak to particular times and places more than enduring repetitions of character theme. However, I discovered that monstrosity and the uncanny were more consistently present, even as the manifestations of these tropes changed. I then proceeded to study criminological and non-criminological fields of discourse, often constructing the non-criminological sample out of prominent fictional and cultural works, for affinities and co-occurrences between these traits. I will develop my understanding of each of them in turn.

### *Monsters: Double Deviations*

Eve Sedgwick argues that the most coherent Gothic elements are “those whose names are both specific and general,” tropes or characters that are both “explicitly named and also, more broadly, acted out.”<sup>65</sup> Monsters are such an element: the monster is a general recurring category of deviation that signals certain recurring fears and themes, but also a specific set of explicit and changing threats -- vampires, werewolves, ghosts. Criminology draws from the cultural unconscious fear of monsters and uses the imagery of monstrosity to represent and explain the deviance and difference of offenders.

At its most general, the monster is the “image by which unreason penetrated order,” an exploration of the contradictions of violence in an enlightened and rational civilization, a symbol for exploring the limitations of rationality.<sup>66</sup> Emphasizing the role of order, Foucault describes the monster’s irrationality as “essentially a legal notion...since what defines the monster is the fact that its existence and form is not only a violation of the laws of society but also a violation of the laws of nature.”<sup>67</sup> Foucault’s concept of the monster is also found in positivist criminology; consider Lombroso and Ferrero’s claim that the criminal woman is “a double exception” as a criminal and a woman, and “consequently a monster.”<sup>68</sup>

As Lombroso and Foucault suggest, all crime raises the possibility of one side of the double deviation - a violation of the laws of society. But criminological discourse stands apart from purely jurisprudential discourse by explaining how and why subjects would commit acts that seem disorderly and thus irrational. Because criminological positivism argues that deviant acts can be explained by scientifically discernable natural laws, the subject of positivist criminology is a monstrous double deviation. Women offenders may have been monsters as deviants from Lombroso’s patriarchal standards of behavior, but his male offenders were blood-drinking vampires.

The conjunction between the explanation of crime and the monster explains the long history of monster imagery as a way of describing those who violate the law. In her study of the history of race and imprisonment, Sarah Haley observes how “innate qualities and physical depravity -- monstrosity and idiocy” were used to construct the meaning of parole.<sup>69</sup> In Shah’s history of race, immigration, and disease control in San Francisco, he observes how Chinese who

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<sup>65</sup> Sedgwick, *Coherence*, 3.

<sup>66</sup> José Monléon (2014) *A Specter is Haunting Europe: A Sociohistorical Approach to the Fantastic*. Princeton: Princeton University Press, 35; Botting, *Gothic*.

<sup>67</sup> Michel Foucault (2003) *Abnormal* trans. Graham Burchell. London: Verso Books, 55-56.

<sup>68</sup> Cesare Lombroso and William Ferrero (1898) *The Female Offender*. New York: D. Appleton and Company, 152.

<sup>69</sup> Sarah Haley (2016). *No Mercy Here: Gender, Punishment, and the Making of Jim Crow Modernity*, Chapel Hill: University of North Carolina Press, 22.

violated public health laws were not merely described as unsanitary or unhealthy, but diabolical and demonic.<sup>70</sup> In Benjamin Madley's study of the genocide of the California Indians, he shows how the Indians were constructed as monstrous thieving cannibals to justify murderous "punitive expeditions" in response to real or imagined violations of settler law.<sup>71</sup> These are only a few examples. The criminal monster permeates history.

This study adopts the general definition of monstrosity agreed upon by Foucault and Lombroso: the monster is the doubly deviant. I treat monstrosity as a recurring figure or theme in protocriminological discourse that expresses unconscious fears and reveals the cultural influences and contexts of criminology. Although the general form of arguments about double deviations is of interest, more specific manifestations of monstrosity recur. Broadly, I argue that monsters tend to fall within two categories: the moral monsters of white subjects who violate the law and whose violation is then explained by imputing some defect of rationality or ethics, and the racial monsters whose biological deviation invited the Anglo-Saxon question of if these people were "humans or monstrous beings."<sup>72</sup>

### *The Uncanny*

Freud defined the uncanny as "that species of the frightening that goes back to what was once well known and had long been familiar,"<sup>73</sup> something that induces fear through its properties as being once known but now forgotten. In the context of early Gothic fiction's use of the uncanny, Davidson emphasizes understanding the uncanny as not just about transformations and forgetting, but mixing and blending familiarity and fear. She defines the uncanny as "a frightful interpenetration of the known and even monotonously knowable...by the utterly inexplicable[.]"<sup>74</sup> The elements of the uncanny, for her, do not have to involve horror directly, but rather produce fright through bringing the unfamiliar into the familiar. When inexplicable or horrifying things "occur[] in appallingly familiar circumstances, there is nowhere (literally or figuratively) for reader or protagonist to hide. It *can* happen here!"<sup>75</sup> The uncanny is thus a "theme-index" covering doubles, mimicry, simulacra, distortions, and other right-but-wrong representations of ourselves or our world.<sup>76</sup> The uncanny ruptures normalcy, disrupting the comfortable and routine, reminding us that we cannot take safety for granted.

The uncanny in Gothic fiction emerges from the interrogation of the boundaries of reason. Late-eighteenth century philosophers had to confront the very broad cultural question of "what line separates the darker impulses of the imagination from the external manifestations of the bizarre."<sup>77</sup> Marshall Brown observes that although Gothic monsters could be powerful and frightening, "greater yet is the power of human invention that imagined them."<sup>78</sup> The uncanny in

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<sup>70</sup> Nayan Shah (2001) *Contagious Divides: Epidemics and Race in San Francisco's Chinatown*. Berkeley: University of California Press, pp. 1-2, 7, 12.

<sup>71</sup> Benjamin Madley (2016) *An American Genocide: The United States and the California Indian Catastrophe 1846-1873*, New Haven: Yale University Press, pages 2016, 60, 105, 105-119.

<sup>72</sup> Thomas Bender (2006) *A Nation Among Nations: America's Place in World History*. New York: Hill and Wang, 22.

<sup>73</sup> Sigmund Freud (2003) *The Uncanny*, trans. David McLintock. London: Penguin Books, p. 124

<sup>74</sup> Davidson, *Revolution and the Word*, 224.

<sup>75</sup> Davidson, *Revolution and the Word*, 224.

<sup>76</sup> Terry Castle (1995) *The Female Thermometer: Eighteenth-Century Culture and the Invention of the Uncanny*. New York: Oxford University Press, p. 4.

<sup>77</sup> Castle, *The Female Thermometer*.

<sup>78</sup> Marshall Brown (2005) *The Gothic Text*. Stanford: Stanford University Press, 12.

fiction seems to sit on the precipice between human and otherworldly realms, between demons and those who dream of them. The uncanny is a mode for thinking about how something familiar, such as reason, might truly become (or even at its sleeping core, be) frightful and unfamiliar. In the same way the uncanny reminds us ‘it could happen here,’ it reminds us that if we lose control of ourselves and let our reason go to sleep, we could become monsters or madmen.

Terry Castle’s description of the uncanny nature of moral thermometers (eighteenth century glass measures of abstract human qualities such as virtue or chastity) shows that the “Freudian uncanny is a function of *enlightenment*[,]” the result of seeing something that was better left unseen or unknown.<sup>79</sup> The Enlightenment, here, represents a metaphorical process of the scientific and rational excavation of hidden truths rather than a particular historical event.<sup>80</sup> This sense of uncanny discovery haunts American political consciousness: the founding of the U.S. was marked by a discovery of new peoples and new worlds that resembled the familiar, but were not the same.<sup>81</sup>

I argue that the uncanny similarly haunts the consciousness of criminology. In order to reconcile the reality of crime with the general belief in its impossibility or irrationality, positivism continuously discovered new types of humans who were in some way wrong, different, or not human at all, including monomaniacs (who acted with perfect normalcy and rationality except for the defect of reasoning that made them kill), atavists (who weren’t really modern humans at all in the first place), and racially passing hybrids (who deceived and entered the familiar by their appearance). Further, the uncanny is a powerful theme for describing popular cultural reactions to crime, because violent and unusual crimes irrupt into the familiar everyday setting of life and remind us of vulnerability, shattering feelings of routine and safety.

Monsters and the uncanny, then, are the two gothic themes or conventions of greatest significance to the development of criminology. Accordingly, my reading of criminology’s discursive cultural construction centers the ways in which popular depictions of these themes have emerged, and can then be read into the history of criminological thought in order to shed new light on particular disciplinary developments.

## Outline of Chapters

This dissertation proceeds by studying four separate bodies of discourse from the history of criminology in the United States between the late eighteenth and early twentieth centuries. The dissertation does not endeavor to offer a comprehensive or continuous history of criminology, and does not consider every significant theory or author. Broadly, I conceive of American positivism as having a general ‘before’ and ‘after’, based on Beirne and Rafter’s histories of the field. The ‘before,’ the eighteenth and nineteenth centuries, was the period of what I have referred to as protocriminology – the positivist project was recognizably underway,

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<sup>79</sup> Castle, *The Female Thermometer*, 7.

<sup>80</sup> A very modern example of this is the concept of the “uncanny valley”: the negative reaction people exhibit when encountering robots or androids that are too convincingly human. Artificial constructs that are clearly not human bother people less than ones that try very hard to be human, because the ones that are almost human are wrong and off-putting. In discovering the scientific truth of how to create convincing replicas of ourselves, we have discovered a deeply uncomfortable aesthetic experience. See Masahiro Mori, Karl MacDorman, Norri Kageki (2012) “The Uncanny Valley [From the Field],” *IEEE Robots & Automation Magazine* 19.2: 98-100.

<sup>81</sup> Renée Bergland (2000) *The National Uncanny: Indian Ghosts and American Subjects*. Biddeford: University of New England Press; Bender, *The Ideological Origins*.

but not self-consciously, and criminology as a discrete academic field did not exist. This period sought scientific criminology in the most general and theoretical sense. The ‘after,’ once criminology became professionalized in the early twentieth century, was more concerned with how to implement, test, verify, and represent positivist findings. Criminology, in short, moved from the grand philosophical treatises of Benjamin Rush and Isaac Ray to the laboratories of delinquency research centers and criminalistics professionals.

Chapters One and Two focus on the general theoretical and conceptual development of the ‘before’ period, showing how the background ideas and basic presuppositions of positivist criminology took form through its cultural co-construction of raced and sexed concepts of offending. Chapters Three and Four depart somewhat from the grand intellectual history to examine more local and specific stories of positivist criminological science in action, asking how a particular scientific center was run, or how particular technologies were adopted. The dissertation thus covers a broad swathe of ground, including developments and advances that have often been treated as disparate. My goal is to reconnect them, demonstrating how the development of positivist criminology shaped events as separate and varied as colonial-era medical lectures and nineteenth century settler violence. The common thread in these events is that each of them concerns an attempt to discern, theoretically or empirically, abstractly or concretely, the purported scientific truth of criminal offending.

Chapter One offers a reading of Benjamin Rush and late eighteenth century American classical criminology, which as Beirne argued, was proto-positivist. Rush was not only a philosopher and the inventor of the prison, but a doctor who advanced medical theories of crime and trained one of the first biological criminologists in the United States (Charles Caldwell). Thus, as Beirne would suggest, Rush and Caldwell straddle the line between the conceptual-philosophical stereotype of classical criminology and the embodied natural scientific approach of positivist criminology. I argue that rather than discarding the gothic aspects of Rush’s research, we can understand more fully the significance of his advocacy for penitentiary imprisonment by situating his proposal in the context of a flourishing popular discourse on monsters, the uncanny, and crime that was developed in death sermons and death narratives. I thus connect Rush’s academic criminology to the popular fears and anxieties that characterized dominant American beliefs about crime in the revolutionary period.

Chapter Two is a history of the late nineteenth century eugenic criminological concept of degeneracy from the perspective that degeneracy was fundamentally biopsychosocial. I argue that degeneracy emerged as a synthesis from popular discourses of behavior and crime, especially alcohol, and from psychiatric discussions of moral insanity, mania, and obsession. The power of degeneracy and mental hygiene was to bring behavior and psychiatry within the ambit of biology, providing a way to understand eugenics as a solution to crime. The rise of obsession and alcoholism as lenses for understanding crime, in turn, was related to fears of the uncanny distortion of human rationality and the increasing depiction of subjects who resembled people, but had somehow fallen out of humanity by means of some aberration or deviance.

Chapter Three focuses more directly on the construction of biological and racial deviance as a form of monstrosity in the eugenics movement. Departing from east-coast asylums and treatises, I explore the long history of racial liminality and monstrous criminals in the conquest and settlement of California, and argue that the fear of liminal monsters was an enduring theme from the Mexican-American War through to the construction of eugenic facilities for juvenile delinquents in the early twentieth century.

Finally, Chapter Four departs from academic criminology to explore a case study in the history of criminalistics, the applied criminological practice of the scientific identification of criminals. Following on the work of historians who have situated the possibility of criminalistics in the context of positivist ideology, I argue that the same fears of racially liminal monsters discussed in Chapter Three reveal themselves in the motivations for the early twentieth century adoption of fingerprinting in the United States. I explore how fears of loyalty, subversion, and racial ‘passing’ by Germanic Hun spies in the First World War required a system of identification that could track and fix identity across visual-racial lines.

Chapter One discusses the precarious rationality of white settlers and the construction of racially monstrous others in the revolutionary era. American criminology’s founding challenge was to confront the chaos and madness of deviants both within and without. Chapter two follows the theme of mental deviance into the nineteenth century, exploring the monstrous deformation of otherwise normative white rationality, while chapters three and four explore the challenges inherent in the construction of racial others as monsters by white criminology -- in particular, the challenge of drawing and defending the lines of racial inclusion. Collectively, these chapters show how the twin themes of deviant others and defective rationality, frequently expressed and understood through invocations of monstrous figures or uncanny themes, helped the expression, refinement, and rise of key ideas in the history of American positivist criminology. I conclude by reflecting on positivism’s reliance on gothic tropes, and the significance of a ‘rationalizing’ process that has not expelled the monster, but rather internalized and sublimated racial and gendered biases in criminology.

### The Life Course of Criminology

This dissertation is a critical reflection on criminology, but it is not a denial of the potential or possibilities of criminological knowledge. Rather, it is intended to call attention to the choices criminologists face in the present moment. Criminology as a field stands at what life course criminologists call a ‘turning point’: an experience or exogenous shock that offers meaningful agency and direction down different paths.<sup>82</sup>

In 2014, Jonathan Simon powerfully explained that criminology faces such a turning point, and called criminologists to action.<sup>83</sup> Conventional criminological thinking has helped produce, justify, and rationalize mass incarceration, a policy and human catastrophe in the United States on an unparalleled scale.<sup>84</sup> However, mass incarceration has never been unchallenged, and today a genuine and shared will to end the grotesque American experiment is emerging. This affords a moment of decision: criminologists may choose to address problems of reintegration posed by the unwinding of such a massive system of human containment, they may address themselves to underlying and often ignored problems of social justice in the context of penal systems, or, of course, they may continue to behave as before.

Simon’s call is a reminder that if, as I have argued, criminology is embedded in a conflict of classes, criminologists can choose which side of the conflict to be on. Cultural criminologists,

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<sup>82</sup> See John Laub & Robert Sampson (2003) *Shared Beginnings, Divergent Lives: Delinquent Boys to Age 70*. Cambridge: Harvard University Press, p. 36-40.

<sup>83</sup> Jonathan Simon (2014) “A Radical Need for Criminology.” *Social Justice* 40.2: 9-23.

<sup>84</sup> The role of criminologists and academics in the turn toward mass incarceration is documented in several places, including Elizabeth Hinton (2016) *From the War on Poverty to the War on Crime*. Cambridge: Harvard University Press; Anthony Platt (2019) *Beyond These Walls: Rethinking Crime and Punishment in the United States*. New York: St. Martin’s Press.

for example, invite us to imagine crime as a struggle of expectations surrounding moral behavior.<sup>85</sup> Consider the case of Scott Warren, an Arizona teacher who faced federal conspiracy and harboring charges (and currently faces retrial on some) for providing illegal immigrants with food and water.<sup>86</sup> This event, its meaning, and the struggle over the boundaries of human kindness it presents is well worth understanding, and as a federal criminal trial it should fall within criminology's ambit. But I cannot conceive of a mainstream criminological theory that speaks to cases like Warren's. More generally, scholars who wish to understand more routine cases of violence and trouble have shown how it is possible to discard the perspective of the powerful. Calvin Morrill and Michael Musheno abandoned mainstream criminological theories of youth violence to study youth violence from the perspectives of youth themselves, leaning heavily on narrative and observational techniques,<sup>87</sup> and showed how top-down methods of school control and safety could exacerbate issues of violence by disrupting natural patterns and techniques of conflict resolution.<sup>88</sup>

All of these issues -- social justice, integration, crime as resistance, bottom-up criminology -- are part of the increasingly rich web of alternative criminological approaches that scholars have developed. There are myriad alternatives to positivism on the table. This critical history of criminological positivism is intended to provide a supportive critique of alternative positions in criminology, and to contextualize the dominance of mainstream approaches. Rafter's call to untie our collective hands requires a critical assessment of positivism's practices, beliefs, and politics.

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<sup>85</sup> Ferrell, Hayward, and Young, *Cultural Criminology*.

<sup>86</sup> The case has been widely reported and will continue to develop; this description was written in July 2019. See Miriam Jordan, "An Arizona Teacher Helped Migrants. Jurors Couldn't Decide if it was a Crime." *The New York Times* June 11, 2019: <https://www.nytimes.com/2019/06/11/us/scott-warren-arizona-deaths.html>

<sup>87</sup> For example, Morrill & Musheno had students write narrative stories about times they had experienced or avoided trouble, thus leveraging the explanatory power of narrative and emphasizing student perspectives. The importance of storytelling and narrative to non-positivist approaches is the central claim of the emerging school of 'narrative criminology.' See Presser and Sandberg, *Narrative Criminology*.

<sup>88</sup> Morrill and Musheno, *Navigating Conflict*.

## Chapter I: The Great Perfection

Benjamin Rush was an American founding father, medical school professor, and early criminologist. An eighteenth-century polymath, Rush wrote on topics ranging from the effect of the moon on dementia, to the appropriate design of schools, to the prison as a solution to vice. Nicole Rafter recognized his efforts to systematically explain the causal effect of alcohol on crime as an example of exploratory modernist criminology,<sup>89</sup> a stage of developing criminology that sought to discard pre-modern religious and moral explanations of crime in favor of rational-empirical ones. Rush also trained Charles Caldwell, a nineteenth century medical professor who was a central figure in the rise of biological and phrenological theories of crime in the United States.<sup>90</sup> But Rush's most famous contribution to criminology and penology is his proposal for the penitentiary as a system of routine punishment.<sup>91</sup> Based on his theory of the mimetic spread of crime -- the view that crime was caused by the public's proximity to criminals who provided a contagious model of vice -- Rush advocated for a system of private and secluded penitential punishment that would induce reflection and reformation.<sup>92</sup> The prevailing view of Rush is that he was a man enamored of rationality, seeking logical coherence in punishment, and broader civic-institutional reforms that would turn "men into republican machines."<sup>93</sup> Thus, for example, Thomas Dumm interprets Rush as an example of the enlightenment expungement of irrationality in pursuit of a perfected machinery of civic control.<sup>94</sup>

But this perspective belies Rush's understanding of rationality as precarious, fragile, and limited. In 1789, he diagnosed Americans with "*anarchia*," a disease of excess passions and emotions brought on by the rise of self-government for "citizens of the United States [who] where [sic] wholly unprepared for their new situation."<sup>95</sup> Rush wrote extensively on the fragility of human reason, such as its susceptibility to the phases of the moon, or the delirium-like damage

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<sup>89</sup> Nicole Rafter (2010) "Silence and Memory in Criminology: The American Society of Criminology 2009 Sutherland Address." *Criminology* 48.2: 339-355, 343. See Benjamin Rush (1812), *An Enquiry Into the Effects of Ardent Spirits* (Eighth Edition). Exeter: Josiah Richardson. *Ardent Spirits* was first published in 1785, but reissued in a number of editions up through at least 1819, as with many of Rush's popular works.

<sup>90</sup> Arthur Fink (1962) *Causes of Crime: Biological Theories in the United States, 1800-1915*. New York: Barnes, p. 77-78. On the importance of recognizing nineteenth century phrenology as a species of proto-criminology, see Nicole Rafter (2005) "The Murderous Dutch Fiddler: Criminology, History and the Problem of Phrenology," *Theoretical Criminology* 9.1: 65-96.

<sup>91</sup> Benjamin Rush, "An Enquiry Into the Effects of Public Punishments Upon Criminals, And Upon Society," read at the Society for Promoting Political Enquiries, March 9th, 1787. *Evans Early American Imprint Collection*: <https://quod.lib.umich.edu/e/evans/N16141.0001.001?rgn=main;view=fulltext>

<sup>92</sup> Robert Sullivan (1998) "The Birth of the Prison: The Case of Benjamin Rush," *Eighteenth-Century Studies* 31.3: 333-344. Note that Sullivan views the 'logical coherence' of Rush's proposal as its defining feature. On Rush's role in penitentiary reform, see also Michael Meranze (1996) *Laboratories of Virtue: Punishment, Revolution, and Authority in Philadelphia, 1760-1835*. Chapel Hill: UNC Press.

<sup>93</sup> Benjamin Rush (1798/1986) "Of the Mode of Education Proper in a Republic," in Philip B. Kurland and Ralph Lerner (eds.), *The Founders' Constitution*. Chicago: University of Chicago Press. Chicago: University of Chicago Press, <http://press-pubs.uchicago.edu/founders/>.

<sup>94</sup> Thomas Dumm (1987) *Democracy and Punishment: Disciplinary Origins of the United States*. Madison: University of Wisconsin Press, (2000) "Enlightenment as Punishment," *Social Justice* 27.2: 237-251.

<sup>95</sup> Cathy Davidson, *Revolution and the Word: The Rise of the Novel in America*, Oxford: Oxford University Press p. 216 (quoting Benjamin Rush).

caused by too deep or shallow sleep.<sup>96</sup> Rush's *Medical Inquiries* is an agglomeration of causes of mania, obsession, and dementia; his fascination with the fragile pattern of sleep amenable to sanity is reminiscent of Goya's *The Sleep of Reason Produces Monsters*. In his work on alcohol in the etiology of crime, Rush argued that the use of strong spirits could induce permanent mental conditions including epilepsy or madness.<sup>97</sup> And although Robert Sullivan argues that we should not become "distracted into the gothic side" of Rush's proposal for the penitentiary,<sup>98</sup> this perspective ignores that Rush did not believe the penitentiary could function purely on the basis of rationality and reflection. He argued at length that the penitentiary should be a gothic castle, "difficult and gloomy" with "grating" doors to "encrease... horror" such that the penitentiary could "diffuse terror thro' a community, and thereby to prevent crimes".<sup>99</sup>

Instead of discarding Rush's gothic tendencies, I ask how we can read Rush's writing as enmeshed and emerging from a gothic American style of writing on and about crime. Gothic writing was preoccupied with exploring the limitations of rationality and the undersides of modernism that so troubled Rush.<sup>100</sup> Taking the late eighteenth century as an example of exploratory modernism in crime, this chapter shows how that period was characterized by a gothic and fearful discourse of crime, monstrosity, and deviance. From this perspective, Rush's gothic tendencies are not a distraction; they are precisely the point. Rush's gothic vision of crime and punishment emerged in the context of a burgeoning and dark American literature on crime, including monitory stories of offenders intended to frighten children and widely consumed death sermons and death narratives of executed offenders. As one anonymous 'friend of man' put it, the "great perfection" of printing had been misused, "our free presses too often teem with the works of the dramatist and the novel writer," and the solution was "select and authentic monitory stories of guilt and misery."<sup>101</sup> In the context of elite fears about the popularity of the novel and its lurid appeal,<sup>102</sup> the continuing political and moral perfection of the young republic required terror. The example of Rush, situated in the context of American crime literature, shows how exploratory modernist criminology in the U.S. relied on images of monstrosity to explain the power of crime to distort rationality and produce irrational and uncivil behavior.

The chapter proceeds in three parts. First, I provide social context and a synthetic overview of American gothic culture in the late eighteenth century, including a reading of several novels to illustrate how monstrosity was constructed. Second, I study several sets of death narratives and sermons to show how popular writing on crime incorporated these images as explanations for irrational and uncanny violence. Finally, I return to Rush and his student, Charles Caldwell, and show the influence of gothic tropes in several of their prominent texts on crime and punishment.

## The Gothic Republic

American writing on crime in the late eighteenth century was marked by the distinctive contexts and concerns of American exploratory modernism. On the one hand, many American

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<sup>96</sup> Benjamin Rush (1812) *Medical Inquiries and Observations upon the diseases of the Mind*. Philadelphia: Kimber & Richardson. P. 170, 300-303.

<sup>97</sup> Rush, *An Enquiry Into the Effects of Ardent Spirits*, 267.

<sup>98</sup> Sullivan, *The Birth of the Prison*, 339

<sup>99</sup> Rush, *An Enquiry Into the Effects of Public Punishments*.

<sup>100</sup> Fred Botting (1996) *Gothic*. London: Routledge.

<sup>101</sup> A Friend of Man (1811) *The Criminal Recorder*. Philadelphia: M. Carey.

<sup>102</sup> See Davidson, *Revolution and the Word*.

elites were influenced by and educated in the works of European Enlightenment thinkers.<sup>103</sup> Rush, for example, was familiar with Beccaria's classical criminology and commentaries on proportionality and rationality in punishment.<sup>104</sup> However, Americans did not follow European Enlightenment thinkers into secular historicism. Instead, they hewed closely to theological framings of rational explanations of human events.<sup>105</sup> American modernism mixed a belief in progress, capitalism, industrialization, and democracy with the rigid values and religious teleology of American Protestant Christianity.<sup>106</sup>

The result of this mixture of values and traditions was a dualistic American culture and character marked simultaneously by progress-oriented optimism and black-browed witch-hunting, by interest in rationality and by a fear of the monsters who marked its limits.<sup>107</sup> Anglo-Saxon Protestant settlers believed their settlement and conquest was ordained by God, but nonetheless found themselves beset by dangers on all sides: corrupt and decadent aristocrats in old-world nations, threats of violence from Native Americans, and slave revolts.<sup>108</sup> Faced with these threats, white settlers framed them as ungodly and unnatural doubly deviant figures of monstrosity, whether aristocrats who hoarded political power and wealth "in defiance of God and man alike" or savage "other[s] belonging to the netherworld".<sup>109</sup> In same manner as Gothic literature, which rarely produces fear but is rather concerned with the ethical and intellectual experience of being afraid, these depictions of other races and nations as monstrous were not aimed to instill fear, but rather to instruct in the importance of being afraid.<sup>110</sup>

Monstrosity, darkness, madness, and other Gothic tropes were frequently used as hermeneutic tools to communicate, describe, and make sense of dangers because eighteenth-century Gothic fiction posed a moral duality between salvation and declension that mirrored the Anglo-Saxon settler experience. Gothic writing resonated with American culture as it emphasized both heroic aspiration and villainous decline, and provided a "constellation of grotesque images and symbols" that richly described "the weakness and potential for evil within the new Republic."<sup>111</sup> St. Jean de Crèvecoeur's *Letters from an American Farmer* (1782), one of the first works of literature in the American canon, exemplifies this duality. Much of the letters are pastoral and idealistic, extolling the peaceful virtues of the republican yeoman farmer. And

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<sup>103</sup> Dorothy Ross (1991) *The Origins of American Social Science* Cambridge: Cambridge University Press.

<sup>104</sup> Sullivan, *The Birth of the Prison*, 334.

<sup>105</sup> Ross, *The Origins of American Social Science*, 22-27

<sup>106</sup> See e.g. James A. Morone (2003), *Hellfire Nation: The Politics of Sin in American History*. New Haven: Yale University Press, p. 34-54; Max Weber (1930/1992), *The Protestant Ethic and the Spirit of Capitalism*. London: Routledge.

<sup>107</sup> Morone, *Hellfire Nation*, 34; Nina Kang (2009), "Puritanism and Its Impact Upon American Values," *Review of European Studies* 1.2 (December): 148-151.

<sup>108</sup> Bernard Bailyn (2017), *The Ideological Origins of the American Revolution: Fiftieth Anniversary Edition*. Cambridge: Harvard University Press; Marilyn Michaud (2009) *Republicanism and the American Gothic*. Cardiff: University of Wales Press.

<sup>109</sup> Bailyn, *The Ideological Origins of the American Revolution*, 124, 22.

<sup>110</sup> Agnieszka Monnet (2010) *The Poetics and Politics of the American Gothic: Gender and Slavery in Nineteenth-Century American Literature*. Ashgate: Burlington, p. 6. For an example of this distinction, discussed in some detail later, consider the Puritan preference for captivity narratives over other novel writing. Captivity narratives were almost never 'scary,' but dealt with subjects who recounted their own fear of Indian abductors at length, often cast in terms of monstrosity and savagery. See Christopher Castiglia (1996) *Bound and Determined: Captivity, Culture-Crossing, and White Womanhood from Mary Rowlandson to Patty Hearst*. Chicago: University of Chicago Press.

<sup>111</sup> Cathy Davidson (1986) *Revolution and the Word: The Rise of the Novel in America*. Oxford: Oxford University Press, p. 218, 221.

yet, considering the revolutionary violence that created and sustained the nation, Crèvecoeur laments:

“The history of the earth! Doth it present anything but crimes of the most heinous nature, committed from one end of the world to the other? We observe avarice, rapine, and murder. . . . We certainly are not that class of beings which we vainly think ourselves to be.”<sup>112</sup>

As Charles Crow suggests, Crèvecoeur captures the core fear expressed in the American Gothic: our clever presentation as self-governing and orderly rational beings is nothing but a ruse.<sup>113</sup>

Gothic symbols of evil were thus malleable and adaptable, able to describe both the born, inherent monstrosity of ‘otherness,’ as well as the corrupted, reformable, but possibly even more dangerous monstrosity of corrupted, ungodly settlers.<sup>114</sup> Gothic writing was tremendously popular in the growing literary culture of revolutionary America, even as the often sensational and lurid content of Gothic writing sparked moral concern. The popularity of the genre reflects the power of its images, tropes, and plots for interpreting crime and social problems. As Fred Botting puts it, Gothic writing was a methodology for exploring “the underside of enlightenment and humanist values,”<sup>115</sup> confronting the ways that emerging republican machines still carried the vestiges and possibilities of monstrosity. The project of building an enlightened and humanist republic had to come to terms with the limitations, excesses, and aporias of reason. Cathy Davidson argues that “situated among Gothic horrors,” colonial Americans discovered serious philosophy, new vocabulary, political ideas, and other valuable education for democratic citizenship.<sup>116</sup> But, at least with regards to crime, I argue those Gothic horrors also helped interpret, shape, and contextualize the real concepts and ideas in play.

A few examples help clarify this point: the construction of monstrosity in two famous eighteenth century Gothic novels, *The Castle of Otranto* and *Wieland*, and the diverging construction of raced monstrosity in the American genre of captivity novels.<sup>117</sup> These cases illustrate the many meanings and representations of double deviations in the late eighteenth century.

### The Monstrous Self

The literary popularization of the Gothic monster began in Europe, with Horace Walpole’s *The Castle of Otranto* (1764), which is widely regarded as the first Gothic novel. Contemporary critics observe that *Otranto*’s plot borders on incoherence and the book lacks

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<sup>112</sup> Quoted in Charles Crow (2009) *American Gothic*. Cardiff: University of Wales Press, p. 23-24.

<sup>113</sup> Crow, *American Gothic*, 24

<sup>114</sup> Marilyn Michaud (2009) *Republicanism and the American Gothic*. Cardiff: University of Wales Press.

<sup>115</sup> Fred Botting (1996) *Gothic*. London: Routledge, 2.

<sup>116</sup> Davidson, *Revolution and the Word*, 55.

<sup>117</sup> Although I do not give them sustained attention here for reasons of scope, another central example of the power, malleability, and appeal of Gothic frames for making sense of criminal-political concerns is the copious Gothic writing on slavery. Pro-Slavery writers constructed slaves as “bloodthirsty fiends” who required civilized mastery, while abolitionists constructed slavery itself as the real monster that distorted the heart of the United States. See Teresa Goddu (2014) “The African American Slave Narrative and the Gothic,” in: Charles Crow, ed., *A Companion to American Gothic*. Malden: Wiley Blackwell, pp.71-83.

aesthetic merit,<sup>118</sup> but at the time, *Otranto* was a new, exciting, and appealing style of novel. The story concerns the usurpation of the titular castle by the ancestors of Manfred, an illegitimate tyrant, and the eventual reclaiming of the castle by Theodore, a peasant boy and the rightful heir. In the backstory, Manfred's grandfather was a deceitful and evil companion of Alfonso the Good, a knight in the 'Holy Land' and ancestor of Theodore's. Manfred's grandfather poisoned Alfonso and forged a will that gave him possession of Alfonso's castle.

The novel begins with Manfred's attempt to marry his son Conrad to the princess Isabella, an attempt that ends with an inexplicable supernatural disruption of the wedding. A giant helmet floats into the air, invokes an ancient prophecy mentioning the return of Otranto to its rightful ruler, and then falls, crushing Conrad to death. Manfred, invoking the trope of the lecherous older aristocrat, resolves to marry Isabella himself, and she flees from his clutches with the aid of the peasant Theodore and his father, the friar Jerome. Manfred gives chase into the catacombs under the castle, where the truth of Manfred and Theodore's respective destinies is revealed.

Up to this point, Manfred's monstrosity has been hinted at, but not explicitly recognized. He is a lustful and decadent aristocrat with a curiously sickly son, ruling over a castle haunted by angry and supernatural forces. Between Conrad's condition and Manfred's occasional reference to the "wretched race" of his ancestors, some manner of hereditary defect or deformity is implied. In the context of revolutionary-era politics, as Americans decried the "rapine and plunder" of the voracious British ruling class and described old-world elites as a "dread" and "infernal confederacy" of oppression that defied justice and decency,<sup>119</sup> Manfred presents the figure of the deviant aristocrat.

Manfred's monstrosity is explicitly recognized as a consequence of crime. He resolves to kill Isabella, believing that she has aligned herself with Theodore, but mistakenly stabs his own daughter, Matilda, instead. Theodore witnesses the murder and declares that Manfred is a "savage, inhuman monster,"<sup>120</sup> the first time the word monster appears in the novel. Manfred agrees that he is a "murderous monster," and Jerome, who is standing nearby, interjects to help shed light on the nature of Manfred's monstrosity:

"Now, tyrant! Behold the completion of woe fulfilled on thy impious and devoted head! The blood of Alfonso cried to heaven for vengeance; and heaven has permitted its altar to be polluted by assassination, that thou mightest shed thy own blood at the foot of that Prince's sepulcher!"

Previously, Manfred had clearly deviated from the law of God, but his deviation from the law of man was only implied. In killing Matilda, he becomes a true double deviant, and is recognized by all - including himself - as a monster. But crucially, Manfred's monstrosity was inherited, rather than produced by his decisions. As Jerome explains, Manfred's monstrous act of killing his own daughter, a symbolic murder that also inverts the expectation of a patriarch's protection of the family, was destined as the price to be paid for the actions of Manfred's ancestors. Manfred himself resolves to die as a monk, without producing more children, to ensure that his

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<sup>118</sup> Eve Sedgwick (1980) *The Coherence of Gothic Conventions*. New York: Arno Press.

<sup>119</sup> Bailyn, *The Ideological Origins of the American Revolution*, 133-134, 124.

<sup>120</sup> Quotations from *Otranto* come from the unpaginated ebook transcription of the 1901 reprint made freely available by Project Gutenberg. Horace Walpole (1768/1901) *The Castle of Otranto*. London: William Bathoe, <https://www.gutenberg.org/files/696/696-h/696-h.htm>.

hereditary “wretched race” comes to an end. Theodore, in assuming control of the castle, restores the legal order - Manfred’s ownership was based on a fraud - but also the natural order.

Manfred was thus a monster who was always a monster, but successfully hid in plain sight as a member of upper civil society, waiting for his monstrosity to reveal itself. In the plot of *Otranto*, such a revelation seems inevitable, and is divorced in any meaningful way from questions of Manfred’s agency. It is easy to say Manfred chose to kill Matilda, but Jerome’s revelation is that Manfred’s blood compelled him to do so. *Otranto* can be taken to stand for the proposition that monsters hide in plain sight, and that monstrosity is inherited and inborn, even when only revealed through crimes that are putatively free actions.

These themes were taken up by American writers who turned to questions of “perversions of the self and the corruption of civilization,” expressing the pressing cultural concerns of the revolutionary era.<sup>121</sup> Charles Brockden Brown’s *Wieland* (1798), widely regarded as the first American Gothic novel and a very popular story concerning madness and deviance,<sup>122</sup> took up the themes of inborn corruption and monstrosity in *Otranto* and pushed them in a criminological direction, considering how madness and legal responsibility intertwined with hidden degeneracy. *Wieland*, a story centering on Theodore Wieland’s murder of his family, is certainly framed by the American racial context - Theodore’s act is described as “worthy of savages trained to murder, and exulting in agonies,” a comparison that reflects settler-colonist fears about monstrous natives. But Theodore is clearly a white, American monster. He behaved like a savage, but was not one.

*Wieland*, like *Otranto*, relies on a strained conceit to motivate its plot. The antagonist of the story is Carwin, a stranger who possesses the talent of ‘biloquism’ - speaking perfectly with other voices, from other locations. Carwin is a racially liminal monster, someone who is suggested to have Anglo-Saxon origins but then experienced a “TRANSFORMATION into a Spaniard” as he became “indistinguishable” in any respect “from a native.”<sup>123</sup> Carwin’s appearance is both repulsive and enrapturing, and fascinates Theodore’s sister, Clara. He has “lustrously black” eyes that capture Clara’s imagination, but also unhealthy, pale skin, a misshapen face, and is poorly groomed. Carwin is a maybe-monster: he appears potentially human, but his strange powers, his racial transformation, and his curious look constantly suggest something else underneath the surface. At the end of the story, when Clara learns the effect Carwin has had on Theodore, she wonders if Carwin’s evil gives him control of “daemons” who respect his “malignant purpose.”

What did Carwin do to raise this possibility in Clara’s mind? After meeting the Wieland family and becoming attracted to Clara, Carwin decides to remove Theodore so that he will not oppose Carwin’s romancing of Clara. Carwin uses the gift of biloquism to create a mysterious voice claiming to be the voice of God, and instructs Theodore to kill his family. Theodore becomes delusional, perhaps believing that he is being tested as Abraham was, and kills his wife and children. Theodore is identified as a monster by the community by virtue of his deformed

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<sup>121</sup> Michaud, *Republicanism and the American Gothic*, 9.

<sup>122</sup> Crow, *American Gothic*, 25

<sup>123</sup> Quotations from *Wieland* in this chapter are from the unpaginated electronic version made freely available by Project Gutenberg. Charles Brockden Brown (1798) *Wieland; or the Transformation: An American Tale*. New York: H. Caritat: <https://www.gutenberg.org/files/792/792-h/792-h.htm>. Interestingly, Nancy Ruttenberg argues that Carwin’s multivocality and ontological ambiguity position him as a sort of democratic everyman, but his criminal and demoniacal tendencies represent the “atavism” of his deviance, suggesting a way in which civic progress relies on oppositional duality with pre-civilizational spectrality and violence. Nancy Ruttenberg (1998) *Democratic Personality: Popular Voice and the Trial of American Authorship*. Stanford: Stanford University Press, 216.

religious reasoning (believing God required him to kill his family), and his violation of the positive law - another double deviation, but one more familiar in appearance than Carwin.

Theodore's responsibility for these crimes is a point of contention in the text. Theodore seems to feel he is not culpable, although he later kills himself when he realizes he cannot escape trial. Clara similarly wonders if it is "indisputably certain that their murderer was criminal," as she feels Theodore has been manipulated. But the town, seeking vengeance, has no patience for these arguments. In this regard, *Wieland* draws on the true crime history of religious murders in the United States. Brockden Brown's description of the book referenced an "authentic case, remarkably similar to that of *Wieland*," which is widely believed to be James Yates's 1781 murder of his wife and children under the religious delusion that God had instructed him to do so.<sup>124</sup> Another possible inspiration is the widely reported case of William Beadle, who killed his family in 1783 under the belief that God planned for his family to die.<sup>125</sup>

In drawing from true accounts of crime as well as familiar settings and figures, *Wieland* and *Otranto* both depict crime as uncanny. *Otranto* is set in an aristocrat's castle, safe until it is invaded by supernatural forces who reveal that the castle and its lord were already corrupt. *Wieland* is largely set in the estate of a respectable American family, but even hard-working settler Theodore is not immune to madness and delusion, just as William Beadle wasn't. The uncanny setting was a frequent source of fear in American gothic. For example, Isaac Mitchell's popular *The Asylum* (1804)<sup>126</sup> is set in an abandoned castle-like colonial mansion, isolated, covered in shrubbery, and defended by thick gates. The castle is familiar in that it represents establishment and a bastion of Anglo-Saxon authority, but as the heroine defies social convention by pursuing a forbidden romance, the castle's very isolation from civilization sets the stage for her rationality to be tested.<sup>127</sup> The castle is occupied by a gang of bandits who endeavor to scare the heroine away by pretending to be ghosts; criminals and the supernatural can infest even the physical embodiment of authority and security.

Through the distortion of familiar figures and settings, early American gothic constantly conjures the uncanny specter of a sensibility that 'it can happen here,' whatever 'it' may be. Carwin plays with the boundaries between Anglo and Spanish, beauty and repulsion, normalcy and demonology. Theodore *Wieland*, until his religious defect reveals itself, was a Christian American husband and father, a familiar and relatable figure to Brockden Brown's audience. *Wieland* represents the fear and potential of the familiar to transform and distort, to become evil, demonical, and corrupted. Collectively, early Gothic writing provides images of monstrosity that show how recognizable figures from familiar Anglo-Saxon society could, through birth, transformation, or delusion, become monsters.

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<sup>124</sup> See Vicki Madden (2016) "Hungry for Murder: Interrogated America's Obsession with True Crime," *Inciting Sparks* May 30, 2016 <https://incitingsparks.org/2016/05/30/hungry-for-murder-interrogating-americas-obsession-with-true-crime/>.

<sup>125</sup> I discuss the Beadle case at some length later, but for a summary, see Stephen Mitchell (1783) *A Narrative of the Life of William Beadle*. Hartford: Webster.

<sup>126</sup> *The Asylum* was first published in serial as *Alonzo and Melissa* in 1804, but it is more commonly known as *The Asylum*, a title used for an 1811 republication as a stand-alone book, so I use that title here. Isaac Mitchell (1804), "Alonzo and Melissa," *Political Barometer* vol. 3 nos. 1-22.

<sup>127</sup> Davidson, *Revolution and the Word*, 228-29.

## The Monstrous Other

Novels were not the only, or even primary, form of American literary expression that provided a hermeneutics of social problems. American “frontier gothic,”<sup>128</sup> a distinctive popular style of writing often found in short stories and chapbooks, was a repository of gothic concerns intermingled with the distinctive setting and context of Anglo-Saxon settlers attempting to make sense of the new world and their emerging republic. One prominent style of frontier gothic, the Indian captivity narrative, combined gothic genre sensibilities, the Spanish tradition of colonial captivity stories, and real experiences of conflict and abduction amplified by imagined raced and gendered extravagances of depredation to produce a portrait of “the American wilderness as a hellish labyrinth populated with demonic Indians.”<sup>129</sup> Hence, for example, the frequent references to Indians as “demoniack” in captivity stories.<sup>130</sup> But captivity narratives also combined these fears of difference with patriarchal culture’s fear of women’s sexual independence; captivity stories frequently treated the specter of seduction and miscegenation as more serious than rape and kidnapping.<sup>131</sup> In using deviance and monstrosity to explain violence, captivity narratives provide a monstrous etiology of crime, showing how the pagan deviation of the Indians combined with their transgressions against Anglo law and treaties rendered them dangerous and demoniacal.<sup>132</sup> In so doing, they also serve to legitimize white violence against natives as self-defense, providing an interpretation of settler violence as legitimate or even regenerative.<sup>133</sup>

This interpretive trick was performed through the representation of agency and destiny in captivity stories. By rendering the natives as doubly deviant monsters, but also attributing their actions to a predestined plan, the monsters could be brought within God’s ambit as a trial for the settlers to overcome. Violence against the natives thus became an act of godly perseverance, while violence by the natives was further confirmation of their pagan and demonic position. Thus, for example, Jean Lowry claimed in her 1760 captivity narrative that one of her captors told her God delivered Lowry and her children into their hands. Asking “howb [sic] it was fact, that for our many Sins, no doubt a test,”<sup>134</sup> Lowry is clear that her captors are monsters but that her predicament is ordained. God’s role in the captivity is a consistent theme; when Lowry is briefly reunited with her captive eight-year-old son, he similarly declares that God gave the

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<sup>128</sup> For a more thorough discussion of the emergence of American frontier gothic as a distinctive subgenre, see David Mogen, Scott Sanders, and Joanne Karpinski (eds.) (1993) *Frontier Gothic: Terror and Wonder at the Frontier in American Literature*. Rutherford: Fairleigh Dickinson University Press.

<sup>129</sup> Matthew Sivils (2014) “Indian Captivity Narratives and the Origins of the American Frontier Gothic.” In: Charles Crow (ed.) *A Companion to American Gothic*. Malden: Wiley Blackwell, pp.84-95, 86-87,

<sup>130</sup> Unknown (1780) *A Narrative of the Capture of Certain Americans, at Westmorland, by Savages*. Hartford, p. 5.

<sup>131</sup> Sivils, Indian Captivity Narratives, 87. Note that as with other forms of Gothic writing (see note 28), captivity narratives were also used for subversive purposes. Christopher Castiglia argues that white women sometimes wrote captivity narratives to express fantasies of escape from the rigid gendered and hierarchical social structure of revolutionary America. Christopher Castiglia (1996) *Bound and Determined*.

<sup>132</sup> Michelle Burnham (1997) *Captivity and Sentiment: Cultural Exchange in American Literature, 1682-1861*. Hanover: University Press of New England.

<sup>133</sup> Regenerative violence refers to the belief that more than not-degenerate or criminal, settler violence was actually productive and would improve the moral and social condition of the white race. See Richard Slotkin (1973) *Regeneration through Violence: The Mythology of the American Frontier, 1600-1800*. Middletown: Wesleyan University Press.

<sup>134</sup> Jean Lowry (1760) *A Journal of the Captivity of Jean Lowry and Her Children*. Philadelphia: William Bradford, 7.

Lowrys to the Indians because of their sin, and promises his mother he will keep to Christianity.<sup>135</sup> Lowry represents her captors as devilish, occupying shadowy valleys and mountains outside the spacetime and structure of Christian civilization, the “wilderness” of an “alien culture.”<sup>136</sup> But they are devils who have a particular role within the divine plan.

Michelle Burnham observes a similar tendency in Cotton Mather’s retelling of Hannah Dustan’s captivity story in the early eighteenth century. Dustan, who claimed to have killed ten Indians with a hatchet, was transformed into not only a Godly avenger, but an example of a “specifically American national valor and of a heroism that is encoded by the sentimental law of motherhood.”<sup>137</sup> As this version of the story became increasingly popular throughout the late eighteenth and early nineteenth century, the narrative functioned as a political commentary on the resistance of criminal and monstrous violence by heroic women who were becoming the ‘Republican Mothers’ of the new nation.<sup>138</sup> Captivity narratives thus represent how the gothic style could be adapted into a frontier depiction of monstrous and alien others, and how that same depiction could justify political and social hierarchy and nationalistic violence.

Between gothic novels and frontier gothic chapbooks, late eighteenth century Americans had a preponderance of literary and cultural images of monstrosity and deviance to draw on for interpreting the causes of violence and crime. This interpretive world, however, did not stay confined to fiction. Instead, the images and imaginations of demonic double deviants made their way into the prolific American literature on nonfictional crimes, largely in the form of death sermons and narratives. These materials drew on similar frames of deviance, monstrosity, and God to explain how and why different offenders and strayed from the light, and laid the basis for a popular criminology of monstrosity in the Revolutionary age. The gothic method of exploring the underside of enlightenment was not merely a concern of storytelling, but a real and vivid concern for Americans attempting to make sense of crime in an emerging republican world.

### **A Monster of a Man: Death Narratives and Death Sermons**

In the late eighteenth century, Americans developed a prolific body of popular literature on crime. This literature took the form of monitory instructional tomes such as the *Criminal Recorder* or the *Reprobate’s Reward* (intended to use graphic stories of crime to teach “you graceless children all” to “the Lord of Life to fear”),<sup>139</sup> as well as narratives of the lives of offenders and reprints of sermons given at executions. As Karen Haltunnen observes, although these purportedly non-fictional<sup>140</sup> accounts are often seen as a growing American taste for

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<sup>135</sup> *Id.*

<sup>136</sup> Burnham, *Captivity and Sentiment*, 51.

<sup>137</sup> Burnham, *Captivity and Sentiment*, 55.

<sup>138</sup> Burnham, *Captivity and Sentiment*, 65.

<sup>139</sup> Anonymous (1802) *The Reprobate’s Reward, or, a Looking Glass for Disobedient Children*. Rhode Island. READEX: Early American Imprints.

<sup>140</sup> A separate issue that this chapter does not engage is the actual veracity and authorship of many death narratives. Oftentimes authorship of such narratives was attributed to the accused, even in cases where it is clear the accused did not write it. For example, a 1780 death narrative for the boy Davenport credits Davenport as the author, but the preface states “the narrative is penned from the criminal’s mouth, though not always exactly in his own words. Some moral reflections are interspersed.” This admission not only makes it clear that Davenport did not actually write the narrative, but invites questions about how much of the narrative was changed and to what effect. However, death narratives can usefully be analyzed apart from their facticity or authorship as products that reflect the mental and emotional heuristics for interpreting crime. See Hayden White (1984) “The Question of Narrative in Contemporary Historical Theory,” *History and Theory* 23.1: 1-33. Accordingly, I identify the author of narratives

sensationalism, they also reveal the struggles of a secular society committed to Enlightenment ideals as it attempted to confront the causes and meanings of crime.<sup>141</sup> Building upon Haltunnen's contention that the Gothic tendencies of death sermons and narratives were influential on fields as diverse as "psychology, sociology, criminology, and criminal law"<sup>142</sup> in their representations of crime, this section explores death literature's representation of offenders as monsters. I emphasize that these stories reveal not only the Gothic aspects of the discovery of the crime, but also the monstrous and degenerate offenders themselves. I approach these materials in two groups: those that dealt with familiar, normative Anglo-Saxon figures whose crimes revealed their monstrosity, and those that dealt with inherently deviant others whose crimes confirmed their monstrosity.

### Monsters in our Midst

Explanations of the double deviation of respectable community figures generally drew on the association of proper rationality with adherence to Godly morality. Deviation from positive law could easily be established through the crime itself, but something more had to be explained in order to account for how seemingly decent, self-governing republican subjects could strike against the very laws of the republic that they had authorized and consented to. The answer was that their reasoning had become deformed by greed, obsession, madness, or some other defect, leading them to stray from the law of both man and God.

One example of a prominent sermon that made these connections was a 1778 address on crime given by Abraham Keteltas, a firebrand Protestant preacher who merged his theology with his politics.<sup>143</sup> Keteltas had been elected to the provisional Congress in 1776 and had gained some renown as a travelling street preacher, delivered the 1778 sermon largely as a treatise on patriotism, war, and destiny.<sup>144</sup> As such, it is often remembered as a political artefact of the revolution rather than an act of theological criminology. However, intertwined with his message about revolution and oppression was a theory of the causes of crime.

Keteltas's sermon centers around the sins of oppression and extortion. Oppression was political, a sin which "consists in a magistrate's laying heavy and unnecessary taxes, fines, and other impositions," and the discussion of oppression is a transparent critique of the British treatment of the Americans.<sup>145</sup> Extortion, in contrast, referred to "those private advantages which men take in their common dealings with one another," and was a more local and personal sin that covered what would later be called white-collar crimes such as bribery and corruption.<sup>146</sup> Oppression and extortion shared similarities; both were motivated by unjust self-enrichment and thus disclosed the idolatry of loving money over God.

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according to printed attribution. For Davenport's narrative, see Barnett Davenport (1780) "A Brief Narrative of the Life and Confession of Barnett Davenport." *America's Historical Imprints: Early American Imprints Series 1*.

<sup>141</sup> Karen Haltunnen (1998) *Murder Most Foul: The Killer and the American Gothic Imagination*. Cambridge: Harvard University Press, 3-11.

<sup>142</sup> Haltunnen, *Murder Most Foul*, 5

<sup>143</sup> Reiner Smolinski (1998) *The Kingdom, the Power & the Glory: The Millennial Impulse in Early American Literature*. Dubuque: Kendall-Hunt, 426-440; Mercantile Advertiser (1807) "For Sale" *Mercantile Advertiser* February 12, 1807.

<sup>144</sup> Abraham Keteltas (1778) *Reflections on Extortion, Shewing the Nature, Malignity, and Fatal Tendency of that Sin to Individual Communities*. Newburyport: J. Mycall.

<sup>145</sup> Keteltas, *Reflections on Extortion*, 6.

<sup>146</sup> Keteltas, *Reflections on Extortion*, 4, 7.

Extortion, however, seems more threatening to Keteltas than oppression, even though oppression occurs on a grander stage. Oppression comes from a foreign and unjust enemy that can be fought. Extortion, however, brings the danger of crime inside the republic from the extortionist in America's midst, who "endeavored to fatten by the fall, thrive by the ruin, and enrich himself by the impoverishment of his brethren."<sup>147</sup> The willingness of the extortionist to pervert and feed off the heroic sacrifice of their countrymen is what makes them a monstrous, "inhuman[e]," "unnatural brethren" of law-abiding citizens.<sup>148</sup> Extortionists violate the law through acts of fraud, and they violate God's moral law in allowing their love of money to pervert the meaning of Americanness, the virtue of sacrifice, and the natural status of citizenship.

The "prolific" and contagious vice of extortion, "sufficient to plunge a nation into ruin,"<sup>149</sup> subjects both the offenders and the community to the "temporal judgment" of God.<sup>150</sup> Temporal judgment refers to a distinctive spacetime for Keteltas, reflective of the "already but not yet" of Christian theology.<sup>151</sup> As opposed to eternal judgment, the judgment of an offender's soul that occurs at the moment of death, temporal judgments are simply "near," constantly occurring but also hanging overhead.<sup>152</sup> Temporal judgments affect individuals, as in the case of one extortionist who "fell down dead" upon returning home to enjoy his profits, but may also destroy entire nations that tolerate vice and thus act as "the children of disobedience."<sup>153</sup> This is the infectious power of sin: God not only judges extortionists, but prepares to lay "charges on the inhabitants of these American States" for the prevalence of financial crimes.<sup>154</sup>

The spatiotemporality of temporal judgment creates a constant and never-diffused sense of danger from crime, while the contagious vice of idolatry helps explain the cause of crime. There are many different reasons people might commit frauds: necessity, mistake, opportunity. Keteltas fixes the cause of fraud in moral character, in the fraudster's neglect to preserve their love of God, and its subsequent distortion of the offender's capacity to interpret their obligations and position as a citizen, leading to self-destructive and ruinous actions.

Keteltasian themes emerged in debates over the widely reported case of William Beadle, which occurred in December 1782. Beadle, who had lived a respectable and middle-class life with his wife and children in Connecticut for many years, was an uncanny monster: he had seemed normal, familiar, and safe, while secretly harboring mental and theological deviations that made him deeply dangerous. Thus, as one acquaintance of the Beadle family wrote, it was "very natural for you to ask whether it was possible a man could be transformed from an affectionate husband and an indulgent parent to a secret murderer, without some previous alteration.... Yet this was the case in this instance, there was no visible alteration."<sup>155</sup> Beadle, familiar, unchanging, yet transformed, was the Gothic uncanny personified, a "monster of a man."<sup>156</sup>

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<sup>147</sup> Keteltas, *Reflections on Extortion*, 12.

<sup>148</sup> Keteltas, *Reflections on Extortion*, 24.

<sup>149</sup> Keteltas, *Reflections on Extortion*, 4.

<sup>150</sup> Keteltas, *Reflections on Extortion*, 16.

<sup>151</sup> This phrasing is relatively recent to the mid-20th century, but the basic idea is not: the Kingdom of God is of a particular metaphysical quality such that its spatiotemporality is both now (it is eternal and encompasses the present) and not yet (it is waiting to be realized in the return of the Savior or in the next life). See e.g. Graham Cray (1988) "A Theology of the Kingdom" *Transformation* 5.4: 24-31.

<sup>152</sup> Keteltas, *Reflections on Extortion*, 16.

<sup>153</sup> Keteltas, *Reflections on Extortion*, 4, 16.

<sup>154</sup> Keteltas, *Reflections on Extortion*, 5.

<sup>155</sup> Stephen Mitchell (1783) *A Narrative of the Life of William Beadle*. Hartford: Webster, 14.

<sup>156</sup> John Marsh (1783) *The Great Sin and Danger of Striving with God*. Hartford: Hudson & Goodwin, 20.

The facts of the case are roughly as follows:<sup>157</sup> One morning, after having written in his diary of God's plan for the death of his family, William Beadle sent a maid to the house of his family doctor with a letter describing his intentions to kill himself, his wife, and his four daughters. While the maid was out delivering the letter, Beadle executed his plan, using an axe and a knife to kill the women and a pair of pistols to shoot himself in the head. Upon discovering the contents of the letter, the maid and doctor rushed to the Beadle house and found the six corpses. In the aftermath, Beadle's diary, the horror of the crime, and the speculations of his acquaintances fueled a series of sermons and narratives of the crime and its causes. Sometimes, the image of Beadle the monster was more important than the reality; one writer described Beadle as mysteriously refusing to acknowledge his "age, his parentage or early occupation," casting him in a mysterious and timeless shroud, although Beadle did have a past and likely did acknowledge it.<sup>158</sup> The Beadle case enraptured revolutionary America. It demanded to be explained, to have the crime made sensible.

Sermons on the Beadle case approached this challenge in different ways, and the divergence reflects longstanding tensions in criminal law and criminology over the nature of responsibility. James Dana, a Wallingford pastor, argued that discussions of causes of crime external to the offender were smokescreens that masked the importance of moral agency and the decision to sin. For Dana, those who would place blame on "our neighbours, or of human nature, or of our particular complexion and constitution, or of our situation and circumstances," were those who sought to downplay accountability and legitimate blameworthiness.<sup>159</sup> Dana emphasizes that God may permit evil, but could never produce it.<sup>160</sup>

Dana's argument is at odds with other tendencies in how crime and responsibility were written about in eighteenth century America. For example, the claim that a particular 'complexion' cannot cause crime was at odds with the dominant style of writing about crimes committed by native and black offenders. Similarly, Dana's insistence on placing the moral weight of the crime solely on the shoulders of the sinner seems inconsistent with the Keteltasian perspective of the contagious power of vice. Dana's strict individualistic retributivism reads as an ancestor to criminological and jurisprudential thought that privileges retribution for bad intent above social evidence, context, and expertise.<sup>161</sup> As a respondent to the troubling Beadle case, Dana seems primarily concerned by the idea that God could tolerate or nurture Beadle's evil. The result is a sermon that finds little to explain about the crime: the cause is simply that Beadle chose to turn away from God, embrace depravity, and slaughter his family. Nothing else needs to be said.

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<sup>157</sup> My synthesis of the case is drawn from a range of newspaper accounts: *Massachusetts Spy* (1783) "Advertisement," *Massachusetts Spy* February 13, 1783, 4; *Connecticut Gazette* (1783) "Advertisement," *Connecticut Gazette* 20, June 4, 1783; *The Independent Ledger* (1783), "Advertisement," *The Independent Ledger* June 16, 1783, 4; *Connecticut Courant Salem Gazette*, "The Following is the Letter Sent to Dr. Farnsworth by the Girl Belonging to the Family of the Late Mr. William Beadle," *Connecticut Courant Salem Gazette* 2, January 30, 1783, 2. I also draw on the death narratives cited below.

<sup>158</sup> Mitchell, *A Narrative*, 5. In fact, Beadle had moved from London to Connecticut in 1773 with his family, and it is possible that the distress leading to the murder of his family originated with economic and business troubles. See James Smart (1989), *A Life of William Beadle*. Senior thesis, Princeton University. Available at the Wethersfield Historical Society, Wethersfield, CT.

<sup>159</sup> James Dana (1783) *Men's Sins Not Chargeable on God, But On Themselves*. New-Haven: T. & S. Green, 7.

<sup>160</sup> See also James Dana (1790) *The Intent of Capital Punishment*. New-Haven: T. and S. Green, 8.

<sup>161</sup> See Thomas Green (2014) *Freedom and Criminal Responsibility in American Legal Thought*. Cambridge: Cambridge University Press.

John Marsh, who delivered the sermon at Beadle's internment, drew on more familiar themes from Keteltas's sermon to cast Beadle as a "monster of a man" and inquire into the nature of such monstrosity.<sup>162</sup> Marsh's perspective, which confronts the possibility that Beadle was influenced toward his evil end in some way, also must confront that Beadle was not the only person subject to such influences: it was a "very threatening aspect upon us that there are so many [men like Beadle] in this land."<sup>163</sup> Ultimately, Marsh concludes Beadle's exposure to deistic and deterministic principles degraded his conception of free choice, and emphasizes that "we may guard against and avoid them [deterministic deists] as most pernicious to individuals and societies."<sup>164</sup> These are a criminogenic set of theological ideas that produce monsters out of men by deforming religious reasoning and leading the subject away from God. Thus, for Marsh, crime can be explained by exposure to immoral influences.

One aspect of Beadle's uncanniness implicitly concerned gender; he was a father who struck down his own family. Although I did not systematically compare the death narratives of male and female offenders, deviation was often constructed with reference to gender expectations. It is striking how frequently white women's deviation was framed against their social role as caretakers and Republican mothers. The sensibility of rationality so often tested by Gothic and crime was deeply gendered, and European political theorists and American founders alike developed a perspective of women's political obligations as childrearing and nurturing.<sup>165</sup> Hence, as one American woman put it in a 1786 text on motherhood, men would "root[] up weeds" and women would "plant flowers."<sup>166</sup> Men will clear away the detritus of the garden and women will nurture it.

These gender politics contextualize and explain the source of deviation in death narratives such as Elizabeth Wilson's. Wilson was executed in 1786 in a well reported case for the infanticide of her twins. However, Wilson had also testified that the children's deadbeat father, Joseph Deshong, had held killed the children by stamping on them and then forced Wilson at gunpoint to bury them.<sup>167</sup> Wilson's testimony was persuasive enough that she had obtained a pardon from the Philadelphia Council, but the sheriff (who was aware of efforts at the pardon) declined to wait and executed Wilson twenty-three minutes before the pardon arrived.<sup>168</sup> Wilson herself was credited as accepting her fate in the narrative, mourning her "soul-destroying sin of fornication, which I believe to be my predominant evil."<sup>169</sup> Wilson was treated as a monster, apart from the question of her guilt of the precise crime for which she was executed, because of her double deviation from God and from gendered expectations of chastity.

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<sup>162</sup> Marsh, *The Great Sin and Danger*, 20.

<sup>163</sup> Marsh, *The Great Sin and Danger*, 27.

<sup>164</sup> Marsh, *The Great Sin and Danger*, 20.

<sup>165</sup> Linda Kerber (1976) "The Republican Mother: Women and the Enlightenment - An American Perspective." *American Quarterly* 28.2: 187-205.

<sup>166</sup> Hannah More (1786) *Essays on Various Subjects, Principally Designed for Young Ladies*. Pennsylvania: Young, Stewart, M'Culloch.

<sup>167</sup> Anonymous (1786) *A Faithful Narrative of Elizabeth Wilson*. Philadelphia. READDEX: America's Historical Imprints, Early American Imprints Series 1639-1800. See also Plymouth Journal, "A Faithful Narrative of Elizabeth Wilson, Who Was Executed at Chester, Pennsylvania, Jan 3d. 1786," *Plymouth Journal and the Massachusetts Advertiser*, May 30, 1786. Infanticide was quite common as the crime for women who were executed in the cases I surveyed. For a death sermon example, see Aaron Bascom (1788), *A Sermon Preached at the Execution of Abiel Converse*. Northampton: Butler.

<sup>168</sup> Anonymous, *A Faithful Narrative of Elizabeth Wilson*, 7.

<sup>169</sup> Anonymous, *A Faithful Narrative of Elizabeth Wilson*, 4.

For some revolutionary American thinkers, there were no made or born monsters, only monstrous choices. But for many others, decent and safe-seeming people could be brought into monstrosity through their exposure to vice, to crime, or to dangerous ideas. And in these references to dangerous influences that mobilize the community or dangerous ideas that must be suppressed, the political effects and power of the criminal-as-monster are laid bare. But the debate around monstrosity and responsibility for prominent cases of violence committed by Anglo-Saxons was radically different compared to the popular and short-form discourse on crimes committed by those who were more widely castigated as born, destined monsters.

### Deviation, Contagion, and Race

The death literature I have discussed makes no spoken mention of race, which implicitly declares the subjects of these narratives were white. Accounts of white offenders took titles such as “A Narrative of Part of the Life and Adventure of Joseph Andrews,”<sup>170</sup> while black and native subjects often had race applied as a personal title: “A Sermon Preached at the Execution of Moses Paul, An Indian,”<sup>171</sup> or “The Life and Dying Speech of Arthur, a Negro.”<sup>172</sup> Even when race wasn’t declared in the title, the otherness of a native or black offender was quickly established in the introductory text of the account. This signaling frames the basic condition of being nonwhite as a deviation from the unspoken and thus normalized state of whiteness. Consistent with this style, the gothic death literature on native and black subjects strongly identified double deviation with race, in particular through accounts of race as a source of sin, immorality, and deviation.

For example, racial degeneracy and alcoholism were developed as explanations for the crimes of Moses Paul, a Native American who was raised by whites after the death of his parents and was executed in 1772 for murder.<sup>173</sup> Paul’s death sermon was delivered by Samson Occam, also a Native American, who cast Paul’s case as a racial warning. Occam opened the sermon by declaring his intent to speak in simple language, so that “poor Negroes [illegible] and fully understand my meaning, and it may be of service to them... [and] my poor kindred, the Indians. . . God works where and when he [illegible] and by what instruments he sees fit[.]”<sup>174</sup>

Occam’s instructional message proceeds to connect positive and natural legal deviations: the deterrent against crime is death, the “King of Terrors,” made all the worse by the fact that sin is a “transgression of [God’s] law” and thus leads to both death in this world and death in the next by the denial of Christ’s offer of eternal life.<sup>175</sup> For Occam, crime consists first of filling the heart with “malignity and hatred against God,” the debased moral condition of sin that accepts death, and thus produces theft, robbery, and other crimes when their consequences are no longer feared.<sup>176</sup> Criminals are monsters because they have distorted their religious reasoning through their departure from God’s law.

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<sup>170</sup> Anonymous (1769) “A Narrative of Part of the Life and Adventures of Joseph Andrews,” READEX: Early American Imprints, Series I: Evans.

<sup>171</sup> Samson Occam (1772) *A Sermon Preached at the Execution of Moses Paul, An Indian*. New Haven: T. & S. Green.

<sup>172</sup> Arthur (1768). *The Life and Dying Speech of Arthur, a Negro*. Boston: READEX Early American Imprints, Series I: Evans.

<sup>173</sup> Anonymous (1772) *A Short Account of Moses Paul, This Day To Be Executed*. New Haven.

<sup>174</sup> Occam, *A Sermon Preached at the Execution of Moses Paul*, 1.

<sup>175</sup> Occam, *A Sermon Preached at the Execution of Moses Paul*, 5-6.

<sup>176</sup> Occam, *A Sermon Preached at the Execution of Moses Paul*, 8.

But Occam's sermon, already cast in racial tones, was further racialized by whites who explained Paul's departure from God as a consequence of his race. The death narrative account of Paul's life suggested his murder was brought on by alcoholism, related to a drinking habit he acquired in the colonial quasi-militia navy.<sup>177</sup> The year after Occam's sermon, an anonymous white author printed a broadside summarizing "Mr. Occam's Address to his Indian Brethren," which connected race and alcoholism as a source of degeneracy that motivated Occam's account of sin:

"My Kindred Indians pray attend and hear /  
 With great Attention and Godly Fear /  
 This Day I warn you of that cursed Sin /  
 That poor despised Indians wallow in /  
 Tis Drunkenness, this is the Sin you know /  
 Has been and is poor Indians overthrow /  
 'Twas Drunkenness that was the leading Cause /  
 That made poor Moses break God's righteous law /  
 When Drunk he other evil Courses took /  
 Then hurried on, he murder'd [illegible - likely the name of the victim]  
 Poor Moses Paul must now be hang'd this Day /  
 For willful Murder in a drunken Fray."<sup>178</sup>

The initial narrative of Paul's crime and execution was racialized but at least treated Paul as a character, someone who developed and changed through his time as a sailor. Occam's racial warning suggests some vulnerability to sin on the part of native and black listeners, but the broadside retelling extends this much further, reducing Paul to a simple drunken Indian, and Indian-ness to a "despised" state of being. The implicit biological deviation of being a Native American causes drunkenness and alcoholism, which causes the breaking of God's law, which in turn causes the breaking of positive law. The broadside provides a racial-theological theory of crime and monstrosity.

Paul's case stands out because of its retelling by both Native American and white authors, but the connection between race, degeneracy, drunkenness, and sin as a nexus of deviation was common in other narratives as well. For example, the death confession of Arthur, "a Negro," concluded with Arthur's wish to "solemnly warn those of my own Colour, as they regard their own Souls, to avoid Desertion from their Masters, Drunkenness, and Lewedness; which three Crimes was the Source from which have flowed the many Evils and Miseries of my short Life."<sup>179</sup> Here, race and racial hierarchy are explicitly foregrounded by the reference to 'masters,' and the Godly virtues of chastity and sobriety are placed alongside obeisance to white settler rule. The death sermon of the Native American John Jacobs sounded similar themes of racial hierarchy, of God's law as a companion to positive law, and of how deviation "renders creatures exceedingly criminal."<sup>180</sup>

Sometimes race was used to explain crime as monstrous by eliding and obscuring other explanations. Consider Sylvanus Conant's death sermon for Bristol, introduced as "a Negro Boy of about Sixteen Years Old," after which race is unmentioned in the main text.<sup>181</sup> Bristol

<sup>177</sup> Unknown, *A Short Account of Moses Paul*.

<sup>178</sup> Anonymous (1773) *Mr. Occam's Address to his Indian Brethren*. New York Public Library, Photostat copy.

<sup>179</sup> Arthur, *The Life, and Dying Speech of Arthur*, n.p.

<sup>180</sup> Timothy Pitkin (1768) *A Sermon Delivered at Litchfield*. Hartford: Green & Watson, 10.

<sup>181</sup> Sylvanus Conant (1770) *The Blood of Abel and the Blood of Jesus Considered and Improved*. Boston: Edes & McGill, 7.

murdered a young girl with a fire poker, an act that Conant characterizes as “Envy, Malice, and Hatred,” turning Bristol into an “Unnatural *Cain!*” (emphasis original).<sup>182</sup> Bristol is monstrous, having turned away from “all the Principles of Humanity” and surrendered “over to the devil himself.”<sup>183</sup> The uncanny and unsettling aspect is Bristol’s motivelessness; he is described as having been content and peaceful until the murder, while the victim was blameless and unprovoking. Bristol simply became a monster.

Conant, who was white, did not want to consider what might have ‘provoked’ Bristol. A biographical appendix to the sermon makes it clear, although without ever using the word, that Bristol was a slave who had been born in Africa and captured to be taken to New England when he was roughly eight years old.<sup>184</sup> Bristol spent the next eight years as a slave of the McKinstry family, and the girl he killed was the daughter of Doctor McKinstry, his owner -- hence Conant’s allusions to Cain and Abel, as the McKinstry’s were considered Bristol’s own family. Bristol’s perspective is missing from the record, so any discussion of abuses or provocations he may have suffered is my own speculation. But violence and degradation were routine and inherent in chattel slavery, and such things are consciously stripped away in Conant’s explanation of the crime’s uncanny irruption. Slavery becomes almost kindly, with the McKinstry’s an adoptive family, and Bristol is a monster for turning away from them. The power of racism includes the power to hide the violence that contextualized and shaped Bristol’s own violence, much as white violence was legitimized as vengeance in captivity stories. Racializing deviation framed when violence was criminal as opposed to justified, thus shaping the underlying meaning of crime.

In sum, revolutionary death literature included many senses of monstrosity. Crimes were constructed as double deviations from a natural, divine, or biological law as well as a positive one, and that deviation was often uncanny in its unexpected emergence in a familiar and safe context. Monstrosity could be induced by faulty reasoning, as it often was for white subjects, or by some nexus of biology, degeneration, and sin, as often was the case for black and native subjects. But gothic structures and imagery were widely drawn on and circulated to develop a set of explanations and interpretations for how and why crime occurred, and to address the unsettling political and social quandaries raised by crime - about gender roles, about the desirability of republican self-government, and about the legitimacy of racial caste hierarchies. If this was the social, literary, and criminological world within which Benjamin Rush developed his gothic style, how can such a context help us make sense of Rush’s peculiarities and influences?

## **Terror and Republican Machines**

Death literature’s interpretation of crime through gothic forms, images, and contexts was reflected in and drawn on by exploratory modernist criminology. This section focuses on two of the first American criminologists: Benjamin Rush, the pioneer of penitentiaries with whom this chapter opened, and his student Charles Caldwell. Caldwell studied medicine under Rush at the University of Pennsylvania and impressed Rush with his critiques of Rush’s published work, as well as his performance during a ‘cold call.’<sup>185</sup> Rush later helped Caldwell join the university’s

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<sup>182</sup> Conant, *The Blood of Abel*, 9.

<sup>183</sup> Conant, *The Blood of Abel*, 12.

<sup>184</sup> Conant, *The Blood of Abel* 32

<sup>185</sup> Charles Caldwell (1855) *Autobiography of Charles Caldwell, M.D.* ed. Harriot Warner. Philadelphia: Lippincott, Grambo and Co., 143-145.

medical faculty and supported several of his early publications, although the two men later drifted apart for personal reasons.<sup>186</sup> Eventually, Caldwell took a position teaching medicine at Transylvania University in Kentucky, where he delivered several lectures on the causes of various crimes and introduced the work of the phrenologists Spurzheim and Gall to American audiences.<sup>187</sup> Rush and Caldwell thus represent the early exploratory effort to establish a scientific-medical theory of crime, its causes, and its prevention. Reading them with an eye toward American literary context reveals the deep influence of constructions of monstrosity on their thought, and thus on American criminology at its inception.

### The Abode of Misery

In light of the popular American gothic interest in crime and the degeneration of reason, Rush's fascination with medical typologies of reason's distortion seems to draw on popular cultural fears and concerns. Rush's description of the demons of imperfect or imbalanced sleep, the "Incubus, or Night Mare" who emerged from "the same *incoherence* of thought, which takes place in delirium,"<sup>188</sup> reads as a medical diagnosis of Goya. His education in European Enlightenment penology included exposure to Jeremy Bentham, terrified by ghosts who inhabited the "dark, gothic castle" of the law, and the ability of supernatural fears to overcome his own reason.<sup>189</sup> Rush's description of *anarchia* was just one facet of his broad concern about the limitations of rationality and the potential of madness and criminality to stir just below the surface.

In that light, consider Rush's 1787 description of the penitentiary, imagined as a gothic castle to contain monsters:

1st, LET a large house, of a construction agreeable to its design, be erected in a remote part of the state. Let the avenue to this house be rendered difficult and gloomy by mountains or morasses. Let its doors be of iron; and let the grating, occasioned by opening and shutting them, be increased by an echo from a neighbouring mountain, that shall extend and continue a sound that shall deeply pierce the soul.[...]To increase the horror of this abode of discipline and misery, let it be called by some name that shall import its design.

2dly, LET the various kinds of punishment, that are to be inflicted on crimes, be defined and fixed by law. But let no notice be taken, in the law, of the punishment that awaits any particular crime. By these means we shall prevent the mind from accustoming itself to the view of these punishments, so as to destroy their terror by habit. The indifference and levity with which some men suffer the punishment of hanging, is often occasioned by an insensibility that is contracted by the frequent anticipation of it[...].

3dly, LET the duration of punishments, for all crimes, be limited, but let this limitation be unknown. I conceive this secret to be of the utmost importance in reforming criminals, and preventing crimes. The imagination, when agitated with uncertainty, will seldom fail of connecting the longest duration of punishment, with the smallest crime.

I CANNOT conceive any thing more calculated to diffuse terror thro' a community, and thereby to prevent crimes, than the combination of the three circumstances that have been mentioned in punishments. Children will press upon the evening fire in listening to the tales that will be spread from this abode of misery. Superstition will add to its horrors, and romance will find in it ample materials for fiction, which cannot fail of increasing the terror of its punishments.<sup>190</sup>

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<sup>186</sup> Caldwell, *Autobiography*, 168-172.

<sup>187</sup> Fink, *Causes of Crime*, 4; Caldwell, *Autobiography*, 199.

<sup>188</sup> Rush, *Medical Inquiries* 300, 303.

<sup>189</sup> Peter Hutching (2014) *The Criminal Spectre in Law, Literature, and Aesthetics*. London: Routledge, 40.

<sup>190</sup> Rush, "An Enquiry Into the Effects of Public Punishments," 11-12.

There should be no doubt that Rush was motivated by the classical criminological goal of deterrence, and by eliminating the spread of crime through mimesis.<sup>191</sup> But to say that deterrence and mimesis are the only registers of Rush's proposal is to perform, to a remarkable degree, the work of rationalizing and sanitizing the penitentiary. The infliction of pain and confinement alone are enough to achieve deterrence and an end to contagion. Rush clearly required much more from the penitentiary: gloominess, Gothic aesthetics of sound, castle-like echoes, secrets and mysteries to tantalize the mind, superstitions, storytelling, and terror. This is not an account of simple isolation or of the rational decision to avoid the infliction of great pain.



1.1 Exterior of Eastern State Penitentiary in the late twentieth century.<sup>192</sup>

Symbolically, the gothic castle of the penitentiary is a reconstruction of authority, a reinforcement of the foundations of settler colonial power. Previously, castles had been treated as decaying symbols of crumbling old-world power, of the decadence of the authority and law that the colonies rebelled from. The castles of *Otranto*, or the *Asylum*, or other popular literature reveal that traditional systems of social control are breaking apart. Rush proposes to build a new castle that will not only contain crimes and deviations, but through its gothic aura of misery and secrecy will terrify the remainder of the citizenry into obedience. The penitentiary is an image of political regeneration -- the return of Otranto to its proper bloodline.

<sup>191</sup> Meranze, *Laboratories of Virtue*, 87-130.

<sup>192</sup> "Administration building facade (Fairmount Avenue) - Eastern State Penitentiary," Jack Boucher. LOC Call Number HABS PA, 51-PHILA, 354--18: <http://www.loc.gov/pictures/item/pa1207.photos.205870p/>

Beyond the imagery of authority, if taken seriously as a program to prevent crime, Rush's penitentiary cannot be read as addressing purely rational subjects. Rush's penitentiary operates in the register of superstition and fear: it works through romantic fiction, the horrors of fireside tales, and the flights of imagination sparked from gloomy echoes in grim canyons. Rush is relying on the cultural imagery of offenders as double deviations who violate both positive and natural law. Deterrence and preventing mimesis might speak to the positive legal violation, but for criminology to be distinct from jurisprudence, it must explain or address something more. Rush's exploratory modernism thus endeavors to address deviations from natural or religious law, the deformed reasoning and lack of religious fear of a William Beadle or a Moses Paul. Rush is explicit that the solution to these uncanny deviants relies on 'the imagination,' on 'horror,' and on 'fiction'.

Modern criminologists have only recently begun to seriously consider the experience of *fear* as a component of deterrence, returning to Hobbes and Beccaria to theorize deterrence as an emotional process. Noting that "deterrence ultimately may be emotional," researchers have begun to question the picture of deterrence as purely cognitive.<sup>193</sup> Even this framing, however, is based on a strict opposition between emotion and cognition, and the substance of deterrence lies in figuring out which lever to pull, and how the two influence each other. But the origins of deterrence theory that are invoked in this research do not adhere to such a binary. Rush's modernism (and Hobbes's, for that matter) constructs fear as the proper functioning of cognition, rather than as an opposition or a supplement to it. Crime results from *anarchia*, from disorders of the brain, from the chaotic and delusional reasoning of monsters in our midst. A constant experience of fear is the essence of proper republican thought. Good citizenry, in the imagination of the penitentiary, requires terror. The prison is a medical fantasy of care where nightmares are a meaningful treatment.

Rush's emphasis on fear as the corrective to deviations of reason was taken up and reproduced by other early American writers on crime, as in Thomas Baldwin's discussion of the default condition of "universal depravity" corrected by existential fear of God, or federal judge Nathaniel Chipman's view that a Hobbesian fear of the state of nature was the essence of social cognition.<sup>194</sup> In context of America's gothic discourse on crime, rationality, and monstrosity, I argue that Rush's proposal should be read as presenting a solution to the uncanny always-present and always-possibly-irrupting monstrosity of defective reason through a reinterpretation of reason as a condition of fear. This reading resolves what Michael Meranze labels the "fundamental paradox" of Rush and of the penitentiary, the need to increase repression and fear in order to create freedom and safety.<sup>195</sup> There is no paradox if we understand that from a culturally gothic reading, fear is safety, and repression is freedom. Unrepressed freedom leads to deviation from natural law, which is the true threat of crime.

Rush's proposal fits within and draws from the American gothic tradition of connecting crime and deformed rationality, but did not draw from the racialization of monstrosity and fear or

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<sup>193</sup> Justin Pickett, Sean Roche, Greg Pogarsky (2017) "Toward a Bifurcated Theory of Emotional Deterrence." *Criminology* 56.1: 27-58, 28; Ellen Raaijmakers et. al. (2017) "Exploring the relationship between subjectively experienced severity of imprisonment and recidivism: a neglected element in testing deterrence theory." *Journal of Research in Crime and Delinquency* 54: 3-28.

<sup>194</sup> Thomas Baldwin (1819) *The Danger of Living Without Fear of God*. Boston: James Loring, 4; Nathaniel Chipman (1793) *Sketches of the Principle of Government*. Rutland: J. Lyon, 191.

<sup>195</sup> Meranze, *Laboratories of Virtue*, 121.

the gendered construction of women's perceived crimes.<sup>196</sup> These themes were, however, taken up by his student Charles Caldwell.

### The Love of Blood

Caldwell is not well known today, but his 1824 *Elements of Phrenology*, a hornbook of phrenological research principles, was popular at the time.<sup>197</sup> Caldwell's phrenology drew on Rushian Enlightenment ideas about the tenuous balance of cognition, combined with a theory of the physicality of mind and being. Caldwell drew on French research to interpret rationality as an embodied quality balanced by the brain as a mediator between soul and body, which by exchanging and relating to the two opposed aspects of a human, could reflect the true essence of a person's being.<sup>198</sup> From this perspective, even superficial differences in the biological structure of the brain - as revealed in comparisons of head size between genders or races - could reveal fundamental differences in metaphysical essences between those groups.

Caldwell's key premise was that matter is "variously organized" into particular forms, and each form can do "aught but perform its own function. A peach-tree cannot produce an apple, nor an apple-tree, a peach."<sup>199</sup> This is a simplistic truism from which to deduce that biology is essential destiny, but Caldwell was comfortable applying the same reasoning to humans. Thus, for example, from the "different forms of their heads" and of "cerebral developments" between men and women, it was possible to deduce a gendered essentialism of brain functions.<sup>200</sup> One particularly female trait of brains was the larger organ of "philoprogenitiveness," which had the function of "love of offspring."<sup>201</sup> Such powerful love of offspring also explained the high rate of women's conviction for infanticide - defective organs of philoprogenitiveness in a sample of twenty-seven women revealed that "their love of offspring, therefore, being feeble, the temptation to commit infanticide gained the more easily an ascendancy over them."<sup>202</sup> Where infanticide was previously a double deviation because of its frightening deviation from women's social gender role, Caldwell has biologized it as a deviation from the proper cognitive-biological structure of womanhood. But little, if anything, has changed from Elizabeth Wilson to Caldwell: women's criminality still deviates from a law of gender inscribed in some way on the body.

Caldwell explained crimes in general according to this system. Women killed their children when the part of the brain that suggested doing otherwise was too small. Men committed murders when the "double organ" of destructiveness was improperly regulated by underdeveloped "superior faculties," as in the case of one murderer who's "instinctive love of blood" was unusually prominent in his brain and overwhelmed him.<sup>203</sup> These are familiar figures

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<sup>196</sup> This should not be taken to imply that Rush was not racist, or that Rush never wrote about race. Rush believed that blackness was a medical condition akin to leprosy, and would be cured when blacks became white; Rush's abolitionism was contingent on his belief in eradicating blackness through treatment. This supremacist fantasy of medical racism has received its own analysis and is curiously removed from Rush's writings on crime, given the perceived connection between race and crime. See John Greene (1954) "The American Debate on the Negro's Place in Nature, 1780-1815" *Journal of the History of Ideas* 15.3 (June): 384-396, 390-91.

<sup>197</sup> Fink, *Causes of Crime*, 4-6; Rafter, "The Murderous Dutch Fiddler."

<sup>198</sup> Charles Caldwell (1824) *Elements of Phrenology*. Lexington: Skillman, 2-7.

<sup>199</sup> Caldwell, *Elements of Phrenology*, 18.

<sup>200</sup> Caldwell, *Elements of Phrenology*, 24.

<sup>201</sup> Caldwell, *Elements of Phrenology*, 47.

<sup>202</sup> Caldwell, *Elements of Phrenology*, 47.

<sup>203</sup> Caldwell, *Elements of Phrenology*, 51.

of monstrous deviations - an instinctive love of blood sounds in the imagery of the degenerate savage opposed to society - but the deviation is made biological in both cause and in detection. By declaring that the essence of the soul is visible in the brain, Caldwell attempts to make monstrosity visibly detectable.

Caldwell's later work frequently racialized the detection of monstrosity. Consider his address on gambling and associated crimes, in which he declared that "no man with moral and reflective organs preponderating in power, over his animal organs, has ever been a gambler, or a robber, a thief, or a pick-pocket."<sup>204</sup> This is a familiar theme: crime is a deviation not just against law, but against rationality itself. But the deviation was raced. Gambling was offensive to Anglo-Saxon culture because of "the advancement of our race, from semi-barbarism," into refinement.<sup>205</sup> Anglo-Saxon refinement stood in opposition to the "Tartars, Malays, roving Arabs, and other hordes and communities similarly brutalized. Among those sons of licentiousness and crime, it is quite common for the gambler, having lost everything else, to stake on the hazard his wife and children."<sup>206</sup> Biology reveals itself in certain underdeveloped races that have not shared the Anglo-Saxon journey into refinement and are thus prone to vice and crime - the familiar theme of natural racial deviations. If the distinction between refined or primitive development of brain organs was substituted for a distinction between Christianity and paganism, Caldwell's account of crime could have been plucked from a captivity narrative.

Caldwell also introduced a concept of *degeneration* by whites who engaged in criminal acts. White gamblers who would "enslav[e] themselves and their families, like other barbarians" could become barbaric and through habituation resemble the Tartar or Malay.<sup>207</sup> Women who engaged in gambling became "*unsexed beings*"<sup>208</sup> (emphasis original), somehow abandoning their gender in favor of vice. This is a curious argument for Caldwell to make, given how it seems to contradict the phrenological basis for his theory of deviancy. If the biological development of the brain reveals the essence of the subject, how can that essence be changed through practice? This marks Caldwell's flirtation with the uncanny: the recognition in spite of himself, and in spite of his biological classifications, that that the undetectable criminal remains among us even in an age of biological criminology, waiting for seemingly-normal biology to degenerate and reveal itself as secretly criminal. Some white men and women might seem safe and properly developed, but their secret habits and vices could always pull them backwards.

But the crucial point is that Caldwell's writing, which seems to inaugurate applied American criminology, has not broken from the classic American gothic model. Crime is still an act of monstrosity defined by a double deviation, and the pole of deviation apart from positive law remains the defining and interesting feature. That deviation is most fundamentally understood in terms of defective rationality, but that rationality can often be fixed in biology through conceptions of race or gender. Caldwell has provided a systematic way to search for and detect racial and gendered deviations through their unusual or underdeveloped brain sizes, offering the pretense of rigor and systematicity to the project, but his exploratory modernist criminology has not revolutionized the interpretive substance of American thinking about crime. It is familiar stories of monstrous infanticides and atavist nonwhites preying on upstanding white Christians, who themselves nonetheless sometimes fall short of their obligations to their reason.

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<sup>204</sup> Charles Caldwell (1834) *Address on the Vice of Gambling*, Lexington: J. Clarke & Co., 18.

<sup>205</sup> Caldwell, *Address on the Vice of Gambling*, 8.

<sup>206</sup> Caldwell, *Address on the Vice of Gambling*, 9.

<sup>207</sup> Caldwell, *Address on the Vice of Gambling*, 9.

<sup>208</sup> Caldwell, *Address on the Vice of Gambling*, 16.

It is barely secularized death sermons, and captivity narratives where the trial is ordained by brain size rather than God.

## The Dream of Fear

Historians of law and freedom in revolutionary America have observed that the individual was both promising and problematic: the source of republican authority and law and perhaps prosperity, but also a repository of manias, defects, and disorders.<sup>209</sup> Dario Melossi argued that the penitentiary was imagined as a gateway from the disorderly side of subjectivity to the orderly; a passage into normative citizenship.<sup>210</sup> Similarly, exploratory modernism in criminology has generally been seen as the beginnings of an effort to systematically separate the two sides, characterized by a commitment to the value and possibility of rational cognition.

But early American criminology and the penitentiary both arose in context of a cultural set of hermeneutics for crime that did not adhere to this clean duality between order and disorder. Gothic writing on crime expressed deep-seated fears that rationality was endemically limited and inseparable from superstition and emotion, as well as fears that the uncanny aspect of crime meant it might never be detectable until after the fact. If Rush and his contemporaries are interpreted in this context, the paradoxes of the penitentiary fall away. Rush's gothic style is not a strange indulgence in excess, but rather a central substantive component of the institution. Fear is not in opposition to freedom, but rather part of the substantive construction of meaningful freedom against double deviations. Of all the qualities that republican machines must have, self-sufficient, educated, and moral -- they must also be terrified.

Exploratory modernist criminology developed a common core concern with deviation and the figure of the monster, which was used to articulate the difference between a criminal and a citizen. However, there also emerged a set of variegations in monstrosity and its content centered around normative civic and social status; varying degrees of fixations of deviation in gender or race. In the early nineteenth century, the image of the double deviation as atavist was well and alive.

The next two chapters follow different threads of this story throughout the later parts of the nineteenth century. Chapter Two picks up on the theme of monsters qua defects in reasoning, exploring the imagery of psychiatric criminology. Benjamin Rush is often credited as the 'father of American psychiatry,'<sup>211</sup> and Chapter Two explores how his ideas about the deformation of reason became taken up through the popular cultural lens of obsession and converted into a theory of psychic degeneration. Chapter Three then explores writing on race and crime in the nineteenth century, with particular attention to the settler colonialist project in the Western United States. In both cases, I argue that central gothic themes from early American criminology persevered, with significant consequences for the development of mainstream American thinking on crime.

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<sup>209</sup> Susanna Blumenthal (2016) *Law and the Modern Mind: Consciousness and Responsibility in American Legal Culture*. Cambridge: Harvard University Press; Christopher Tomlins (2006) *Freedom Bound: Law, Labor, and Civic Identity in Colonizing English America, 1580-1865*. Cambridge: Cambridge University Press.

<sup>210</sup> Dario Melossi (2008) *Controlling Crime, Controlling Society: Thinking About Crime in Europe and America*. Cambridge: Polity Press, 96-97.

<sup>211</sup> Richard Shryock (2006) "The Psychiatry of Benjamin Rush." *The American Journal of Psychiatry* 101.4: 429-432.

## Chapter II: The Machinery of Demons

In 1898, medical professor and noted society academic Eugene Talbot published *Degeneracy*, an influential summary of the causes and indicators of human evolutionary regression, which Talbot argued caused criminal behavior.<sup>212</sup> Although the concept of degeneracy is often associated with the anthropology of Lombroso and Nordau, Talbot approvingly cited earlier medical and psychiatric scholars, such as Benjamin Rush and Isaac Ray, crediting American doctors and alienists<sup>213</sup> with developing an “exceedingly stable foundation for the doctrine of degeneracy” long in advance of criminological anthropology.<sup>214</sup> In addition to medicine and psychiatry, Talbot also saw degeneracy as emerging from culture. He wrote that people had long described told stories about degeneracy, described in terms of “malign occult powers” and demonic influences; Shakespeare provided the treatise’s first cited account of degenerate behavior.<sup>215</sup>

Talbot’s work was a part of the eugenic criminology movement that swept the United States in the late nineteenth and early twentieth centuries.<sup>216</sup> A dark and prominent underside of the Progressive era, the eugenics movement saw Americans turn to racial advancement, social Darwinism, compulsory sterilization, and similar efforts to purify what was perceived as a diluted and degraded gene pool. Eugenics advocates held varying perspectives on how to best achieve advancement of the race, including D. A. Gorton’s theory of eugenics through habituation,<sup>217</sup> Galton’s proposal for a national marriage registry that would foster ‘positive’

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<sup>212</sup> Eugene Talbot (1898) *Degeneracy; Its Causes, Signs and Results*. New York: Charles Scribner’s Sons.

<sup>213</sup> The term alienists refers to an association of early psychiatrists and doctors who sought to discover the causes of ‘mental alienation,’ the psychiatric cause of criminal behavior wherein someone lost control of themselves or their ordinary rational faculties. Alienists pioneered the American study of the insanity defense and related matters. See Karen Haltunnen (1998) *Murder Most Foul: The Killer and the American Gothic Imagination*. Cambridge: Harvard University Press, p. 215-218; Patrizia Guarnieri (1991) “Alienists on Trial: Conflict and Convergence between Psychiatry and Law (1876-1913),” *History of Science* 29.4: 393-410.

<sup>214</sup> Talbot, *Degeneracy*, vii-viii.

<sup>215</sup> Talbot, *Degeneracy*, 1-2.

<sup>216</sup> By ‘eugenic movement’ or ‘eugenic period’ I refer to the high watermark of the institutionalization and popular acceptance of eugenic breeding in the U.S. between roughly 1890-1940. Ideas of eugenic breeding appeared earlier, and eugenic programs such as compulsory sterilizations continued long into the twentieth century, the eugenic period saw a distinctive widespread acceptance of and fervor for eugenics. See Anthony Platt (2019) *Beyond These Walls*, New York: St. Martin’s Press, p. 164-171; Alexandra Minna Stern (2005) *Eugenic Nation: Faults and Frontiers of Better Breeding in Modern America*. Berkeley: University of California Press; Edwin Black (2003), *War Against the Weak: Eugenics and America’s Campaign to Create a Master Race*; Washington, D.C.: Dialogue Press, Michael Willrich (1998) “The Two Percent Solution: Eugenic Jurisprudence and the Socialization of American Law, 1900-1930,” *Law and History Review* 16.1: 63-111. Although this chapter does not generally focus on race, it should be emphasized that eugenics operated with particular force in the context of American racism and racial eliminationism. See Dorothy Roberts (2016) *Killing the Black Body: Race, Reproduction, and the Meaning of Liberty*. New York: Vintage Books, pp. 56-103.

<sup>217</sup> Gorton is little known today, but was important in his time - the New York Times deemed in the “father of eugenics” when he died in 1916. Gorton gained considerable notoriety for marrying his much-younger secretary in what was reported as a ‘test’ of his theory that good genes could be passed on as a result of healthy living habits. See The World’s News, “Father of Twins at Eighty,” Sat 29 Jun 1912; The New York Times, “Father of Eugenics, Dr. D.A. Gorton, Dies,” Feb 23, 1916.

traits in breeding,<sup>218</sup> and a plethora of sterilization and immigration restriction programs intended to cull ‘negative’ or ‘atavistic’ qualities from the gene pool.<sup>219</sup>

Eugenics programs were varied, but criminology gave legitimization and direction to almost all of them. Crime was a common target of eugenics advocates, and the eugenic period was one of several eras when criminology has “exerted considerable influence on crime policy.”<sup>220</sup> Community and police groups interested in crime prevention adopted sterilization and other eugenic tools as part of their arsenal.<sup>221</sup> Robert Dugdale’s influential *Jukes* study (1877), an account of a ‘degenerate’ family line supposedly responsible for producing hundreds of criminals, was framed as “A Study in Crime” and spurred by Dugdale’s observations of prison populations.<sup>222</sup> In the late nineteenth and early twentieth centuries, criminology became increasingly informed by, and informative to, eugenic science.

This chapter takes Talbot’s perspective on the intellectual history of degeneracy seriously. I ask how nineteenth century medicine and psychiatry produced and circulated the underlying images of degraded rationality that formed a basis for later accounts of degeneracy. Degeneracy was a flexible and multifaceted concept that was varyingly located in biological and racial structures, in heredity, in mental state, and in behavior. Most studies of eugenic criminology have found the origins of degeneracy in anthropological criminology and its attendant racism, xenophobia, and classism.<sup>223</sup> These are critical points to which I return in Chapter 3. But this chapter supplements those accounts with a history of the psychiatric origins of degeneracy. As Nicole Rafter, Nancy Isenberg, and others have observed, the poor white woman degenerate was a major target of the eugenic effort to purify the race.<sup>224</sup> The influences Talbot cited included precursors to degeneracy drawn from a long tradition of the study of defective white rationality, particularly in cases of women and alcoholics. White degenerates were understood as mentally regressive before they were biologically regressive.

This chapter thus searches for precursors of degeneracy in popular and psychiatric discourses, with particular attention to the representation of female and/or alcoholic criminals. I first provide an overview of the concept and uses of degeneracy, which is a slippery and frequently-changing reference to human evolutionary reversion or degradation. I next follow Talbot’s invitation to discover degeneracy in culture, and explore the nineteenth century psychological turn in crime fiction. In particular, I am interested in how writers presented first-

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<sup>218</sup> Francis Galton (1904) “Eugenics: Its Definition, Scope, and Aims.” *The American Journal of Sociology* July: 1.10: 1-25.

<sup>219</sup> Susan Schweik (2009) *The Ugly Laws: Disability in Public*. New York: NYU Press; Steven Selden (2010) “Eugenics and the Social Construction of Merit, Race, and Disability,” *Journal of Curriculum Studies* 32.2: 235-252.

<sup>220</sup> Kevin Haggerty (2004) “Displaced Expertise: Three Constraints on the Policy-Relevance of Criminological Thought.” *Theoretical Criminology* 8.2: 211-231, 215.

<sup>221</sup> See Chase Burton (2017) “Schools and Delinquency in the Early 20th Century: Rethinking the Origins of School Policing,” *The British Journal of Criminology* 57: 532-550, 540; Dorothy Roberts (1993), “Crime, Race, and Reproduction,” *Tulsa Law Review* 67: 1945-1977.

<sup>222</sup> Robert Dugdale (1877), *The Jukes: A Study in Crime, Pauperism, Disease, and Heredity*. New York: G.P. Putnam’s Sons. The ‘Juke’ family may have been an amalgamation of several different family lines, and the eugenic legacy of Dugdale’s study was even more firmly entrenched by Arthur Estabrook’s revision of it. See Arthur Estabrook (1916) *The Jukes in 1915*. Washington, D.C.: Carnegie Institution of Washington.

<sup>223</sup> Nicole Rafter (1997) *Creating Born Criminals*. Urbana: University of Illinois Press; Miroslava Chavez-Garcia (2012) *States of Delinquency: Race and Science in the Making of California’s Juvenile Justice System*. Berkeley: University of California Press; Nancy Isenberg (2016) *White Trash*. New York: Penguin Random House.

<sup>224</sup> Rafter, *Creating Born Criminals*; Isenberg, *White Trash*.

person accounts of mental degeneration, often by using the device of mental obsession drawn from the French psychiatry of monomania<sup>225</sup>. I then show how, building on the tradition of Benjamin Rush, alienists used obsession as a lens to explain the behavior of alcoholics and women accused of various otherwise inexplicable crimes,<sup>226</sup> and in so doing created a template for using obsession to describe mental deterioration. Finally, I explore how even after the decline of monomania as a diagnostic concept, monomania and alcoholism were swept up under the umbrella of ‘mental hygiene’ and used to convey the image of the degenerate to a popular audience in the eugenic era.

This chapter demonstrates how the image of white offenders as uncanny and monstrous reflections of the self in Chapter 1 was medicalized and transmuted, leading to the creation of a class of visually distinctive and subhuman white offenders marked by their yellow skin, bad teeth, and seedy eyes by the late nineteenth century.<sup>227</sup> It thus provides a perspective of eugenic criminology as a continuous outgrowth of, rather than a disjuncture from, the Classical, Rushian criminological project.

But this chapter also crucially demonstrates how social environment, behavior, and psychology were wrapped up in the understanding and articulation of the biological concept of degeneracy. Exhorting us to remember even the unpleasant episodes of our disciplinary history, Nicole Rafter reminds us that “criminologists’ disdain for memory condemns us to operate with one hand - maybe two - tied behind our backs.”<sup>228</sup> Today, a growing ‘new’ field of criminology is the biopsychosocial perspective, recently legitimized within the American Society of Criminology,<sup>229</sup> which claims to be a novel and multidisciplinary approach that corrects the errors of earlier biological criminology by placing biology in a multifactor context. Thus, for example, Adrian Raine argues that we can usefully extend Lombroso’s research agenda by recapturing it with multidisciplinary sensitivity and context.<sup>230</sup> Without a historical memory of the early and muddy roots of degeneracy, criminologists have forgotten that Lombrosian biological criminology was always biopsychosocial, built on a nexus of imagery that connected habits, environment, and predispositions to biological structures. Tony Platt argues that the eugenic movement shaped the contours of criminology long into the twentieth century; I find it hard to disagree.<sup>231</sup>

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<sup>225</sup> Monomania is difficult to describe, but most generally refers to an otherwise inexplicable obsession that irrupts into otherwise normally functioning reasoning. The term itself fell out of favor and was the subject of much debate, but the substantive diagnosis of obsessive mania distorting rationality remained influential into the twentieth century; I follow those who construct monomania substantively along these lines. See Henry Werlinder (1978) *Psychopathy: A History of the Concepts*. Uppsala, Almqvist & Wiksell International, p. 43-45; John Sadler (2015) “The Crippling Legacy of Monomania in DSM-5,” in S. Demazeux and P. Singy (eds.), “The DSM-5 in Perspective,” New York: Springer, pp. 141-155.

<sup>226</sup> I mean inexplicable in the normative sense. For example, in the nineteenth century, women were often not thought to possess the requisite agency and malice to commit violent crimes, and women criminals thus presented a paradox to gender conventions. Explaining their motive as monomaniacal resolved the paradox. Anne-Louise Shapiro (1989) “Disordered Bodies/Disorderly Acts: Medical Discourse and the Female Criminal in Nineteenth-Century Paris,” *Genders* 4: 68-86.

<sup>227</sup> Isenberg, *White Trash*, pp. 135-137, 203-205.

<sup>228</sup> Nicole Rafter (2010) “Silence and Memory in Criminology.” *Criminology* 48.2: 339-355.

<sup>229</sup> See Biopsychosocial Criminology Division (2018) “Biopsychosocial Criminology” <https://bpscrim.org/>.

<sup>230</sup> Adrian Raine, “The Criminal Mind,” *The Wall Street Journal* 27 April 2013.

<sup>231</sup> Platt, *Beyond These Walls*, 170-172.

## Crime, Degeneracy, and Regression

Degeneracy was a mutable and changing concept throughout the nineteenth century. It referred to any person or group in a “downward spiral,” a regression of racial or moral status, for whatever reason.<sup>232</sup> The ability of degeneracy to describe genetic, behavioral, and moral conditions was likely influenced by Jean-Baptiste Lamarck’s early 19th century pre-Darwinian theory of evolution, wherein an organism’s modification (for better or worse) was a result of its interactions with its environment.<sup>233</sup> Lamarck’s work was most widely propagated in the United States after his death in 1829; recall French-educated Charles Caldwell’s declaration in 1834 that debased white gamblers would “through habituation resemble the Tartar or Malay.”<sup>234</sup> Whites who degenerated were seen as subhuman, the “degenerate spawn of a ‘notorious race’” marked by their bad habits.<sup>235</sup> Of course, degeneracy could also be used to describe nonwhites as less evolved and less human, a justification for paternalism and violence, and this perspective crystallized over the course of the nineteenth century into a concrete racial hierarchy of achievement with white men at the top of the free of human progress.<sup>236</sup>

Alcohol abuse, which was increasingly seen by temperance campaigns as an indicator of poor moral character and self-control, was strongly associated with degeneration in the nineteenth century.<sup>237</sup> But alcohol was more than a marker of bad habits. It was also associated with the rising psychiatric concern over obsessive mental states, part of what Rimke and Hunt term the “medicalization of morality” by nineteenth century psychiatry.<sup>238</sup> Alcohol was a degenerate habit itself, but was also fundamentally intertwined with the rising concern over degenerate mentality. The rising nineteenth century influence of French psychiatry and its interest in moral mania produced an American medical jurisprudence of degeneration, and alcoholism increasingly came to be treated in psychiatric asylums.<sup>239</sup>

Alcohol and mania thus formed two related terrains where the medical-criminological perspective on degeneracy was developed. I take these terrains as the focus of my study here. In so doing, I am attentive to Goldstein’s reminder that psychiatric discourses of crime are “not simply instances of professional knowledge. They are instances of professional knowledge capable of reverberating strongly in the culture at large.”<sup>240</sup> Thus, I continue to be attentive to how wider popular culture provided images, templates, and concerns that early psychiatric criminology used to render itself legible to its audience. In the early nineteenth century, William Simms, Edgar Allen Poe, and others began to craft an American gothic style of crime novel that

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<sup>232</sup> Rafter, *Creating Born Criminals*, 37.

<sup>233</sup> George Stocking Jr. (1962) “Lamarckianism in American Social Science: 1890-1915,” *Journal of the History of Ideas* 23.2: 239-256.

<sup>234</sup> Andrés Galera (2017) “The Impact of Lamarck’s Theory of Evolution Before Darwin’s Theory.” *Journal of the History of Biology* 50.1: 53-70; Charles Caldwell (1834) *Address on the Vice of Gambling*, Lexington: J. Clarke & Co., 19.

<sup>235</sup> Isenberg, *White Trash*, 135.

<sup>236</sup> Steven Gelb, “The Beast in Man,” (1995) *Mental Retardation* 33.1: 1-9; Nancy Lesko (2001) *Act Your Age: A Cultural Construction of Adolescence*, New York: Routledge, 19-48.

<sup>237</sup> Rafael Huertas (1993) “Madness and Degeneration, II: Alcoholism and Degeneration.” *History of Psychiatry* 4.13: 1-21.

<sup>238</sup> Heidi Rimke & Alan Hunt (2002) “From Sinners to Degenerates: The Medicalization of Morality in the 19th Century.” *History of the Human Sciences* 15.1: 59-88.

<sup>239</sup> Goldstein, *Console and Classify*; Susanna Blumenthal (2016) *Law and the Modern Mind*. Cambridge: Harvard University Press; Huertas, “Madness and Degeneration, II.”

<sup>240</sup> Goldstein, *Console and Classify*, 386.

focused on the psychological condition of offenders, including early first-person accounts of crime. The rise of the psychiatry of degeneration must be understood in the context of this cultural development.

### **The Fury of a Demon: The Literature of Degeneration**

In the early nineteenth century, literature exploring degeneration drew on the “pervasive urban gothic discourse” of a Romantic-Gothic style that explored how modernity and urbanity threatened the moral and psychological progress of humanity.<sup>241</sup> For example, George Lippard’s *The Quaker City*, a “sprawling, ramshackle affair,” portrayed Philadelphia in the midst of decadence and decay, with every plot involving rape or lurid sex, and with murder and sadism lurking in every heart.<sup>242</sup> In the urban gothic, America’s growing metropolitan wealth and industry invited comparisons to the old world, to what one newspaper writer termed the “moral depravity” that Americans often levied against Europe.<sup>243</sup> Images of moral degeneration in the face of modernity’s corruption began to proliferate. In Dickens’ *Oliver Twist* (1837-39) the grimy, seething pollution and decay of London corrupts the next generation; in Hawthorne’s *Rappaccini’s Daughter* (1844) a woman is made monstrous by her father’s unhinged scientific experiments, to such a degree that experiencing love requires her death. Thus, although invocations of degeneration and regression are most commonly associated with the late nineteenth century,<sup>244</sup> literature (like criminology) explored degeneration long before the *fin de siècle*.

In particular, American writers and audiences explored two related accounts of degeneration: the abuse of alcohol and mental deterioration, commonly framed with obsession. These causes of degeneration were sometimes distinct but frequently intertwined, and they are difficult to disaggregate in tales of decadence and decay. Through these tropes, psychologically inclined novelists began to craft a metanarrative of crime as a result of mental regression.

#### Martin Faber: Psychology and Crime Narratives

American writers began to explore the criminal mind from a first-person orientation in the early nineteenth century. William Gilmore Simms’s *Martin Faber* (1837) was seminal, as it was one of the first “fictional studies of the psychology of crime,” and heavily influenced Edgar Allan Poe’s Gothic crime stories.<sup>245</sup> Simms himself saw the story as a tale of a crime caused by a mixture of demonology and psychology: “diablerie and all the machinery of superstition & by a prevailing presence of vehement individuality of tone & temper.”

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<sup>241</sup> Jennifer Rae Greeson (2001) “The ‘Mysteries and Miseries’ of North Carolina: New York City, Urban Gothic Fiction, and *Incidents in the Life of a Slave Girl*.” *American Literature* 73.2: 277-309. 281; Chad Luck (2014) “George Lippard and the Rise of the Urban Gothic,” in Charles Crow, ed., *A Companion to American Gothic*. London: John Wiley & Sons, pp. 124-135.

<sup>242</sup> Charles Crow (2009) *American Gothic*. Cardiff: University of Wales Press, p. 28.

<sup>243</sup> S. S. (1820) “The Critical Observer,” *The Pittsfield Sun* September 13, 1820.

<sup>244</sup> For example, see Kathleen Spencer (1992) “Purity and Danger: *Dracula*, The Urban Gothic, and the Late Victorian Degeneracy Crisis” *ELH* 59.1: 197-225; Nils Clausson (2003) “Culture and Corruption: Paterian Self-Development versus Gothic Degeneration in Oscar Wilde’s *The Picture of Dorian Gray*” *Papers on Language and Literature* 39.4: 339-364.

<sup>245</sup> John Guilds (1992) *Simms: A Literary Life*, Fayetteville: University of Arkansas Press, p. 47-49; Edgar Allan Poe (1846) Untitled review, in *Godey’s Lady’s Book* 33 (January): 41-42.

*Martin Faber* was groundbreaking in providing a first-person account of the inner workings and motivations of a murderer. Martin, the protagonist, experiences early troubles in school as a youth that create a burning sense of injustice and revenge. He begins a relationship with Emily, his former tutor's daughter, but selfishly decides to marry Constance, an heiress, while still maintaining his relationship with Emily. Emily accepts Martin's assurances that he really loves her for a while, but eventually grows tired and struggles with Martin, who kills her.

The basic tropes are familiar: a love triangle, greed, jealousy. But Martin's violence is complicated by his experience of psychological degeneration. By the time of the murder, he does not feel subjectively in control of his own actions, claiming that a "demon possessed me" during the killing.<sup>246</sup> Martin's feelings of possession build slowly over the course of the story; when he is young and punished severely for minor infractions by his tutor, he feels "the spirit of a demon" inflaming his emotions and spurring a drive for revenge.<sup>247</sup> After the murder, the feeling grows even stronger, as "demoniac defiance" from the natural world shouts the truth of his crime at him.<sup>248</sup> The first-person structure of the novel works to humanize Martin, who is in some ways a sympathetic protagonist who has suffered his own wrongs and at times fears his loss of control, but it also provides an internal model of degeneration as Martin slowly loses control of his mind and his faculties. Martin's crimes are eventually discovered, and at the end of the story, after a crazed attempt to kill Constance, he sees the world taken over by spirits and ghosts as he marches to the scaffold for his execution, his mental degeneration complete.<sup>249</sup>

In order to understand the influence of *Martin Faber* on Poe, it is important to see that Simms is using demonism to explore obsession. Martin's demon emerges as a description of thoughts or feelings that he can't let go: his powerful emotions at being wronged, his selfish dream of marrying the wealthy Constance and keeping Emily as a mistress. *Martin Faber* marks a turning point in the literary psychologizing of crime, which was soon to be taken up non-fictionally by American psychiatrists, but it also demonstrates the power of the *idée fixe*, the all-consuming idea or obsession, in the nineteenth century American imagination.

### Poe and the Gothic Template of Monomania

If Simms inaugurated the literary psychiatry of criminal obsessions, Poe popularized both this template for explaining crime. Two years after *Martin Faber*, Poe wrote *Berenice* (1835), a short story of a man who becomes obsessed with the teeth of his cousin (who is also his intended wife) after she dies of an unspecified illness. He digs up her corpse to satisfy his obsession by pulling her teeth from her skull. Following Simms's style, the story is in the first person, and the narrator names his obsession with Berenice's teeth: "monomania, if I must so term it."<sup>250</sup> Poe did not coin the term monomania, which was used by French psychiatrists as early as the 1810s to describe a fixed and unshakeable obsession that dominated an otherwise rational mind.<sup>251</sup> But

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<sup>246</sup> William Gilmore Simms (1833) *Martin Faber: The Story of a Criminal*. New York: J. & J. Harper.

<sup>247</sup> Simms, *Martin Faber*, 22.

<sup>248</sup> Simms, *Martin Faber*, 68. At this point, the story in some ways becomes what Karen Haltunnen describes as a 'murder will out' story. See Haltunnen, *Murder Most Foul*.

<sup>249</sup> Simms, *Martin Faber*, 189.

<sup>250</sup> Edgar Allan Poe (1894) "Berenice." in Edmund Stedman and George Woodberry, eds., *The Tales and Poems of Edgar Allan Poe*, v. 1. Chicago: Stone & Kimball, p. 52.

<sup>251</sup> Jan Goldstein (1987) *Console and Classify*. Cambridge: Cambridge University Press, 155-157.

Poe's use does appear to be one of the earliest (again, probably not the very first) in the United States.<sup>252</sup>

Poe did not continue to use the term monomania in his writing, but given his awareness of the diagnosis, his repeated use of obsession as a template for psychologically explaining crime is striking. Consider *The Tell-Tale Heart* (1843), in which the narrator kills an old man with whom they live, as a result of their obsession with the idea of the murder itself:

“It is impossible to say how first the idea entered my brain; but once conceived, it haunted me day and night. Object there was none. Passion there was none. I loved the old man. He had never wronged me.”<sup>253</sup>

Here, the narrator's self-description is an almost clinical account of monomania, even though Poe has discarded the term. The obsession with killing is inexplicable and irrational, and it irrupts into and dominates an otherwise perfectly functional and rational mind.

*Heart* is not only an explanation of murder, but possibly an explanation of an unusual and gendered one. Observing that Poe curiously never attributes a gender to the main character of *Heart*, feminist scholars have argued that a female narrator of *Heart* is quite consistent and even helps explain the mysterious ‘old man’ who the narrator lives with, a stand-in patriarchal figure.<sup>254</sup> This reading is intriguing in light of Poe's own conception of gender roles, which conformed to a typical Anglo-Saxon nineteenth century perspective that assigned women restrictive social roles as wives and mothers, while also idealizing women to the point of dehumanization as the vessels of virtue.<sup>255</sup> As we will see, an enduring theme in nineteenth century psychiatry was the mysteriousness of women murderers: because of women's natural inclination toward caregiving and virtue, it was hard to imagine ‘the fairer sex’ as having a motive for murder. *Heart* thus uses obsession to develop a template for explaining crimes that would otherwise be inexplicable, resolving the implicit paradox of the female killer.

If one is attentive, obsession permeates Poe's work. It haunts *The Fall of the House of Usher* (1839), a cautionary tale about mental degeneration in the context of immoral modern living. *Usher* “establishes the definitive model for a recurring motif of Southern fiction,” and provided an influential form in the development of a distinctively American gothic.<sup>256</sup> Stephen Dougherty observes that Usher's popularity can be understood as enmeshed within the collective American nightmare of degeneration; the fall of a powerful family and their symbolic castle-like

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<sup>252</sup> It has proven surprisingly difficult to track the first use of monomania in the US; Poe's is the earliest I have personally found. The claim that Poe's use was one of the earliest is based on (1) the later dating of monomania in all U.S. based secondary sources I have found, and (2) a Google Ngram analysis that reveals the term was almost unused in the English corpus until a sharp spike in 1835, when Poe published *Berenice*. See:

[https://books.google.com/ngrams/graph?content=monomania&year\\_start=1800&year\\_end=2000&corpus=15&smoothing=3&share=&direct\\_url=t1%3B%2Cmonomania%3B%2Cc0#t1%3B%2Cmonomania%3B%2Cc00](https://books.google.com/ngrams/graph?content=monomania&year_start=1800&year_end=2000&corpus=15&smoothing=3&share=&direct_url=t1%3B%2Cmonomania%3B%2Cc0#t1%3B%2Cmonomania%3B%2Cc00). Poe's use may have been inspired by the earlier idea of ‘money mania,’ a financial obsession that emerged in the late eighteenth and early nineteenth centuries. See Susanna Blumenthal (2016) *Law and the Modern Mind*. Cambridge: Harvard University Press, pp. 101-102, 134.

<sup>253</sup> Edgar Allan Poe (1992) “The Tell-Tale Heart,” in Joyce Oates, ed., *The Oxford Book of American Short Stories*. Oxford: Oxford University Press, 92.

<sup>254</sup> Gita Rajan (1988) “A Feminist Rereading of Poe's ‘The Tell-Tale Heart,’” *Papers on Language and Literature* 24.3: 283-300.

<sup>255</sup> Michael J.S. Williams (1991) “Poe on Women: Recent Perspectives,” *Poe Studies/Dark Romanticism* 24.1: 34-40; Richard Cary (1967), “Poe and the Literary Ladies,” *Texas Studies in Literature and Language* 9.1: 91-101.

<sup>256</sup> Though incidentally, as William Moss observes, the story may well not have been intended to be set in the U.S. at all. William Moss (2014) “The Fall of the House, from Poe to Percy.” in Charles Crow, ed., *A Companion to America Gothic*. London: John Wiley & Sons, pp. 177-200, 179.

mansion express the anxiety of the degeneration of modern civilization.<sup>257</sup> The plot of *Usher* concerns the protagonist's visit to his friend, Roderick Usher, after receiving a letter detailing Roderick's persistent illness. The household itself is sick when the protagonist arrives, ailed by an unspecified malaise that mimics Roderick's own degeneration from the handsome man the narrator remembers into an almost inhuman creature, with a "cadaverously wan" skin and a "species of mad hilarity in his eyes."<sup>258</sup>

Roderick's degeneration is never directly explained and Poe's writing draws on the mysterious ambiance created by the unknown affliction. In part, it may be Roderick's own immoral conduct (the strange and perverse relationship between Roderick and his twin sister Madeleine implies incest), or his biology (there is a family history of illness). But the central and recurring manifestation of whatever moral failings haunt Roderick and his house is Roderick's all-consuming nervousness and fear, his obsession with terror itself, which is described as a "nervous agitation."<sup>259</sup> After spending time in the house, even the narrator begins to struggle "to reason off the nervousness which had dominion over me," as thoughts of "utterly causeless alarm" consume him.<sup>260</sup> The falling house, which in the end of the story will sink into the earth, reveals and manifests degeneration through a mania of fear.

Poe's fiction also explored the connection between obsession and alcohol. In *The Black Cat* (1843), a first-person narrative of how the 'protagonist' comes to murder his wife, the narrator begins his degeneration when he succumbs to "the Fiend Intemperance," juxtaposed to his wife, who retains the capacity for love and joy.<sup>261</sup> Out of resentment at his inebriated condition, the narrator develops a classic monomaniacal obsession to harm the family cat, "to do wrong for the wrong's sake only," eventually torturing and killing the cat. Acting on his obsession, in turn, drives the narrator to drink more, which makes him even more obsessed with the family's new (or possibly returned) black cat, which he attempts to kill with an axe. His wife, who remains a kind and sympathetic portrait of Poe's concept of womanly virtue, catches the axe, sparking "a rage more than demoniacal" at her interference, and the narrator "burie[s] the axe in her brain."<sup>262</sup> Alcohol begets obsession, which begets alcohol, which begets violence.

Poe's urban gothic thus developed a pervasive interest in crime and a template for obsession as an explanation of the internal psychic process of degeneration. But Poe's invocations of alcohol are also revealing. At the same time, a movement of temperance reformers, moral writers, and novelists explored alcohol as a separate, but linked, source of degeneration and decay.

### Alcohol and Monitory Tales

Although it has not drawn the same degree of attention as the late nineteenth and early twentieth century temperance movements, the early nineteenth century temperance movement was forceful and widespread, spearheaded by reformers and clergy who sought to curb the

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<sup>257</sup> Stephen Dougherty (2001) "Foucault in the House of Usher: Some Historical Permutations in Poe's Gothic." *Papers on Language and Literature* 37.1: 3-24, 6.

<sup>258</sup> Edgar Allen Poe (1839) *The Fall of the House of Usher*. Infomotions, Inc. 2000 reprint, Ebrary edition: ProQuest, p. 10-11.

<sup>259</sup> Poe, *The Fall*, 1

<sup>260</sup> Poe, *The Fall*, 10

<sup>261</sup> Edgar Allen Poe (1843) "The Black Cat." *The University of Virginia Library*: ebook edition: <https://etext.lib.virginia.edu/toc/modeng/public/PoeBlac.html>, p. 564.

<sup>262</sup> Poe, "The Black Cat," 570.

overuse of alcohol by the laboring classes, real or imagined.<sup>263</sup> The movement faltered by the mid-1850s, when doctors and psychiatrists would take up and medicalize concerns over alcohol abuse, but they did produce a popular literature of stories and monitory tales that treated alcohol as a cause of obsession, degeneration, and crime. Oftentimes, temperance literature centered the vulnerability of otherwise pure and innocent women who could be seduced by the attractiveness of drink, foreshadowing the emerging white female degenerate.

A typical example is the 1837 *Temperance Textbook*, assembled by an anonymous compiler, which was an assemblage of stories of alcohol abuse perhaps grounded in truth, but seemingly sensationalized and fictionalized (the author's subtitle described the book as a collection of both 'facts' and 'interesting anecdotes'). One such story was Alethea Williamson's, said to have been "once [a] very lovely girl" who had "one fatal blemish in her character" - a habit of "indulg[ing] in cakes and cordials" while running errands.<sup>264</sup> Alethea's habit of cordials increasingly became an obsession, and her indulgence led her to a greater thirst for alcohol. As she sought to "gratify her palate" and "drank too often," she was arrested in the street for drunkenness and taken to the courthouse, where she suddenly transforms into a monstrous madwoman who "threatened to burn the office, to blow up the magistrate, and to tear the police from limb to limb."<sup>265</sup> Alethea's taste for cordials thus drags her down from being a lovely and upstanding young lady to a raving threat to society.

There was certainly a popular appetite for stories of attractive white women fallen into alcohol abuse. In 1830, the *Essex Gazette* reprinted an item written for other papers, "An Example to be Shunned," which was the story of a woman named Ellen Harvey in court. Flanked by a multiracial array of defendants who formed "so disgusting and melancholy an array of wretchedness and vice," Ellen appeared in "ragged garments." The *Gazette* nonetheless found time to focus on her "figure," which was "light, delicate, and graceful" and attracted great "general attention...in spite of the accumulated miseries she had undergone."<sup>266</sup> Ellen's miseries were that she had been seduced and then abandoned by a wealthy man, her father had died, and left on her own she was consumed by "that cheap vice, *drunkenness*," which turned her into "a thief, a beggar, a prostitute, of the most abandoned order."<sup>267</sup> Ellen is presented object of sympathy and desire for the audience, but also as a degenerate.

These themes were repeated and exemplified throughout temperance literature. A popular songbook of temperance hymns, *The Temperance Muse* (1840), offered a number of songs even more explicit in connecting temperance and criminal degeneration than Alethea's story, such as "The Mischief of Drinking":

"When we think of raging madness / When we think of reckless beings,  
When we think of death-like sadness / Nature's most distressing scenes,

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<sup>263</sup> As is often the case, the movement may have seized on genuine social problems, given documented instances of 'rum wages' for laborers and a cultural reliance on spirits in a time of concerns about water quality. At the same time, the movement has many of the hallmarks of a moral panic. See W. J. Rorabaugh (1981) *The Alcoholic Republic: An American Tradition*. Oxford: Oxford University Press; Jed Dannenbaum (1984) *Drink and Disorder: Temperance Reform in Cincinnati from the Washingtonian Revival to the WCTU*. Urbana: University of Illinois Press; Dierdre Moloney (1998), "Combatting 'Whiskey's Work': The Catholic Temperance Movement in Late Nineteenth Century America," *U.S. Catholic Historian* 16.3: 1-23; J.K. Chapman (1954) "The Mid-Nineteenth-Century Temperance Movement in New Brunswick and Maine," *Canadian Historical Review* 35.1: 43-60.

<sup>264</sup> Anonymous (1837) *The Temperance Textbook: A Collection of Facts and Interesting Anecdotes Illustrating the Evils of Intoxicating Drinks*. Philadelphia: E. L. Carey and A. Hart, p. 81.

<sup>265</sup> Anonymous, *The Temperance Textbook*, 82.

<sup>266</sup> The City Police (1830) "An Example to be Shunned" *Essex Gazette* 21, V.IV, May 22, 1830.

<sup>267</sup> *id.*

When we think of horrid murder / Female virtue lost in crime;  
When we think of black self-slaughter / Let us ever bear in mind;  
That the cursed love of drinking / hath produced the greater part,  
And that thousands now are sinking / pierc'd by dissipation's dart."<sup>268</sup>

Some novels playing on the monitory style focused entirely on alcohol as the cause of decline. *The Road to Ruin* (1854), a British story reprinted in the U.S., was a life-course study of the relationship between alcoholism and crime.<sup>269</sup> The book slowly explores the protagonist's life, beginning with his first exposure to alcohol by his mother's drinking. His own developing alcohol complex leads to a hardening of his heart, his increasing cruelty and dissipation, and in turn his domestic abuse of his partner, his burglary in an attempt to sustain his lifestyle, and so on. From youthful innocence to hardened criminal, by way of the bottle.

In the first part of the nineteenth century, Gothic and monitory writing painted pervasive and culturally appealing visions of the cause of degeneracy, amplifying and explaining popular fears of declension and the dangers of urban living. Although not yet systematized biologically according to Darwinian principles, as degeneracy would be in the late nineteenth century, there was a clear sense of the capacity for poor mental state or poor moral behavior to cause regression of a subject to a more primitive and less moral state of affairs. As writers and preachers had been developing these accounts through storytelling, alienists and doctors had been trying to systematize these images of degeneration, a process that started in the early nineteenth century but reached its high point in the 1850s. From this moment, the conjuncture of the alcoholic-monomaniac-degenerate was born, paving the way for the image of the degenerate at the heart of eugenic criminology.

### **Wild and Ferocious Beasts: Medicalizing Mania and Alcohol**

The alienists and doctors who drew on popular ideas about alcohol and obsession to articulate degeneracy are difficult to trace. Monomania and alcoholic mania were both slippery concepts, often overlapping and mutually reinforcing, but rarely in consistent or stable ways. In fact, as we will see, the flexibility and capaciousness of monomania lead to the term's diagnostic downfall in the late nineteenth century, as psychiatrists increasingly suspected it was a meaningless catch-all for any unexplained case.<sup>270</sup> For that reason, rather than attempting to disaggregate treatments of monomania and alcoholism, which would be nearly impossible, this section discusses a selection of key alienist and psychiatric treatises in chronological order. I have grouped these studies into three periods: Benjamin Rush and Isaac Ray's initial explorations of alcoholic mania from 1812-1838, the expansion of diagnostic monomanias and medical treatises on insanity in the 1840s-1860s, and the fracture of monomania and subsequent capture of alcoholic mania by the concept of degeneracy in the 1870s and after.

#### *The Current of Sin: The Early Medicalization of Alcohol, Mania, and Degeneration*

Benjamin Rush's interest in republican rationality led him to explore alcohol and mental degeneration shortly before the explosion of temperance and psychiatric literature on crime. His 1812 treatise on mental diseases proposed that as many of "one-third" of "the proportion of

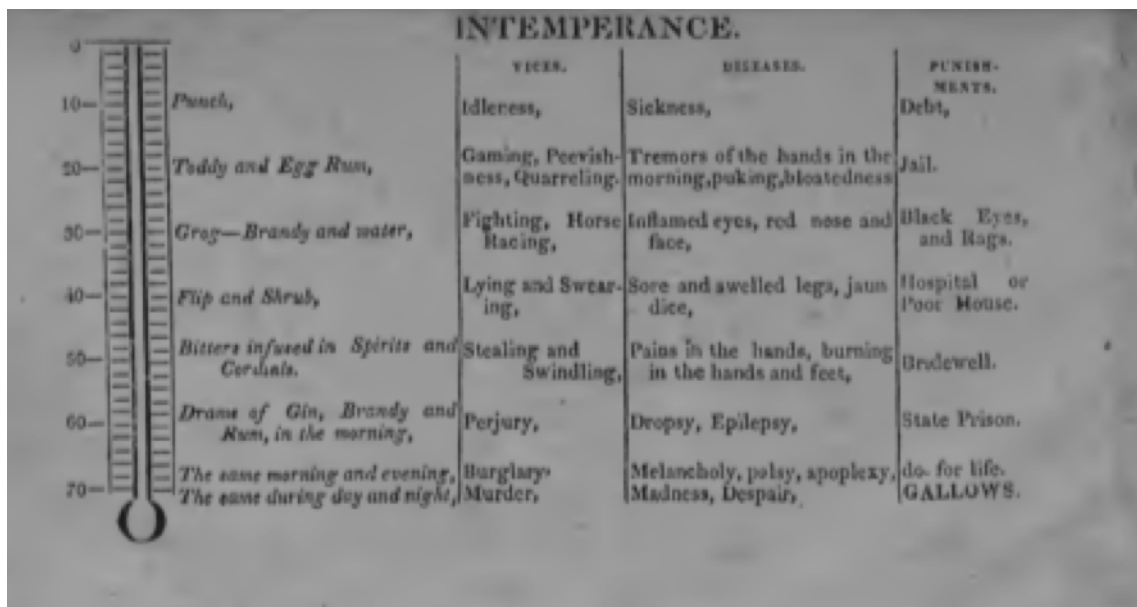
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<sup>268</sup> Joseph Waugh (1842) *The Temperance Muse*. Providence: H.H. Brown.

<sup>269</sup> Edwin Roberts (1854) *The Road to Ruin; or, The Dangers of the Town*. Cincinnati: U.P. James.

<sup>270</sup> Goldstein, *Console and Classify*, 194-197.

maniacs” entered mania due to “the excessive use of ardent spirits.”<sup>271</sup> Mania, for Rush, did signal an erosion of ordinary rational functioning, but it did not yet have a strong link to obsession. Rather, Rush was working with a concept of moral mania, a failure of the ethical reasoning that was presumed to be an equal capacity of every ordinary human.<sup>272</sup> Rush’s manic drinkers were deeply degenerate, however. He published a “MORAL AND PHYSICAL THERMOMETER”<sup>273</sup> that revealed the sliding decay of alcohol and mania:



2.1 Moral Thermometer – Intemperance. “Intemperance.” From Benjamin Rush, *An Enquiry Into the Effects of Ardent Spirits*, Eighth Edition (1812). Exeter: Josiah Richardson.

The temperance side of the thermometer, not pictured here, lists human virtues: kindness, moderation, and the like. The intemperate become increasingly demonic and distorted: their bodies distend and swell, their skin changes color, their minds descend to madness. Crime is the shadow that hangs over mania and intemperance. Alongside madness and burglary, from the use of hard liquors on a regular basis, we see that a mad drinker will be punished by “do. For. life. GALLOWS.” Rush may not have had the language of degeneracy at hand, but his moral thermometer is a gradation of declining degrees of humanity, an illustration of a person’s regression into something less, fit only for execution. Hence his references in the text to drinkers as “demoniac,” and his call to remove them “physically, as well as morally, from the political

<sup>271</sup> Benjamin Rush (1812) *Medical Inquiries and Observations, Upon the Diseases of the Mind*. Philadelphia: Kimber & Richardson, 33.

<sup>272</sup> Blumenthal, *Law and the Modern Mind*, 100-102.

<sup>273</sup> Moral thermometers were a common eighteenth and nineteenth century representation of intangible characteristics of character, reduced to an impersonal sliding scale. This mechanistic quantification of humanity was itself reliant on the uncanny; the thermometer reflected humanity back to itself - stripped of everything genuinely human. For a detailed analysis of this claim and the history of moral thermometers, see Terry Castle (1995) *The Female Thermometer: Eighteenth-Century Culture and the Invention of the Uncanny*. Oxford: Oxford University Press.

community.”<sup>274</sup> Rush’s moral thermometer proved influential and appealing, and was copied and distributed even outside of his own writing.<sup>275</sup>

As time went on, the popular imagery of the temperance movement articulated the idea of degeneration more clearly. For example, an 1830s temperance history published by the New York State Temperance Society described the colonies in idealistic terms as virtuous and temperate, until the chaos of the Revolutionary War and other unnamed “evils” gave rise to a swell of alcoholism that threatened to drag the colonies into a pre-civil condition. Another writer noted that alcohol threatened culture with the power to “defile its purity”.<sup>276</sup> Yet another described sellers of alcohol as in a state of “moral desolation,” casting them as “agents of ruin” who threatened “the stability of governments” and the unravelling of entire nations by subordinating humanity to the devil, “the grim master of sacrifice himself”.<sup>277</sup> In all of these accounts, alcohol is degenerate, dragging individuals or groups backwards toward some pre-civilizational doom.

Temperance advocates thus seized on the culture of moral-medicalization of alcohol and began to articulate early concepts of degeneracy and racial-national backsliding.<sup>278</sup> But the continued involvement of doctors in the temperance movement, expressing an early medical interest in addictions, also paved the way for a more systematic and criminological discourse. For example, William Sweetser, a doctor who would eventually develop a systematic account of crime in his 1850 text *Mental Hygiene*,<sup>279</sup> also gave speeches to temperance associations. In one such set of remarks, he used his professional authority as a doctor to rearticulate familiar themes of degeneration, describing alcohol as a roaring ocean that swallowed virtue, leaving people “drawn within its current and swept along into the depths of sin, disease, and death.”<sup>280</sup>

Alcoholic mania was taken up more forcefully in the late 1830s by Isaac Ray. If Benjamin Rush was the medical polymath and protocriminologist *par excellence* of the eighteenth century, Isaac Ray assumed that role by the mid-nineteenth. A recognized “pioneer” of criminology and well-known in legal circles for his expansive treatise on the insanity defense,

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<sup>274</sup> Rush, *An Enquiry*, 11, 12-13.

<sup>275</sup> Wellcome Institute for the History of Medicine (1984) *Morbid Cravings: The Emergence of Addiction: An Exhibition Held in Conjunction with the Centenary Meeting of the Society for the Study of Addiction*. 22 October 1984 to 25 January 1985: <https://wellcomelibrary.org/item/b2045689x#?m=0&cv=12&h=liquors&c=0&s=0&z=0.0579%2C0.0866%2C1.0473%2C0.5808> p. 1, 5-6.

<sup>276</sup> Anonymous (1834) “A Succinct History of the Origins, Principles, Objects and Progress of the Temperance Societies in the United States of America,” *American Quarterly Temperance Magazine* v. 1: 6-16, p. 6; Thomas Grimke, “Address on the Patriot Character of the Temperance Reformation,” *American Quarterly Temperance Magazine* v. 2: 150-156, 155.

<sup>277</sup> Mr. Cooke (1833) “Mr. Cooke’s Speech,” *American Quarterly Temperance Magazine* v. 1: 127-130, 129.

<sup>278</sup> There were far more temperance texts invoking the idea of a lower or degenerate order than can be discussed here. Interested readers may also peruse: J.E. Stebbins (1876) *Fifty Years History of the Temperance Cause*, Hartford: J.P. Fitch; Noah Davis (1881) *Intemperance and Crime*, New York: New York Temperance Society; Frederick Powell, *Bacchus Dethroned*, New York: National Temperance Society and Publication House, 1878.

<sup>279</sup> The title of the text is also deeply significant, as ‘mental hygiene’ was the explanatory phrase of the eugenics movement for individuals with a poor nexus of biological and habitual mental conditions. Sweetser’s work predates the eugenics movement, but is clearly a key conceptual development. William Sweetser (1850) *Mental Hygiene*. New York: Putnam.

<sup>280</sup> William Sweetser (1830) *An Address Delivered Before the Chittenden County Temperance Society, August 26, 1830*. Burlington: Chauncey Goodrich, p. 3-4.

Ray was the most prominent and influential medical treatise writer in his day.<sup>281</sup> He also wrote in the *American Journal of Insanity* and served as the superintendent of several psychiatric hospitals, connections that helped him cross firmly into the world of the alienists. His most famous work, originally published in 1838 and revised and reissued throughout the 1850s, was his *Treatise on the Medical Jurisprudence of Insanity*, an attempt to complete the Rushian project of cataloguing the causes and consequences of mental defects.

Ray's discussion of alcohol played on the imagery of degeneracy by describing the drunk as a doppelganger of a functioning human, a consciousness without consciousness. Alcohol caused hallucinations of a "low, humming sound" and "slight mist" to cloud the senses, brought on an "irresistible propensity to talk nonsense," and as drinking proceeded, caused the imagination to fill with "strange and queer images" that produce "a sense of oppression" in the mind.<sup>282</sup> As drinking continues, the drunk thus descends into a state of awareness only of a lack of awareness, an existence that knows only of its own improper function. Drawing on the imagery of the temperance movement, Ray connected this state to national degeneration and mania: the drunkard's altered state caused them to cease caring for "relations of neighbor, citizen, father, spouse," reminiscent of "manifestations of moral mania."<sup>283</sup>

In context, Ray's invocation of moral mania was a reference to his belief in "monomania of drunkenness," the growing perspective that alcohol use was a subspecies of deranged obsession which overrode proper mental functioning (and one for which Ray was criticized by psychiatrists skeptical of this expansion of monomania).<sup>284</sup> But Ray's use of monomania to describe drunkenness is consistent with his own phenomenology of alcohol, in which the drunk is a consciousness devoid of consciousness: monomania's single issue defective reasoning that overwhelms an otherwise functional mind mimics the state of a drunk mind that observes its own decline. Monomaniacs and drunks are both degenerate from the ordinary state of human functioning, and gothic in that they represent someone trapped within themselves, observing the fall and unable to act.

Through the work of temperance reformers, doctors, and others, by the late 1830s a culture fascinated with blood and purity had articulated a pervasive view of an alternate and degenerate 'white trash' race, often marked by the defective reasoning of their manias and their alcoholism, as well as the behavioral and physical defects that stemmed from these conditions. Medical authority reinforced this image, providing diagnostic accounts of drunkenness and monomania. But in the 1850s, and 1860s with treatise writers such as Isaac Ray and William Sweetser, alcohol and monomania came center stage as a proto-criminological and psychiatric diagnosis. In these texts, the relation of degeneracy to crime would also take center stage, and the white female degenerate suggested by figures such as Ellen would more firmly take shape.

*Demons and Derangement: The Study of Drunk and Female Criminals*

By the 1850s, doctors and psychiatrists were beginning to offer systematic explanations of crime. The term criminology was not in use, but the activity of medical experts in this period

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<sup>281</sup> Winfred Overholser (1954) "Pioneers in Criminology: Isaac Ray," *Journal of Criminal Law, Criminology and Police Science* 45.4: 249-263; John Hughes (1986) *In the Law's Darkness: Isaac Ray and the Medical Jurisprudence of Insanity in Nineteenth Century America*. New York: Oceana Publications.

<sup>282</sup> Isaac Ray (1844) *A Treatise on the Medical Jurisprudence of Insanity (Second Edition)*. Boston: William D. Ticknor & Co., p. 435-436.

<sup>283</sup> Ray, *A Treatise*, 436, 442.

<sup>284</sup> Jacques Quen (1967) "Isaac Ray on Drunkenness," *Bulletin of the History of Medicine* 41.4: 342-348; George Cook (1862) "The Relations of Inebriety to Insanity," *The American Journal of Insanity* 18.4: 321-350.

increasingly resembles an academic and self-conscious criminological field, including the use of professional journals and associations to disseminate ideas.<sup>285</sup> Historians of criminology have explored how these professionals produced ideas of ‘normalcy,’ often statistically informed, and constructed crime as a product of deviance from the normal human.<sup>286</sup> However, the norm was also produced in reference to the professionals themselves -- nearly all, if not all, American doctors and psychiatrists in this period were white men. Having a different identity or biology itself was often deviant. In explaining the specific nature and causes of this deviance, medical professionals drew heavily on the culturally available imagery of the degenerate drunk and obsessive.

For example, William Sweetser, the doctor and temperance speaker, published *Mental Hygiene* (1850), which contained a detailed account of the four possible causes of crime. Sweetser’s was also a very early use of the term mental hygiene, which would become the technical terminology for degenerate obsessive mental state in the eugenics movement some decades later, and the near-absence of the term’s use before Sweetser’s monograph suggests his description of degenerate obsession as disordered mental hygiene was influential.

For Sweetser, crime was a result of the “machinery of demons,” a perpetual internal psychological struggle between decent and “wicked” impulses within each person.<sup>287</sup> Crime was thus inherently degenerate; it resulted when a person lost the battle of human progress against their baser and demonic self. Within the field of the machinery of demons, he isolated four particular causes of powerful wicked passions that overwhelmed reason. The first was an obsession with “singular tastes,” as in the case of “the fondness for ardent spirits” (which Sweetser saw as inherited), or in the case of a young girl who developed an insatiable “taste for human flesh, for the crime of eating which her father and mother had been burnt when she was but a year old.”<sup>288</sup> Alcoholics and cannibals thus share a single psychology - the inability to resist inherited obsession.

The second possible cause of crime was monomania itself, in the homicidal form, described as a “mysterious and urgent impulse,”<sup>289</sup> and the third is a catch-all category of powerful “evil passions.” In both of these cases, Sweetser’s language mirrors the general use of monomania as a psychiatric diagnosis,<sup>290</sup> while also mimicking the structure of explanation found in *Martin Faber* twelve years earlier: some event, trauma, or injustice unlocks an interior demon that produces irresistible impulses towards irrational violence. Sweetser’s criminology thus follows *Martin Faber*’s reverse-bildungsroman narrative of psychological degeneration: people begin in a more-or-less functional state of humanity, but those who lose the struggle against demons, over time, descend into monstrosity.

Interestingly, Sweetser’s last cause of crime departs somewhat from the use of obsession to explain motives, and instead points toward a larger concern about civilizational degeneration: crime results from political upheavals or natural disasters that produce despondence and thus sap

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<sup>285</sup> For example, the *American Journal of Insanity* began to be published in 1844 from the Utica State Hospital, and provided a forum for alienists and asylum superintendents to exchange and refine ideas as well as disseminate case studies.

<sup>286</sup> Piers Beirne (1993) *Inventing Criminology: Essays on the Role of Homo Criminalis*. Albany: SUNY Press.

<sup>287</sup> William Sweetser (1850) *Mental Hygiene*. New York: Putnam, 102.

<sup>288</sup> Sweetser, *Mental Hygiene*, 235.

<sup>289</sup> Sweetser, *Mental Hygiene*, 294, 311-312.

<sup>290</sup> Compare, for example, the language used to describe the case of Henriette Cornier. See Michel Foucault (1978) “About the Concept of the ‘Dangerous Individual’ in 19th-Century Legal Psychiatry,” *International Journal of Law and Psychiatry* 1.1: 1-18.

the will of the law-abiding population to resist their demons. Thus, for example, he argues that the plague of the Black Death gave rise to “despair, and unbridled demoniacal passions,” ushering in an era of “general licentiousness” and criminal chaos.<sup>291</sup> The decline of a nation or a region is therefore as criminogenic, or more criminogenic, than the decline of an individual.

It is notable, and not unusual, that all of the four cases offered to support Sweetser’s discussion of homicidal monomania (the second cause) were women. Two were women who committed infanticide after they became obsessed with the image of their child dying, one had a monomaniac love of drawing blood, and one had apparently *caught* homicidal mania through exposure to descriptions and court transcripts concerning it.<sup>292</sup> Sweetser’s theory of crime, then, is not *really* a general theory of crime - it is only a theory of the troubling crimes that, from his perspective, required motivation. Sweetser is not concerned with murders that result from a mugging gone wrong, or ordinary acts of petty theft, or other relatively routine crimes. He is instead concerned with crimes that seem inexplicable: the repeated paradox of a woman defying nineteenth century gender roles through violent and agentic action.

Mediated by gender, degeneration and obsession continued to explain crimes that defied social scripts, and in so doing, provide a template for a criminology that reinforced social hierarchies. For example, the decade after Sweetser’s monograph, Ray published a study of obsessive crimes committed by women, all of which were framed in terms of manias brought on by seduction, lust, and desertion. The study reviewed cases of mania arising from symptoms such as a woman’s “uterine derangement” at the “loss of her lover.”<sup>293</sup> The uterine derangement caused the woman in question to murder her ex-lover at his government job.

Ray’s most revealing and detailed case study is that of a woman who met a man who “promised to marry her,” then took her aboard a steamboat and “treacherously attempted, though without success, to violate her person.”<sup>294</sup> The woman apparently admitted to becoming obsessed with revenge, and she found a knife and stabbed her would-be assailant, who did not die. After her arrest, Ray was contacted to evaluate her sanity based on irresistible outbursts of anger, but Ray saw her as relatively stable - until her trial. The man who attacked her took the witness stand and the woman “began to pour out a torrent of vituperation,” at which point Ray diagnosed her with a “raving mania” brought on by obsession with revenge.<sup>295</sup> The woman was taken to an insane hospital, and Ray mourned the obsession that caused “the shrinking delicacy of the female character, the sense of right and wrong,” to “disappear[. . .]. Had she been a girl of a higher grade of culture, or blessed with a larger religious element in her education, she might have borne her wrongs in a submissive, Christian spirit.”<sup>296</sup>

This case is deeply revealing of the power of monomania to entrench social hierarchy by rendering actions inexplicable without obsession, and of the link between monomania and degeneration that was being forged. The girl has clearly degenerated: her female character has shrunk and disappeared, she has become of a presumably lower grade, and she is now coarse and raving. The language and imagery of a hierarchy of femininity and her decay within it make it clear that the woman’s obsession degenerates her character. At the same time, by rendering taking revenge for an attempted rape an action of insanity, Ray is clear (and quite comfortably

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<sup>291</sup> Sweetser, *Mental Hygiene*, 276.

<sup>292</sup> Sweetser, *Mental Hygiene*, 294-297.

<sup>293</sup> Isaac Ray (1866) “The Insanity of Women Produced by Desertion or Seduction.” *American Journal of Insanity* October: 263-274, 264-265.

<sup>294</sup> Ray, “The Insanity of Women,” 270.

<sup>295</sup> Ray, “The Insanity of Women,” 271.

<sup>296</sup> Ray, “The Insanity of Women,” 272-273.

explicit) in positioning resistance to rape as an aberration. There is no need at any point to explain the etiology of the initial assault, however: male sexual aggression is normal, rather than pathological. The power of monomania was to convert any wrong, grievance, feeling, or emotion into an obsessive disorder, and in so doing, to explain resistance against hierarchy as degeneration.

Ray's study reads like a medical mirror of *The Tell-Tale Heart*. In light of the feminist reading of *Heart*, in which the story can be seen as Poe's own resolution of the paradox of a female killer, Ray's follows the same structure. A woman's violent resistance is incomprehensible, even in the face of clear provocation, and monomania provides motive to what would otherwise trouble an existing gender hierarchy.<sup>297</sup> Ray reveals how the gendering of monomania was reproduced in American criminology, resolving the problem of the female murderer by constructing women as prone to obsessive deviance.

Ray's work, and perhaps Rush's, also inspired other experts to continue attempting to discern the obsessive roots of alcoholism. However, as time went on, drunkenness increasingly came to occupy the role of one of several specific sub-species of monomania that described specific obsessions. For example, by 1849, Amariah Brigham, a founding member of the group that would become the American Psychiatric Association, had coined the term "pyromania" to refer to a specific species of monomania characterized by irresistible thoughts of arson.<sup>298</sup> A number of such sub-monomanias arose to describe intemperate conduct, such as "methomania," "oinomania," or "dipsomania," to describe alcoholism as a psychiatric condition that could not be resisted, often by referencing case studies of alcoholics who described a willingness to engage in self-harming conduct for a drink.<sup>299</sup> George Burr's address to the New York Neurological Society, "On the Insanity of Inebriety," compared alcoholism to other emerging subspecies of monomania, noting that drunkenness resembled "the condition of the organism exhibited in homicidal and suicidal impulse, erotomania, kleptomania, pyromania, etc."<sup>300</sup>

The use of monomania to describe drunks and women continued even as monomania itself came under increasing strain, cracking under the weight of the proliferation of manias. In 1883, Edward Spitzka published *Insanity: Its Classification, Diagnosis, Treatment*, the most comprehensive work on the matter since Ray's. Spitzka forcefully articulated a number of already-circulating critiques of the concept of monomania: that it had become too flexible, too much of an easy catch-all, an always available explanation for any behavior. Observing that manias as particularized as "the mania for stealing women's shoes" had been offered to explain crime, Spitzka claimed that the concept of monomania had fractured and fallen from "the dignity of a clinical conception" to a "folly."<sup>301</sup> Under the strain of such criticism, the generalized concept of monomania began to fall out of favor.

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<sup>297</sup> See Shapiro, "Disorderly Bodies,"; Simon During (1988) "The Strange Case of Monomania: Patriarchy in Literature, Murder in Middlemarch, Drowning in Daniel Deronda," *Representations* 23: 86-104; Jill Harsin (1992) "Gender, Class, and Madness in Nineteenth-Century France," *French Historical Studies* 17.4: 1048-1071.

<sup>298</sup> Arthur Fink (1938) *Causes of Crime: Biological Theories in the United States, 1800-1915*. Philadelphia: University of Pennsylvania Press, 22-28.

<sup>299</sup> See George Cornell (1863) "Oinomania," *Cincinnati Lancet and Observer*, 6: 156-159; James J. O'Dea, (1888) "Methomania," *Medical Jurisprudence of Inebriety*: 166-183; Stephen Rogers (1869), "The Influence of Methomania upon Business and Criminal Responsibility," *Quarterly Journal of Psychological Medicine*, 33: 323-350.

<sup>300</sup> George Burr (1874) *On the Insanity of Inebriety*. New York: F. W. Christern, 2.

<sup>301</sup> Edward Spitzka (1887) *Insanity: Its Classification, Diagnosis, and Treatment (Second Edition)*. New York: F.B. Treat, p. 288.

But even Siptzka himself sought to save particular obsessive diagnoses for alcoholics and women. Alcoholic monomania became “chronic alcoholic insanity,” characterized by the same obsessive and exclusive behavior, while women could suffer from “hysteria,” a woman’s irresistible impulse to irrational fear and panic.<sup>302</sup> Indeed, although the generalized language of monomania was killed off, many of the specific manias remain popular, including the contemporary concepts such as pyromania, kleptomania, and nymphomania that trace their origins to the fracture of monomania.<sup>303</sup> The substantive ideas of alcoholic and gendered monomania survived monomania’s fracture, even if the most generalized form of the diagnosis did not.

By the 1880s, the language of monomania was disappearing, but the conceptual links between alcoholism and obsession, as well as femaleness and obsession, had been well-established. Monomania was survived by its imprinted explanation for the behavior of women and drunks: their irresistible impulses and obsessions caused them to degrade themselves, falling below the ordinary standard of self-control or expected virtue of a human of their classes, degenerating into something else. This image of the uncontrolled degenerate was taken up with force and fervor by the eugenics movement.

### **Mental Hygiene: The Eugenic Degenerate Subject**

When William Sweetser used the phrase mental hygiene to describe the absence of well-ordered thinking that caused someone to give in to the machinery of demons, the phrase was nearly unknown. But it would be taken up in the late nineteenth century as a description of the complex and intersecting view of degeneracy as a result of a person’s biology (bad heredity), behaviors and surroundings (alcoholism and bad environments), and psychiatric issues (such as single-issue manias). Criminologists increasingly began to link these bio-psycho-social factors together under the ambit of ‘low mental organization’ or ‘poor mental hygiene’ and in so doing, constructed a more precise and eugenic diagnosis of the degenerate. The single-issue and narrow reformation of monomania gave it new life as one component of a multifactor diagnosis of degeneracy, based in the same popular and psychiatric image of regression popularized by the study of drunk and female criminals.

For example, Allen Cowperthwaite, a doctor and medical professor, published *Insanity in its Medico-Legal Relations* (1876), a comprehensive review of the literature on insanity, crime, and responsibility developed as monomania entered its sunset years. Citing Pinet and Esquirol, the original French theorists of monomania, Cowperthwaite explained how acute monomanias combined with other biological and habitual factors to produce poor mental hygiene. In one case, a boy who had “murdered, and had no ill feeling against him [the victim,” stated that his only motive was “I had made up my mind to murder somebody.”<sup>304</sup> This classic articulation of the obsessive motivation of monomania revealed, to Cowperthwaite, the intersection of “family history, low mental organization, his previously acknowledged incapacity, and mental weakness,” and other such factors.<sup>305</sup> In a similar case of “acute mania” and “singular caprices of conduct,” a man who killed a young girl was revealed by his single-issue obsession to have an

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<sup>302</sup> Spitzka, *Insanity*, 252.

<sup>303</sup> Sadler, “The Crippling Legacy of Monomania.”

<sup>304</sup> Allen Cowperthwait (1876) *Insanity in its Medico-Legal Relations*. Philadelphia: J.M. Stoddart & Co, 56.

<sup>305</sup> Cowperthwaite, *Insanity*, 57.

“insane organization,” underscored by the “ferocity” and “savage mutilations” of the crime.<sup>306</sup> The killer was destined for degeneracy: had he not murdered, his mania would have eventually “ended in suicide or unequivocal insanity,” death or a reversion to a ferocious animalistic state.<sup>307</sup>

Mania thus became a component of a broader partly biological, partly behavioral, and partly psychiatric picture of degenerate mental organization. Similar themes echoed through William Hammond’s treatise on insanity, which emphasized the irredeemable barbarity of the insane rather than orienting itself toward treatment. Hammond begins the book with selections of cases of insanity, purported to be representative, from across the world. His first tale is that of Léger, an escaped French convict whose obsession with eating flesh, “urged by the evil spirit which governed me,” lead him to kill a young girl and drink “the blood from her heart.”<sup>308</sup> Léger is nearly a vampire in Hammond’s telling, which focuses on his alarming and unusual complexion and his slowly increasing and irresistible compulsion for blood.

Similarly, the report of a doctor and public health advocate in New York on the “Rag Picker’s Row” neighborhood drew on the connection between insanity, biology, and degeneracy in describing the German tenants as “of the lowest order,” characterized by their “exceedingly filthy” demeanors, the psychosomatic ailments caused by their “prostrate nervous system,” which was in turn a result of their poor living habits.<sup>309</sup> This diagnosis reflected an increasing medical consensus that the condensed living conditions of cities produced disease and poor health, and was thus partially sympathetic to the tenement residents, but nonetheless affirmed that their nervous ailments, their lack of dignity and pride, and their low class were dangerously and inextricably linked.

### Eugenics and Demons

If medical-psychiatric science was increasingly centering the degenerate criminal amidst a web of their obsessions, habits, and heredity, D. A. Gorton took the next step and crystallized the eugenic connection with the degenerate. Gorton was a household name around the fin de siècle; the founder of the Eugenic Society of America and a prolific writer who was termed the “father of eugenics” by the *New York Times* in 1916,<sup>310</sup> Gorton was active in projects such as the “American Breeders” movement to advance compulsory sterilization laws for parents with poor habits.<sup>311</sup> He garnered international attention in 1912 for marrying his secretary, a woman forty years younger than he, as a ‘test’ of his eugenic theories.<sup>312</sup> The eugenic twins would be

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<sup>306</sup> Cowperthwaite, *Insanity*, 58.

<sup>307</sup> Cowperthwaite, *Insanity*, 58.

<sup>308</sup> William Alexander Hammond (1873) *Insanity in its Relations to Crime*. New York: D. Appleton & Co.

<sup>309</sup> Egbert Guernsey (1860) “Report,” *Documents of the State Assembly of the State of New York* 4.129: 147. See also Citizens’ Association of New York (1866) *Report of the Council of Hygiene and Public Health*, New York: D. Appleton & Co., p. 147.

<sup>310</sup> The *New York Times* (1916) “Father of Eugenics, Dr. D.A. Gorton, Dies,” February 23, 1916, p. 13.

<sup>311</sup> Testimony of Dr. Ignacy Goldberg, Columbia Professor of Education, quoted by trial court in *Pennsylvania Association for Retarded Children v. Pennsylvania*, 343 F. Supp 279, 294 (E.D. Pa 1972); D. A. Gorton, Letter to Alfred Hills, May 18, 1896, printed in *New York Medical Times* v. 24 (June 1896), p. 170

<sup>312</sup> For some examples of coverage on the ‘eugenic twins’ experiment, see San Francisco Call, “Twins Prove It,” May 21, 1912; The Evening Times [North Dakota], “Father of Twins, 80 Years Old, Explains Theories of Eugenics,” May 24, 1912; The Chicago Day Book, “World’s First Set of Eugenic Twins Born to Scientist Eighty Years Old,” May 28, 1912; El Paso Herald, February 26, 1916, untitled obituary note emphasizing the “eugenic twins.”

raised according to Gorton's own habit-based concept of eugenics, which forbid either the mother or father to "use tobacco, liquor, or drugs. . . the laws of hygiene are as obligatory on us as the ten commandments."<sup>313</sup>

Gorton's remark about the laws of hygiene was a reference to his 1873 *Essay on the Principles of Mental Hygiene*, which firmly advocated the multifactor perspective of mental ordering and degeneracy. Mental hygiene referred to an overall set of "proper conditions" of inheritance, habit, lifestyle, and disposition that could together allow the mind to act as a powerful and rational "savior from evils."<sup>314</sup> Gorton's was the most powerful mixture to date of alienist manic psychiatry, phrenological theories of biology, and rigid requirements of behavior. For Gorton, biology and mind expressed each other: he believed that the "brain is the centre of the individual universe," that the flow of blood between brain and body carried physical and mental conditions in both directions, and thus made claims such as that a "goitre. . . may, and I believe often does, hold in its cells the condensed essence of a mania."<sup>315</sup> Manias were embodied in physical conditions, and physical conditions or circumstances could also distort mental reasoning: for Gorton, there was "an immense amount of literal truth" in the popular aphorism that "every man is a rascal as soon as he is sick," as even a mild cold stressed the body and could lead to "the modification of the morals, passions, and intellect."<sup>316</sup> Drawing on the image of the drunken degenerate and the lower orders of the city, Gorton similarly wrote that drunkenness had become a distinctively American vice, influenced by "climatic and atmospheric conditions," and was found in areas of "poor air, unwholesome food, ill health, vice, poverty, and crime," which were "Mutual concomitants of each other."<sup>317</sup>

Gorton's *Mental Hygiene* expressed the incorporation of mania and drunkenness as indicators of multifactored criminal degeneracy with stark clarity, but it did not cross over into explicitly eugenic territory. But Gorton's ideas were transplanted to an aggressively eugenic context with the publication of *Mental Hygiene* by the eugenicist W. Duncan McKim. McKim's *Heredity and Human Progress* (1901) is an extreme reminder of the dangers of crime prevention at any cost: McKim advocated the mass gassing and extermination of the 'lower classes' to purify the gene pool.

But McKim's rearticulation of Sweetser's concept of the machinery of demons proved popularly appealing. In a passage that could have come from an urban gothic classic such as *The Quaker City*, McKim argued that:

"The fear of the criminal is a constant shadow in our lives. As people of the past centuries lived in dread of witches and bogies, and of the devil, so we are painfully conscious that there lurk ever about us powers of evil, in human form, who may at any moment frustrate our plans, mar our property, or molest our persons. We live in continual unrest and distrust for, by day or by night, abroad or in the sacred retreat of home, even men whom we have long known and highly esteemed may suddenly unmask and do the deeds of demons."<sup>318</sup>

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<sup>313</sup> The New York Times, quoting in part D. A. Gorton, "Father of Eugenics."

<sup>314</sup> D. A. Gorton (1873) *An Essay on the Principles of Mental Hygiene*. Philadelphia: J. B. Lippincott & Co., xi.

<sup>315</sup> Gorton, *An Essay*, 20, 11-12.

<sup>316</sup> Gorton, *An Essay*, 23.

<sup>317</sup> Gorton, *An Essay*, 23-24.

<sup>318</sup> W. Duncan McKim (1901), *Heredity and Human Progress*. New York: G.P. Putnam's Sons, 35.

Because of the constant and overbearing threat of demons, it was more urgent than ever to detect them. For McKim, as for Sweetser, the problem was defective individuals who manifested “degeneration” by “the presence of the so-called ‘imperative ideas,’” - obsessions that intruded into and dominated thought even though the person could “recognize the absurd or horrible character” of the thought.<sup>319</sup> The essence of monomania was grouped together with other similar defects, such as epilepsy or being a “habitual drunkard” (McKim, in line with earlier work, saw this as an obsessive disorder akin to acute monomania).<sup>320</sup> Drunks and obsessives became progressively debased, eroded their sanity, and developed concomitant physical deformities -- the manifestations of degeneracy.

McKim, in this way, marks the apex of the long march of nineteenth century criminology towards a vision of the obsessive and drunk degenerate. He argued that the predominant causes of crime were mental obsession, hysteria-paranoia (in the sense of the monomania of fear), epilepsy, and alcoholism.<sup>321</sup> And McKim went further than any of his predecessors in labeling these characters degenerate and subhuman, arguing that it was “not the mere wearing of human form which truly indicates a man.”<sup>322</sup> For McKim, being a human meant proper mental hygiene, and any deviation of habit or mental character from the rigid strictures of proper hygiene invited degeneration into monstrosity.

McKim’s conclusion, which was the mass extermination of degenerates, proved too extreme and unavailing, but the text was nonetheless popular and influential. As Nicole Rafter observes in her *Origins of Criminology*, McKim’s *Heredity* was a popular and widely read text,<sup>323</sup> despite general qualms about his conclusion. A review in *New England Magazine* is typical of the book’s reception, criticizing the proposal for extermination as unworkable and perhaps cruel while nonetheless noting that “Dr. McKim’s book is an important one and should be seriously read, for its statement of the corrupting influence now at work on our society is detailed and powerful.”<sup>324</sup> McKim’s basic diagnosis of the problem of crime as one of mental and habitual degeneracy was powerful and persuasive to white upper-class society.

D. A. Gorton’s reaction to McKim similarly accepted his statement of the problem while rejecting his conclusion and some of his diagnosis. In Gorton’s *Ethics, Civil & Political* (1902), a compilation of essays that had begun to cross into explicitly eugenic territory, Gorton described McKim’s *Heredity* as “erudite and well written,” but noted his prescription was “partly right and partly wrong.”<sup>325</sup> Gorton argued that the problem was not that degenerates had been allowed “to survive,” but rather “in allowing them to be bred, that is, in not purifying maternity.”<sup>326</sup> Gorton took more seriously the perspective that habits and social changes could shape degeneracy as well, and thus felt that “the so-called degenerate is not always base-born.”<sup>327</sup> McKim’s solution of exterminating the degenerates was rejected for practical rather than ethical reasons: extermination would work if only degeneracy could breed degeneracy, but Gorton’s vision of eugenics was built on the nineteenth century legacy of understanding degeneracy in part through behavior and circumstance.

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<sup>319</sup> McKim, *Heredity*, 43.

<sup>320</sup> McKim, 146-148.

<sup>321</sup> McKim, 151

<sup>322</sup> McKim, 7.

<sup>323</sup> Nicole Rafter, *Origins of Criminology*, 260.

<sup>324</sup> *The New England Magazine*, “Book Notes,” v. 22.6 (August 1900).

<sup>325</sup> D. A. Gorton (1902) *Ethics, Civil & Political*. New York: Putnam, 208-209.

<sup>326</sup> Gorton, *Ethics*, 209.

<sup>327</sup> Gorton, *Ethics*, 210.

Of course, not all eugenic criminologists placed as strong an emphasis on habitual degeneration as Gorton did. But even the more biologically inclined works, such as Eugene Talbot's *Degeneracy* (1898), were attentive to "mental and moral degeneracies" which included "disharmony and lack of equilibrium" -- the imbalance of certain ideas or preoccupations, the hallmark descriptors of monomania.<sup>328</sup> As Talbot wrote, with regards to mental degeneracy, Gorton was correct that the degenerate could come from any social station. A "degenerate may be a scientist, an able lawyer, a great artist, a poet," or some other person with otherwise properly functioning reason who nonetheless experiences singular "defects in their intellect."<sup>329</sup> Talbot, as with many of his peers, has almost entirely abandoned the language of monomania. But his discussion of the chronic inebriate, the paranoiac, or the hysteric as examples of human reversion carried forward the precursor imagery to degeneracy grounded in discussions of mania and drunkenness.

The history of eugenic criminology from this point forward is well-documented. The concept of degeneracy lived a productive life, and was taken up by criminologists and biologists seeking to improve the genetic base of society. The debate between Gorton and McKim reveals one important difference in the eugenics movement: if degeneracy is entirely inborn, extermination is a plausible solution, but if anyone may be a degenerate depending on habit, the problem is broader and behavioral. Gorton, McKim, and others had certainly abandoned the language of monomania by the early 1900s, but their concept of degeneracy was shaped by a long history of monomania's diagnosis of degenerate obsessions. Women's hysterical monomania faded as a diagnosis, but the centering of the white female degenerate as the source of poor heredity -- Gorton felt social improvement required "purifying maternity"<sup>330</sup> -- continued the legacy of grounding deviance in female bodies. Alcoholic monomania itself was discarded, but alcohol use remained one possible degenerate habit among others. The particular concepts of nineteenth century criminology did not live on, but the complex nexus in fiction and medical literature between alcohol, gender, and obsession, and the images it produced, informed and enabled the articulation of the eugenic concept of the degenerate.

## Contemporary Degeneracy

Degeneracy and monstrosity are deeply malleable concepts. Even throughout the nineteenth century, both concepts shifted and mutated, their flexible and loose definitions enabling them to recapture popular interest. The construction of the white criminal as degenerate marked a departure from the eighteenth century's vision of the white criminal as the uncanny self, but degeneracy also answered similar questions. How could rational republican citizens drink themselves to death? How could women, the 'fairer sex,' kill their children, or resist normative male sexual aggression? The answer was increasingly to declare that these actions marked individuals who had regressed from civilization, rather than to confront any ways in which civilization and its restrictive social hierarchies were dangerous or criminogenic.

Reckoning with the history of eugenic criminology is an urgent task for criminologists today. As a relatively ahistorical discipline, criminology is prone to mistaking old ideas for new ones, to lacking a historically informed sense of identity and possibility, and to revisiting familiar pitfalls. With regards to eugenic criminology, we are in the midst of doing precisely this. Noting

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<sup>328</sup> Talbot, *Degeneracy*, 318.

<sup>329</sup> Talbot, *Degeneracy*, 318.

<sup>330</sup> Gorton, *Ethics*, 209.

the increasing tendency in the 1980s to “seek biological explanations for crime,” Janet Katz and Charles Abel observe that although the scientific methods and sophistication of biological criminology have changed, the “assumptions and values” are the same as the eugenic criminology of a century ago: that individual genetic deficiencies or abnormalities explain crime and can be targeted for direct intervention.<sup>331</sup> Rafter herself observed the same phenomenon in the 1990s, noting that “various guises” such as Herrnstein and Murray’s psychological approach in *The Bell Curve* (1994) had resurrected attempts to use race and inheritance to “explain the same characteristics that eugenic criminologists attributed to born criminals.”<sup>332</sup> Contemporary criminology often further complexifies biological explanations of crime by appealing to a multidisciplinary “biopsychosocial” approach, but this research often collapses largely into biological, borderline phrenological studies.<sup>333</sup> Adrian Raine seeks to use the biopsychosocial approach not only to “assess criminals for their propensity to reoffend,” but to “assess any individual in society for his or her criminal propensity - making it possible to get ahead of the problem by stopping crime before it starts.”<sup>334</sup> The history of eugenics is instructive as to what the clinical preemption of crime may look like. As Rafter says: “round we go again.”<sup>335</sup>

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<sup>331</sup> Janet Katz and Charles Abel (1984) “The Medicalization of Repression: Eugenics and Crime.” *Contemporary Crises* 8: 227-241, 227.

<sup>332</sup> Nicole Rafter (1997) *Creating Born Criminals*. Urbana: University of Illinois Press, 13.

<sup>333</sup> For example, a recent and not particularly unusual study uses MRI imaging to study the association of frontal lobe brain matter size, and brain matter sub-region size, with particular types of financial and white-collar crimes. The authors find “preliminary evidence of increased frontal lobe volume as a neural correlate of gray-collar offending[.]” Shichun Ling, Adrian Raine, Yaling Yang, Robert Schug et. al. (2019) “Increased Frontal Lobe Volume as a Neural Correlate of Gray-Collar Offending.” *Journal of Research in Crime and Delinquency* 56.2: 303-336, 327. This study is deeply reminiscent of Lombroso’s work on brain abnormalities; indeed, Adrian Raine, one of the authors and a prominent advocate of the biopsychosocial approach, explicitly acknowledges the debt of contemporary neurocriminology to Lombroso. See Adrian Raine, “The Criminal Mind,” *The Wall Street Journal* 27 April 2013. Raine’s short treatment of Lombroso is emblematic of the dangers of failing to take the intellectual history of criminology seriously. He declares that Lombroso’s work consisted of two apparently unrelated points, that criminals were racial degenerates and criminals also had mental and physical abnormalities. For Raine, we can simply sever the racial idea and cheerfully proceed to investigate abnormalities with modern scientific methodologies. The problem is that as history shows, these were never unrelated and severable ideas. The racial construction of criminality and the investigation of criminal mental degeneracy are conceptually coproductive.

<sup>334</sup> Raine, “The Criminal Mind.”

<sup>335</sup> Rafter, *Creating Born Criminals*, 11.

### Chapter III: The Iron Race

By the early twentieth century, American criminology emerged as a distinctive field of academic study. Influenced by the Lombrosian concept that crime could be scientifically studied, as well as a burgeoning American interest in social and racial sciences, the creation of academic institutions and journals dedicated to criminology proliferated.<sup>336</sup> Research centers such as the American Institute of Criminal Law and Criminology published journals and English-language American-authored books using the term ‘criminology’ appeared.<sup>337</sup> The engine of mainstream criminology was in full steam.

This chapter considers the role of race, culture, and fear in one particular site of emerging positivist criminological research: the California Bureau of Juvenile Research and its journal, the *Journal of Delinquency*, housed at Whittier State School. In the early twentieth century, a group of reformers, teachers, and youth advocates led by Fred Nelles transformed the Whittier State School in California from “a decaying, brutal reform school” into a marvel of the scientific correction and study of juvenile delinquency -- and a eugenic institution that transferred “defective,” overwhelmingly Mexican and African American youth to state hospitals for sterilization.<sup>338</sup> The eugenics movement and its concern with the connection between ‘feeble-mindedness’ and criminal behavior was not restricted by any means to the habits or psychological states of poor whites, but rather was also an intensely racialized movement that sought to purify a ‘defective’ gene pool associated with the degenerate status of racial groups that white scientists argued were primitive, unevolved, and atavistic.<sup>339</sup> Thus, for example, the insurance actuary Frederick Hoffman’s publication of *Race Traits and Tendencies of the American Negro*, a rambling and racist treatise on the supposed inherent degeneracy of blacks, with the American Economic Association.<sup>340</sup> Hoffman’s work is an example of mainstream white race science that served to powerfully and enduringly associate people of color with crime and degeneracy in the minds of white eugenics enthusiasts.<sup>341</sup>

The connection between criminology and eugenics at Whittier was not accidental. Anthropological positivism, the Lombroso- and Garofalo-lead theory of thought that crime was a scientifically discernable and objective phenomenon rooted in biological tendencies towards atavism, provided the scientific underpinnings of the belief that racial eugenics would improve safety and eliminate the criminal class. Eugenic positivism overflowed with monsters:

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<sup>336</sup> Nicole Rafter (2006) “Criminal Anthropology: Its Reception in the United States and the Nature of Its Appeal.” In: Peter Becker & Richard Wetzel (eds.) *Criminals and Their Scientists*. Cambridge: Cambridge University Press, 159-182; Nicole Rafter (1997) *Creating Born Criminals* Champaign: University of Illinois Press; Elizabeth Brown & George Barganier (2018) *Race and Crime: Geographies of Injustice*. Berkeley: University of California Press, pp. 88-97; David Friedrichs, Isabel Schoultz, and Aleksandra Jordanoska (2017) *Edwin H. Sutherland*. London: Routledge; Anthony Platt (2009) *The Child Savers: The Invention of Delinquency*. London: Routledge.

<sup>337</sup> One of the earliest US texts using the term I have found, supported by the American Institute of Criminal Law and Criminology, was Maurice Parmelee (1918) *Criminology*. New York: Macmillan.

<sup>338</sup> Miroslava Chávez-García (2012) *States of Delinquency: Race and Science in the Making of California’s Juvenile Justice System*. Berkeley: University of California Press, p. 47.

<sup>339</sup> Nancy Lesko (2012) *Act Your Age: A Cultural Construction of Adolescence*. New York: Routledge, pp. 20-35; Brown & Barganier, *Race and Crime*, 90-96.

<sup>340</sup> Frederick L. Hoffman (1896) *Race Traits and Tendencies of the American Negro*. New York: American Economic Association.

<sup>341</sup> On Hoffman and his peers, and the critique of his work by black social scientists, see the first chapter of Khalil Muhammad (2010) *The Condemnation of Blackness: Race, Crime, and the Making of Modern Urban America*. Cambridge: Harvard University Press.

Lombroso's blood-drinking, orgy-loving born atavists are reminiscent of vampires,<sup>342</sup> and Garofalo invoked an apocalyptic Gothic aesthetic to describe atavists as ravenous and rapacious pirates who would swarm across the civilized world.<sup>343</sup> Race-based criminology came to be discredited relatively quickly in Europe, but remained appealing and influential in the United States into the first few decades of the twentieth century.<sup>344</sup> Today, though, Lombroso's positivism is widely derided as a 'faux science,' an amalgamation of methodological and theoretical errors best left discarded.

How did Lombroso's ideas become popularly accepted and influential in American criminology? Focusing on the history of racism, conquest, and eugenics in California, I argue that Lombrosian positivism tapped into a discourse of fear of racially liminal gothic monsters that had long plagued the American consciousness. By providing a 'scientific' lens for discussing fears of racially liminal subjects, and also a method of categorization and purification that could perhaps resolve the liminal crisis, criminological positivism flourished in the United States through a discourse of racialized gothic imagery.

By racial liminality, I refer to a property of individuals who are constructed or perceived as outside of the conventional social system of racial categorization, or who can cross or transgress between racial categories. Postcolonial theorists and literary critics have explored how racial liminality has been an enduring feature of American culture, a fear-inducing trait of subjects who challenge dominant racial ideology and hierarchy. Frequently, liminal subjects arise in writing about crime, as in the tales of liminal white-passing Mexican bandits that became popular after the Mexican-American War.<sup>345</sup>

The American adoption of positivist criminology was part of a process of the extension and transformation of discourses of racial liminality. Working with the rhetoric and images of liminality from crime stories, novels, and newspaper accounts, various nonfictional writers on crime including doctors, politicians, and protocriminologists used the imagery of liminality to explain particular threats of contagion or conversion posed by particular racial groups. In this way, racial liminality helped establish coherence for the anthropological-positivist criminological nexus between crime and particular racial groups.

This chapter provides a reading of discourses about racial liminality and crime from roughly 1848-1910, focusing largely on developments in California, where the eugenic Bureau of Juvenile Research was created in the early 20th century and where the reform of the Whittier school occurred. As Charles Crow observes, the gothic's exploratory and subversive nature render it a "literature of borderlands," particularly as adapted by American writers.<sup>346</sup> Although the problematic concept of the "frontier" describes a shifting belief and an American ideology as much as it describes a territory, nineteenth century postwar California was certainly a borderland, as settler colonialism, development, and immigration coincided in violent efforts to enforce order on the state's chaotic reality.<sup>347</sup> Oftentimes, that order involved racial or legal conformity. California's experience with the Mexican-American War, white vigilante and settler

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<sup>342</sup> Nicole Rafter and Per Ystehede (2010) "Here Be Dragons: Lombroso, The Gothic, and Social Control." *Sociology of Crime, Law, and Deviance* 14: 263-284.

<sup>343</sup> Raffaele Garofalo (1914) *Criminology* trans. Robert Wyness Millar. Boston: Little Brown & Co. xxv.

<sup>344</sup> Rafter, "Criminal Anthropology."

<sup>345</sup> Shelley Streeby (2002) *American Sensations: Class, Empire and the Production of Popular Culture*. Berkeley: University of California Press, pp. 250-255

<sup>346</sup> Charles Crow (2009) *American Gothic*. Chicago: University of Chicago Press.

<sup>347</sup> Richard Slotkin (1985) *The Fatal Environment: The Myth of the Frontier in the Age of Industrialization, 1800-1890*. New York: Atheneum; Benjamin Madley (2017), *An American Genocide*. New Haven: Yale.

violence, and Progressive-era criminal justice reform thus offer a case of the gothic borderland state, the sunshine state barely papering over an array of racialized terrors, and reveals how these discourses shaped early criminology.

The chapter proceeds by first developing the concept of racial liminality, drawing largely on cultural theory and criticism to historicize the fear of racial mutability as a challenge to dominant American ideology. I then explore both the nineteenth century construction of crime in the culture of settlement and the work of the CBJR to show how liminality has contoured California's criminal justice history. In endeavoring to draw threads between episodes that are usually conceived as disparate, such as wartime bandit fiction and the California Bureau of Juvenile Research, my goal is to show how the consistent nexus of liminality and crime has shaped everyday and academic discourse about crime, and to illustrate how there are important continuities and coherences in the co-construction of crime and race across different times and contexts.

### **Racial Boundaries and Liminality**

The term racial liminality has been used in many critical analyses of the gaps, boundaries, and uncertainties between expectations, borders, spaces, and racial identities. The term liminality is drawn from anthropology, where it refers to interstitial spaces or stages in transition between clear categories.<sup>348</sup> Devin Carbado thus invokes the term racial liminality to describe the liminal experience of being a black American, included as a citizen but excluded as a black man.<sup>349</sup> Social historians sometimes use the term in a like manner, to signal the liminal conditions produced by non-liminal racial identities.<sup>350</sup> On the other hand, sociologists of race have often used the term to describe code fluidity and racial 'passing' in the context of multi- or mixed-race people accessing different and sometimes contradicting racial settings.<sup>351</sup>

My use of the term draws from Shelley Streeby, who uses racial liminality to refer to how literary depictions of bandits after the Mexican-American War used the trope of racial ambiguity (light-skinned Spaniards, white passing Mexicans) to terrify the white middle-class imagination.<sup>352</sup> Postcolonial theorists have argued that this type of 'passing' threat of a racially mixed or indeterminate person threatens a dominant Anglo-Saxon racial imaginary, which relies heavily on clear racial categories to operationalize racial domination. As Abdul JanMohamed argues, a belief in clear and objective racial categories serves racist ideology by providing the foundations for a view of race as a "Manichean allegory" of good versus evil.<sup>353</sup> Clear lines of racial identification that could "put mixed-race citizens back 'in their place'" figured heavily in cultural attempts to reaffirm white supremacy.<sup>354</sup> The threatening, monstrous aspect of racially

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<sup>348</sup> Bjørn Thomassen (2009) "The Uses and Meaning of Liminality." *International Political Anthropology* 2.1: 5-28.

<sup>349</sup> Devin Carbado (2005) "Racial Naturalization." *American Quarterly* 57.3: 533-658, 639.

<sup>350</sup> David Lambert (2001) "Liminal Figures: Poor Whites, Freedmen, and Racial Reinscription in Colonial Barbados." 19.3: 335-350.

<sup>351</sup> David Brunnsma, Daniel Delgado, and Kerry Rockquemore (2012) "Liminality in the Multiracial Experience: Towards a Concept of Identity Matrix." *Global Studies in Culture and Power* 20.5: 481-502.

<sup>352</sup> Streeby, *American Sensations*, 254.

<sup>353</sup> Abdul JanMohammed (1985) "The Economy of Manichean Allegory: The Function of Racial Difference in Colonialist Literature." *Critical Inquiry* 12.1: 59-87.

<sup>354</sup> Anne Fleischmann (2000) "Neither Fish, Flesh, nor Fowl: Race and Region in the Writings of Charles W. Chesnut." *African American Review* 34.3: 461-473, 461.

liminal figures is thus the challenge they (sometimes inadvertently) pose to the dominant racial ideology.

Justin Edwards argues that the fear of racial indeterminacy is a major feature in American Gothic writing, which both expressed and subverted racial hierarchy. Observing that the Gothic is beset by questions of identity (as reflected in its fascination with blood and inheritance, sex, incest, and so on), Edwards observes that questions of identity also permeate the trope of the uncanny, which raises the idea of an object, setting, or phenomenon that *appears* to be one thing (safe, familiar) but is not. Arguing that this reveals a “more general discursive pattern of fluid identity within the gothic” depiction of monsters, Edwards argues that conservative Gothic writers responded to racial ‘hybrids’<sup>355</sup> who threatened the dominant racial order by rendering them as monsters or demons.<sup>356</sup> The racially liminal or hybrid figure is thus a longstanding cultural monster, reflecting concerns over the stability of America’s racial caste system -- hence fears of miscegenation or American Indians passing as white (recall Carwin’s troubling racial indeterminacy from Chapter 1’s discussion of *Wieland*).

I thus conceive of racial liminality as an ascribed quality that triggers social fear, an identity that challenges the dominant racial ideology of the United States, which relies on clear categories to naturalize and enable racial claims. For example, the recognition of spaces of ambiguity between ‘white’ and ‘black’ of mixed-race or indeterminate individuals would deeply trouble the claims of positivist eugenic criminology that blacks were a degenerate race and whites were a civilized race. If races were conceived instead as heavily social and cultural categories that bleed into each other, the central premises of much positivist criminology would be unsustainable. Criminological positivism relies on hierarchy and categorization, and liminality is characterized by a defiance of clear categories and boundaries.

Edwards argues that the racially hybrid or liminal subject has preoccupied American culture since the Revolutionary period. Concordantly, Charles Crow observes the appeal of gothic monsters in the United States as a way of expressing anxieties over ‘borderlands,’ unsettled spaces where the monster’s troubling of established norms is most powerfully felt. The United States, then, has a longstanding gothic tradition of racially liminal monsters aimed at expressing and processing anxieties over the reality that as social and territorial frontiers and borders shift and expand, so do racial ones. For example, the Anglo-Saxon conquest of California in the Mexican American War and subsequent settlement could never be a purely territorial matter: it also invited massive numbers of new peoples into the American body politic, innumerable American Indian, Mexican, Spanish, and others who lived in the California territories before the settlement. For a culture determined to maintain an ethnonational sense of white supremacy, there were many possible solutions, including identifying these new people as criminals, racializing them as inferior or inadequate to citizenship, or violence and extermination.<sup>357</sup> These solutions were often linked and mutually reinforcing (for example, it is easier to rationalize a genocide campaign against a class of people who are defined as inherently

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<sup>355</sup> Edwards does not use the term liminality, but I understand his discussion of racial hybridization, or racial passing, to refer to individuals who are ascribed the same properties that raise fears of racial liminality. In my opinion, there is not a theoretically significant difference between Edwards’ conception and mine; I find it useful to situate criminological terminology within the rhetoric deployed by postcolonial studies as part of an emerging effort to decolonize the field.

<sup>356</sup> Justin Edwards (2003) *Gothic Passages: Racial Ambiguity and the American Gothic*. Iowa City: University of Iowa Press.

<sup>357</sup> Streeby, *American Sensations*; Madley, *An American Genocide*; Laura Gómez (2018), *Manifest Destinies: The Making of the Mexican American Race*. New York: NYU Press.

criminal and dangerous). In all cases, however, these responses relied on clarifying the racial boundaries that liminality troubled.

The theme of racial liminality, and the monstrous threat of racial hybrids, mixtures, and ambiguities, framed discourse and justified violence in the settlement of California. The cultural aftermath of the Mexican-American War provided a background of experiences, tensions, and racism that would inform the early twentieth century of the CBJR.

### **Liminality and the Construction of Race in the Conquest of California**

As Miroslava Chávez-García argues, Whittier and the CBJR must be understood as developments in a long Californian history of constructing race, crime, delinquency, and youth. Traditionally, California Native people used a system of belief, culture, and storytelling to instill desired values and behavior in youth, a system that was displaced by a mix of expected patriarchal authoritarianism in the family and the brutal ‘educational’ labor of the Spanish mission system.<sup>358</sup> After the Mexican-American War, the white government began a system of racial criminalization, such as the 1850 Act for the Government and Protection of Indians, which singled out and criminalized a broad range of conduct by California Indians.<sup>359</sup> As the state developed its criminal justice institutions, Native and Mexican youth were often defined as criminal and experienced prison, while white youth were more likely to be diverted into charitable institutions such as reform schools or religious homes.<sup>360</sup>

The efforts of the American government to “harness” the labor and industry of “cooperative” Natives and Mexicans, while often imprisoning or killing others, thus took place within a racially imbricated system of justice that imagined a youth’s guilt and potential for rehabilitation as a racial quality.<sup>361</sup> The early twentieth century state juvenile justice institutions, such as Whittier, grew nineteenth century California’s culture of mutual mediation by race and crime. Thus, understanding the history of Whittier requires understanding the history of cultural beliefs about race in and after the Mexican-American War. In particular, rather than conceiving of twentieth century juvenile justice institutions as simple continuations of racial hierarchy and resource disparity -- which were certainly features of the nineteenth century -- we must also understand them as emerging in a white culture terrified of racial liminality.

### Race and Legitimacy in 1840s California

Before California became American territory, it was deeply diverse, and deeply contested. Much of the postwar cultural panic of racial liminality was a response to California’s hybrid nature. Before the American conquest, California was already an incredibly diverse territory. By the time of the Gold Rush, the territory contained longstanding Mexican residents, Anglo American settlers, immigrants from Asia, Europe, Australia, and South America, numerous California Indian groups, and Spanish settlers, many of whom lived together in a “wide-open, libidinous life of the gold camps” including frequent drinking and interracial

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<sup>358</sup> Chávez-García, *States of Delinquency*, 28.

<sup>359</sup> Chávez-García, *States of Delinquency*, 29.

<sup>360</sup> Chávez-García, *States of Delinquency*, 31.

<sup>361</sup> Chase Burton (2019) “Child Savers and Unchildlike Youth: Class, Race, and Juvenile Justice in the Early Twentieth Century.” *Law & Social Inquiry* DOI: <https://doi.org/10.1017/lsi.2019.11>.

romances.<sup>362</sup> Anglo-Americans were aware of the territory's racial composition. Samuel Colville, a San Francisco Businessman, wrote that the "five great races were all represented" in early California: "The Caucasian, traveling on the track of empire, and the Mongolian with his face against it; the Malay, leaving his piratic freedom, and the Negro escaping his bondage, met upon the shores of the American Indian..."<sup>363</sup> For Colville, California's racial history was a triumphant story of the superior order and industry of the Anglo/Caucasian race, which had introduced law and civilization to the others. Other Anglo supremacists were less optimistic about the encounter with diversity in California. For example, the editors of the *Democratic Review*, the magazine where the term manifest destiny was coined, cautioned against conquering Alta California with the warning that it "would be a calamity. Five million ignorant and indolent half-civilized Indians, with 1,500,000 free negroes and mulattoes, the remnants of the British slave trade, would scarcely be a desirable incumbrance."<sup>364</sup>

Even before the breakout of open war, racial hierarchy was violently contested. Shortly before the beginning of the Mexican-American War, a group of armed white Americans (along with some Spanish ranchers) had seized parts of what is today the Bay Area and declared support for American annexation of the territory (California's state flag is an homage to this event).<sup>365</sup> The insurgents imagined that their racial status gave them rights to violence and conquest. Of course, this continued after the treaty of Guadalupe Hidalgo, as American ranchers, settlers, and military rangers waged an extensive campaign of extermination against the California Indians, often relying on claims of Indian crimes (theft, assault, murder) to justify collective retribution.<sup>366</sup> Former Mexicans whom the Treaty converted into Mexican Americans occupied a new and ambiguous racial category, and sometimes faced violence by white settlers seeking to construct a racial hierarchy that diminished their 'Americanness.'<sup>367</sup>

The warning of the *Democratic Review* editors reflected the racial fears of many Anglo middle-class Americans regarding the conquest of California. George Lippard, the popular author of *The Quaker City*, wrote in *New York* (1853) of an international Catholic cabal that sought to "absorb and rule over the Republic of the North" through introducing Catholic Spanish and Mexicans into the United States.<sup>368</sup> The extension of American empire risked subversion by Others. The new territory and its plethora of inhabitants would invite racial intermixing and introduce racially ambiguous subjects into the United States. Western territory was tempting, a wealthy regenerative land to be explored, but also dangerous, a land of diverse others who

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<sup>362</sup> Richard Nicholls (2000) "Life in the Diggings," *The American Scholar* 69.1: 142-148, 143, 146; Susan Johnson (2000) *Roaring Camp: The Social World of the California Gold Rush*. New York: W. W. Norton & Co.

<sup>363</sup> Samuel Colville (1856) *San Francisco Directory for the Year Commencing October 1856*. San Francisco: Monson, Valente & Co, p. vi-vii.

<sup>364</sup> Streeby, *American Sensations*, 20, quoting *The Democratic Review*.

<sup>365</sup> The Anglo-Spanish insurgency against the Mexican government, known as the Bear Flag Revolt of 1846, crafted the bear flag used by California today as a symbol of the white rebellion. See John Hawgood (1958) "The Pattern of Yankee Infiltration in Mexican Alta California, 1821-1846," *Pacific Historical Review* 27.1: 27-37; Mary Spence and Donald Jackson (1973) *The Expeditions of John Charles Frémont Volume 2: The Bear Flag Revolt and the Court-Martial*. Urbana: University of Illinois Press. Extensive primary sources and personal narratives concerning the Bear Flag Revolt are available at the Bancroft Library, University of California, Berkeley, under the collection "On the Bear Flag Revolt: Ms., 1851," BANC MSS C-E 75B.

<sup>366</sup> Madley, *An American Genocide*.

<sup>367</sup> Gómez, *Manifest Destinies*.

<sup>368</sup> Streeby, *American Sensations*, 50, quoting George Lippard; see also Michael Denning (1987), *Mechanic Accents: Dime Novels and Working-Class Culture in America*. New York: Verso Books.

crossed over and lived within and between white settlers.<sup>369</sup> The resulting fiction and popular newspaper accounts of race and crime from this period demonstrate the Anglo fear of racial liminality -- that these others were dangerous, and through their incorporation into the United States, would become undetectable and uncontrollable. At the same time, these works constructed and reinforced a culture that imagined an increasingly unified vision of white masculinity, which was characterized by law-abidingness, discipline, virtue, and strength. Wartime fictional and newspaper works, then, produced a culture that sought to discover clear racial lines and identities in the face of liminality and difference.

### Liminality, Bandittis, and the Iron Race

Lippard's *Legends of Mexico* (1847), one of his popular works of wartime literature,<sup>370</sup> was a racial paean to the war that responded to fears of racial mixing by advancing the concept of a unified white race that stood against the savage races. Told through a mixture of vignettes of battles, narratives of soldiers, and various popular legends, the opening tale of *Legends* asks who it is who shall 'liberate' Mexico?

We are no Anglo-Saxon People. No ! All Europe sent its exiles to our shores. From all the nations of Northern Europe, we were formed. Germany and Sweden and Ireland and Scotland and Wales and England, aye and glorious France, all sent their oppressed to us, and we grew into a new race."<sup>371</sup>

Reflecting underlying changes to white racial consciousness that were underway in the nineteenth century,<sup>372</sup> Lippard declared that there was a single "Iron Race of the North" that would end "the mongrel race, moulded of Indian and Spanish blood."<sup>373</sup> The imagery of the 'iron race' is repeated in ways that emphasized both strength of industry and strength of will: "iron men" holding out against bombardment with superior weapons and trenches; an independent military ranger as a "man of iron," and so on.<sup>374</sup>

On the other hand, the 'mongrel' mixed-race reveals itself in the Mexican Flag, three colored bars (green, white, and red) that represent the "three predominant influences in that golden and bloody clime, Superstition, Ignorance, Crime."<sup>375</sup> Mexican soldiers are not manly defenders, but criminals engaged in "Assassination," or whose face is "the face of the Murderer, [] convulsed in every feature."<sup>376</sup> The phrenological imagery suggests that the criminality of the mixed-blood Mexicans is written on their faces, shadowy, distorted, and ugly figures compared to the noble Iron Men. For Lippard, the war was a conflict between unified whiteness and mixed-race otherness, but one which white superiority guaranteed would end in victory.

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<sup>369</sup> Slotkin, *The Fatal Environment*.

<sup>370</sup> *Legends* is something of a blend between a gothic war story, a historical work of recollection, and a summary of newspaper accounts of factual events. Classifying the story is less important than understanding the images it provided.

<sup>371</sup> George Lippard (1847) *Legends of Mexico*. Philadelphia: T.B. Peterson, 16

<sup>372</sup> Noel Ignatiev (1995) *How the Irish Became White*. New York: Routledge; Nell Irvin Painter (2011) *The History of White People*. New York: W. W. Norton & Co.

<sup>373</sup> Lippard, *Legends*, 15.

<sup>374</sup> Lippard, *Legends*, 21, 19.

<sup>375</sup> Lippard, *Legends*, 22.

<sup>376</sup> Lippard, *Legends*, 24.

However, for other writers, victory was less assured -- the war could be won, but the criminality of the mixed races could not be contained. The paradigmatic story of postwar race and crime is the story -- or stories, given the many retellings -- of Joaquín Murrieta, who was a real man, but about whom surprisingly little is known with certainty. What we do know, Susan Johnson suggests, is that Murrieta emigrated to the Alta California territory, found a profitable land claim in the Gold Rush, and was driven off by an armed, state-sponsored band of whites who whipped Murrieta, raped his wife and hung his half-brother.<sup>377</sup> Murrieta did likely turn to horse thievery for survival, and perhaps for revenge, taking only “what he needed...only from men like his persecutors.”<sup>378</sup>

But for Anglo-American Audiences, Murrieta’s acts of resistance against hostile forces made him “an example of an innate, alien criminality.”<sup>379</sup> Some papers described Murrieta as a “banditti,” a reference to Italian robbers, while others painted him as a grim reaper, “slaughtering the weak and unprotected,” who “corr[alled] the Chinese by the score.”<sup>380</sup> The Italian banditti figure likely entered American literary consciousness through Edward Bonney’s *The Banditti of the Prairies* (1850), a somewhat factual but certainly sensationalized account of Bonney’s role in the hunting and capture of organized white criminal gangs in the Midwest in the 1840s. Although white, the conduct of the Bandittis separates them implicitly from the “whole race of freemen” who they stand apart from, implying that political exile (as symbolized by Bonney’s claim that they committed their crimes on the Fourth of July to offend patriotism) suggested a kind of racial exile as well (the remark is made by a judge who sentences the leader of the Banditti to death).<sup>381</sup> Thus, framing the racially ambiguous Murrieta character as a banditti raised further racial boundaries, suggesting simultaneously dark-skinned Italianness and the possibility of but removal from whiteness.

Murrieta stories, complete with competing and diverging racial representations, became tremendously popular, and although unjust, Murrieta the Myth is far more remembered than Murrieta the Man. Various California newspapers printed “lurid articles about the crimes of a gang of ‘Mexican Marauders’ led by a Mexican named Joaquín” beginning in 1853, and the *California Police Gazette* in 1859 printed a series of fictional stories of Murrieta leading a plague of bandits across the land in a continuation of the Mexican-American War, continually racializing him as bloodthirsty by virtue of his Mexican-ness, stopped only by a white, heroic, manly “Ranger and former Mexican War soldier,” who kills Murrieta and ends his reign of terror in a natural triumph of white settlement.<sup>382</sup> John Ridge’s *The Life and Adventures of Joaquín Murrieta* (1854), which provided a template of events for many later Murrieta stories, was one of the more sympathetic works by an Anglo, in that it roundly condemned Murrieta’s alleged criminality, but mourned the loss of his “conscience and original moral superiority” in the way that “criminality permanently stain[ed] him.”<sup>383</sup>

Sympathetic stories often accepted the implicit invitation of the ‘banditti’ frame to connect Murrieta’s violence to whiteness. In these stories, Murrieta was a bandit-demon because “[f]or Anglo men, Joaquín was like their own worst selves set loose in the diggings - dark,

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<sup>377</sup> Johnson, *Roaring Camp*, 27.

<sup>378</sup> Johnson, *Roaring Camp*, 34.

<sup>379</sup> Streeby, *American Sensations*, 266.

<sup>380</sup> Johnson, *Roaring Camp*, 35, quoting contemporary accounts.

<sup>381</sup> Doris M. Reed (1957) “Edward Bonney, Detective,” *The Indiana University Bookman* 2: 5-17, 6; Edward Bonney (1850) *The Banditti of the Prairies*, Chicago: D.B. Cooke & Co., 180-181.

<sup>382</sup> Streeby, *American Sensations*, 261, 260.

<sup>383</sup> Streeby, *American Sensations*, 263; Johnson, *Roaring Camp*, 35

sensual, impulsive, out of control.”<sup>384</sup> The Rangers who inevitably kill Joaquín are white, and heroic, because they kill in a disciplined manner, on command, even if there is something tragic underlying the killing itself. Joaquín’s violence, which in the stories is always decoupled and spread beyond revenge into a “spree,”<sup>385</sup> reflects the perversion by crime of a raced concept of manliness.<sup>386</sup> The lines between races, already somewhat porous, could also be permeated and mediated by gender. Murrieta is never quite a civilized white man, but he reflects a darker side of the white violence that framed the extermination and imprisonment of Native and Mexican Californians in the nineteenth century -- an uncanny mirror of the worst desires and impulses of the heroic white settler.

Sometimes, race and liminality were used to highlight the monstrosity of Murrieta’s persecutors rather than Murrieta himself. In Joseph Badger’s *Joaquin the Terrible: The True History of the Three Bitter Blows that Changed an Honest Man to a Merciless Demon* (1881), Joaquín himself is as manly and sympathetic as the title suggests; a tragic hero-villain who becomes a demon as any man would in the face of the injustices he experienced. In Badger’s version, the ‘white’ Rangers who attacked the Murrieta family were actually a pair of evil Mexican villains who were only *passing* as white. In this way, the “racial liminality” of the villains, “‘white’ enough to pass as a non-Mexican but [] still irredeemably alien and monstrous,”<sup>387</sup> places the responsibility for Murrieta’s crimes with Mexican racial origins, while simultaneously lauding the manly resistance of a Mexican who was fighting for justice against ‘white’ criminals. Whether Joaquín or his persecutors were evil, these racial images of criminality, “U.S.-Mexican War era depictions of Mexicans as evil, treacherous nonwhites[,] would resurface in times of crisis” throughout the nineteenth century.<sup>388</sup> These images thus served to entrench not only the connection between race and crime, but the liminal fear that race was porous. Badger’s story was a representation and reflection of the nightmare of the *Democratic Review* editors: not only were some Mexicans monstrous, but they could present themselves as white, and in so doing, victimize the noble and honest people of California.

Nonfictional discourses about race and crime engaged parallel struggles over racial boundaries and hierarchies. Consider, for example, a letter published by a Chinese immigrant in the *Daily Alta California*, responding to the Governor’s declaration in 1852 that California was “a republic of a particular race,” the ‘free’ race of Bonney. The immigrant responded by arguing that “we are as much allied to the African race or the red man as you are yourself, and that as far as the aristocracy of skin is concerned, ours might compare with many of the European races[.]”<sup>389</sup> Newspaper stories of savage, primitive peoples encountering white and Christian civilization reflect the underlying project of the negotiation of a racial order.<sup>390</sup> Narrating and arguing about race became a troubled and contested study of the actual boundaries of a race.

Publications such as the *California Police Gazette* frequently departed from their ostensible mission of crime reporting to defend racial hierarchy against interracial sex. Interracial

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<sup>384</sup> Johnson, *Roaring Camp*, 35.

<sup>385</sup> Johnson, *Roaring Camp*, 36

<sup>386</sup> This argument is similar to Guy Reel’s finding that nineteenth century police gazettes “decried crime but celebrated vice,” constructing a culture of white masculinity as viceful-but-ordered in opposition to nonwhite masculinity which was characterized by vice and lack of self-control. See Guy Reel (2006) *The National Police Gazette and the Making of the Modern American Man, 1879-1900*. New York: Palgrave Macmillan, p. 4.

<sup>387</sup> Streeby, *American Sensations*, 254.

<sup>388</sup> Streeby, *American Sensations*, 254

<sup>389</sup> Anonymous (1852) “To His Excellency Gov. Bigler.” *The Daily Alta California* Vol 3. No. 125, 5 May 1852.

<sup>390</sup> Editors (1853) “The Sandwich Islands,” *The Daily Alta California* 4.253, 22 September 1853

romance was presented as truly grotesque: in “Gushing White Beauty and her Darkey Lover,” for example, the paper tells a clearly sensationalized if not outright fabricated story of a white mistress who eloped with a freed slave after the Civil War, because of her admiration of “the stalwart proportions of the sturdy black,” which caused her to forget, “in a whirl of sensual delirium...the deep degradation of her position.”<sup>391</sup> Blending desire, admiration, and titillation for the ‘sensual’ romance and physique with a gendered, raced social order that consigned white women who strayed to degradation, the story is almost pathological in its mix of desire, repression, and racism.

In “Horrible Affair at Ship Island - The Young and Beautiful Daughter of a General Officer Outraged by a Negro Soldier” the *Gazette* recounted the story of a daughter of a general who was allegedly raped by, but quite possibly was simply romantically involved with, a black soldier in her father’s command. When the two were found in bed together, the young black soldier was killed and thrown into the ocean by the general and several other soldiers. In the face of later testimony that the relationship had been consensual, the *CPG* retelling is unable to make up its mind. On the one hand, the writer seeks to cast off the “theory. . . that a young lady of the high social position” of the general’s daughter could possibly love a black man.<sup>392</sup> But, on the other hand, the writer feels compelled to acknowledge that “we know such things have been, that ladies occupying the most enviable positions in society, with an abundance of money, troops of friends, and possessed of great personal beauty have, deliberately, thrown all these high privileges away and madly thrown themselves into the arm of the black.” For the writer, the moral is a monitory tale on the dangers of racial equality: he speculates that the general raised his daughter “to believe that a negro was as good as a white man,” and so she “thought it no harm to encourage the advances of the ebony race.”

In the imagination of the *California Police Gazette*, California was the hope for racial regeneration of the whites. In an 1869 editorial written in a panic over ‘sterility’ in the east, the editors claim that the “reproducing power of a nation is one of its strongest elements of greatness,” and “all nations [date] the commencement of their fall with the spread of effeminacy among their people[.]”<sup>393</sup> Explicitly noting racial stratification within and between races, the *Gazette* argued that both “the colored race and the low whites have always been prolific,” while the well-to-do superior whites reproduced too rarely.<sup>394</sup> The single ray of hope, for the *Gazette*, was Californians, the “hardy pioneers who have made these wilds ‘blossom as the rose’ and showed “no such symptoms of sterility as are observable in the older states.”<sup>395</sup> For the *Gazette*, the manly and violent conquering of California represented the only hope for the nation, in the face of the decadence and impotence of the East.

Thus, by the 1890s when Whittier was constructed, the racial context imbricating California juvenile justice and criminology was not purely one of racial hierarchy (although that certainly did exist), or disparities in resources between white and nonwhite communities. Rather, white Californian culture was in the grips of a complex struggle over what racial lines meant: how and why someone could be identified with a particular race, the extent to which the races could mingle and intermix (whether through individual racial transmutation as implied by

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<sup>391</sup> Editors (1868) “Gushing White Beauty and her Darkey Lover,” *California Police Gazette* 10.472, February 29 1868.

<sup>392</sup> “Horrible Affair at Ship Island - The Young and Beautiful Daughter of a General Officer Outraged by a Negro Soldier,”

<sup>393</sup> Editors (1869) “Population in America,” *California Police Gazette* 10.523, February 6 1869.

<sup>394</sup> *Id.*

<sup>395</sup> *Id.*

Murrieta stories, or through mixed race offspring), and what the porousness and malleability of race meant for a society that attempted to enforce white dominance. This particularly liminal problem provided the backdrop for the formation of the CBJR.

## Race and Crime in the California Bureau of Juvenile Research

Whittier State School, opened in 1891, began to produce criminology in 1915 with the creation of the California Bureau of Juvenile Research.<sup>396</sup> The CBJR was a formative institution in the advance of American positivist criminology: it brought together East Coast trained social workers, educated in the latest eugenic and criminological research, with the racialized settlement-frontier context of California to generate original data on racial typologies, delinquency, and intelligence.<sup>397</sup> J. Harold Williams, the director of the CBJR, received his Ph.D. working under the eugenicist Lewis Terman at Stanford, and was familiar with leading psychological and criminological theory. The CBJR founded the *Journal of Delinquency* and published it from 1916-1928, disseminating positivist studies of the causes of crime and disorder, often based on data generated by various tests and assessments performed on youth committed to the school.<sup>398</sup> In the setting of the early American juvenile justice system, a racially embedded system of knowledge production that continually invented and reinvented delinquency, Whittier was as much a criminological as a penological institution.

As Chávez-García shows, the CBJR's research overwhelmingly served to naturalize racism and render racial hierarchy as a scientific fact. The CBJR viewed crime as rooted in the disorder, violence, and diminished intelligence of Mexican and American Indian youth. The CBJR also developed a system to classify, typologize, and categorize racial heritage and ancestry, a necessary component of a hierarchical racial science in a period when positivism proposed race, genetics, and crime were fundamentally connected. As Chávez-García explains, despite CBJR "fieldworkers' claims to scientific objectivity, much of their research rested on biological determinism, cultural biases, and a host of unverified criteria."<sup>399</sup> The CBJR's positivist research output was a result of social bias and pseudoscientific mis-education.

Building on this finding, I argue that the CBJR's criminological positivism can be understood as responding to the Californian settler crisis of racial liminality and monstrosity. The CBJR's racist studies referenced, incorporated, and resolved racial dilemmas in California's experience of crime. Eugenic studies did not only seek to establish racial hierarchy, but to make that hierarchy epistemologically cogent by declaring the discovery of an objective racial system that could be imposed on liminal space. The underlying research and concepts of CBJR researchers were constructed on Lombrosian images of savagery and atavism, which framed how

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<sup>396</sup> The CBJR was initially known as the Bureau of Research in 1915, and was renamed as the CBJR in 1921. The key personnel - school superintendent Fred Nelles and researcher J. Harold Williams, discussed in this section - remained the same from 1915-1923, the period dealt with here. For consistency, I refer to the research unit as the CBJR during the entire period. For a comprehensive overview of the history and significance of the CBJR at Whittier, as well as Whittier's own history, see Miroslava Chávez-García (2015) "Youth of Color and California's Carceral State: The Fred C. Nelles Youth Correctional Facility." *The Journal of American History* June 2015: 47-60. Additional context on the reform movement in California juvenile justice can be found in Daniel Macallair (2003) "The San Francisco Industrial School and the Origins of Juvenile Justice in California: A Glance at the Great Reformation." *UC Davis Journal of Juvenile Law & Policy* 7.1: 1-60.

<sup>397</sup> Miroslava Chávez-García (2015) "Youth of Color and California's Carceral State: The Fred C. Nelles Youth Correctional Facility." *The Journal of American History* 102.1: 47-60, 48.

<sup>398</sup> Chávez-García, *States of Delinquency*, 65.

<sup>399</sup> Chávez-García, *States of Delinquency*, 52.

they understood intelligence and provided a conceptual framework that linked bad genetics and ‘heredity’ to monstrous violence. The CBJR, without explicit acknowledgment, recapitulated early positivism’s claim that crime was produced by biologically distinctive and monstrous offenders.

Although Lombroso and his colleagues were not directly invoked or referenced by the CBJR, Lombrosian imagery forms the backdrop against which American studies of biology and crime were produced. Criminological positivism’s foundational works are gothic amalgamations of vampire imagery, apocalyptic terrors, and uncanny suggestions of subversion and conspiracy, often painting atavists as blood-drinking savages enamored with violence and hedonism.<sup>400</sup> Lombroso’s images of the “‘born’ criminal,” as rearticulated by criminologists he influenced, relied on images of horror. Thus, the poisoner Zwanziger was not merely a murderer, “she was in truth a veritable monster, an incarnate female fiend” (and impliedly, as with other female criminals, subject to unnatural eroticism and lust).<sup>401</sup> Similarly, Raffaele Garofalo, Lombroso’s colleague, wrote in 1914 that positivist criminology was the process of peeling back the surface of reality to discover

“A world-appalling tragedy . . . a field of battle littered with the remains of frightful carnage . . . a vast incendiary conflagration devouring forests and homes; it deafens us with the yells of an army of pirates. And in sinister climax, it reveals to us the author of these scenes of desolation -- an enemy mysterious, unrecognized by history -- we call him the criminal.”<sup>402</sup>

Crime is presented here as an existential threat, a civilizational risk posed by dark and mysterious monsters who dwell in our midst.

Garofalo’s depiction was in keeping with the imagery of late nineteenth and early twentieth century fiction, which often portrayed monstrosity as entangled with the image of the atavist: Jack London’s *The Sea-Wolf* (1904) tells of Humphrey, a literary critic interested in Poe, who begins the story grotesquely fascinated by civilization’s fear of death, and eventually, “vampire-like,” seems to feed on the captain’s weakness and grow in strength after becoming stranded on a primitive island.<sup>403</sup> Similarly, in Bram Stoker’s *Dracula* (1897), Mina Harker (an educated and intellectual woman) invokes Lombroso and Nordau’s conception of the degenerate atavist to offer a scientific, modern account of the Count’s nature.<sup>404</sup> Dracula, who is simultaneously a lustful undead atavist but also subject to certain biological facts, such as “laws of circulation and health analogous to those governing humanity,” is a simultaneously medical and mythical subject -- a monster who remains monstrous, fascinating, and otherworldly, but can be described in rational terms that acknowledge monstrosity only by omission.<sup>405</sup>

Dracula, the Lombrosian vampire, is the template of the criminal discovered at the CBJR: described at categorized in scientific terms, but underneath, a monstrous savage. The advance of the CBJR was to assign the atavist an objective race, as opposed to Dracula’s vague

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<sup>400</sup> Rafter & Ystehede, “Here Be Dragons.”

<sup>401</sup> Arthur Griffiths (1895) “Female Criminals.” *The North American Review* 161.465: 141-152, 149.

<sup>402</sup> Garofalo, *Criminology*, xxv. These remarks are quoted from Garofalo’s introduction to the translation arranged by the American Institute of Criminal Law & Criminology. The main text of Garofalo’s *Criminology* was prepared in the 1880s.

<sup>403</sup> Crow, *American Gothic*, 109-110.

<sup>404</sup> Bram Stoker (1897) *Dracula*. New York: Grosset & Dunlap, p. 319

<sup>405</sup> William Hughes (2008) *Bram Stoker -- Dracula*. London: Palgrave, 64.

indeterminacy. Through their research, the blood-drinking savages are no longer white, and the boundaries of whiteness become clear.

### The Savage in the 21st Century

The scientific study of race and crime at Whittier was made possible in large part due to the work of J. Harold Williams.<sup>406</sup> During the final stages of his doctorate degree under Terman's supervision, Williams was dispatched by Terman in response to a request for scientific assistance from Whittier superintendent Fred Nelles. Armed with Terman's Stanford-Binet assessment and scale for measuring individual intelligence, Williams set out to survey the "boys at Whittier State School, to identify the causes of delinquency."<sup>407</sup> Ignoring criticisms that the test was confounded by educational background and language proficiency, Williams 'discovered' that delinquency at Whittier was produced by class and race, arguing that the "largest differences were youths of Mexican descent, a group that he and other researchers referred to as 'Mexican-Indians,'" who were primitive, dull, and criminal.<sup>408</sup>

After completing his doctoral research at Whittier in the 1910s, Williams remained until 1923, and was the head of the CBJR when it was officially constituted out of the old Department of Research in 1921.<sup>409</sup> Williams spent much of his time from 1921-1923 publishing instructional texts for eugenic work and criminological survey studies, such as his 1922 *Outline for the Study of Mental Deficiency*, a schematic training manual for social workers collecting original information on mentality and delinquency.<sup>410</sup> The *Outline*, which emphasizes the "variability of races" in intelligence and "feeble-mindedness as related to race" as a cause of crime, reveals Williams's intellectual influences.<sup>411</sup> The first reference to race science is Pierce Bailey's "A Contribution to the Mental Pathology of Races in the United States," and Bailey is cited throughout the *Outline*. Bailey's work provides the scientific underpinning for Williams's perspective.

Bailey's research, in turn, was steeped in Lombrosian language of primitives and savages. Bailey compared the "primitive" and "savage" races to the "cultured" races, including "African and the American Indian," along with the Mexican as savages, while "the average French or English" represented cultured races.<sup>412</sup> Bailey pondered the meaning of mental defect, concluding it must reveal either a race caught in an "early phase of development," or a race that "has been brought back to a regressive phase through the unrestricted interbreeding of mental defectives."<sup>413</sup> Bailey felt it was impossible to scientifically discern the difference between these possibilities; they both presented identical empirical data. But in either case, the explanations of mental defect are thoroughly and firmly Lombrosian, rooted in the theory of atavism. Bailey went on to describe both the quagmire of criminal dullness and the uncontrollable psychiatric conditions and episodes, such as epilepsy, that could lead to degenerate or delinquent behavior in

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<sup>406</sup> Chávez-García, *States of Delinquency*, 58-60.

<sup>407</sup> Chávez-García, *States of Delinquency*, 58.

<sup>408</sup> Chávez-García, *States of Delinquency*, 60-61.

<sup>409</sup> Chávez-García, *States of Delinquency*, 64.

<sup>410</sup> J. Harold Williams (1922) *Outline for the Study of Mental Deficiency*. Whittier: California Bureau of Juvenile Research.

<sup>411</sup> Williams, *Outline*, 1.

<sup>412</sup> Pierce Bailey (1922) "A Contribution to the Mental Pathology of Races in the United States." *Mental Hygiene* 6.2: 370-391. From the author's note in *Mental Hygiene*, it seems the essay was first published in 1921.

<sup>413</sup> Bailey, "A Contribution to the Mental Pathology of Races," 322.

savage racial groups. Without invoking the term monster, Bailey is describing horrifying primitive monsters; years later, a mental hygiene reformer would castigate early studies in the field for being possessed by “horror of mental illness” and pretending to be a science of “secret sins.”<sup>414</sup>

The mental hygiene science of the 1910s focused largely on conditions such as psychosis or epilepsy that were believed to cause violent and erratic behavior, as well as sexual and mood related ‘disorder.’<sup>415</sup> In this context, Bailey and Williams’s claim was understood to be that certain primitive races were neurologically under-evolved and prone to psychologically induced fits of uncontrolled violence or sexual perversion. This claim explains delinquent behavior, and is also deeply Lombrosian in the monstrous sense. Implicitly, Mexican-American youth have become the atavistic vampires. Chávez-García observes the CBJR construction of “prevailing mood” as a “dysgenic trait” - and inherited primitive disorder - that could affect moral features ranging from propensity to violence, to work ethic, to problem-solving ability.<sup>416</sup> The discovery of racial ancestry and classification was thus the tracing of transmissions of racial savage violence. The language of racially “incorrigible, morally depraved” delinquents replaced the more flowery language of blood-drinking atavists, but the former was constructed on the imagery and pseudoscience of the latter.

Williams repeatedly drew on earlier and more gothic positivism to frame his research. In his studies of delinquency and population, he quoted Charles Henderson’s description of the “lawlessness” of cities, which were dark refuges for those “with a dark record,” places that “flaunt the allurements of wealth and luxury” and excited the “solicitors of vice.”<sup>417</sup> Henderson, a sociologist and criminologist who briefly taught Edwin Sutherland, the father of modern American criminology, was clear about the gothic nature of urban crime: he lauded the way that “Dickens attracts us to walk with him in his descent into the Inferno and Purgatory of human sorrows” and recommended a number of fictional urban stories, including Lytton’s *The Coming Race*, as “desirable” for “every citizen” to be acquainted with.<sup>418</sup> The section that Williams chose to quote from Henderson could have also come from Lippard’s *The Quaker City* (1845), a stylistically prescient fever dream of vice, indulgence, sex, and violence produced by the grotesque amalgamation of wealth and population in modern cities.<sup>419</sup>

Henderson’s explanations of crime also carried forward Lombrosian monstrous imagery, with an American racial connotation. He described the “morbid hunger for notoriety” and stimulation that made atavists uncontrollable, and wrote of the similarity between hardened criminals and those “among savage Indians...eager to imitate the most bloody brave in adorning

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<sup>414</sup> Frankwood Williams (1929) *Mental Hygiene*. Chicago: American Library Association, 10-12.

<sup>415</sup> Chávez-García, *States of Delinquency*, 113.

<sup>416</sup> Chávez-García, *States of Delinquency*, 85-86.

<sup>417</sup> J. Harold Williams (1917) “Delinquency and Density of Population.” *The Journal of Delinquency* 2.2: 74-91, 75, quoting entirely Charles Richmond Henderson (1901) *Dependents, Defectives and Delinquents* 2nd edition. Boston: D.C. Heath & Co, 237-240. The preceding citation conforms to Williams’s footnote. I have verified the Henderson quote, but to the best of my knowledge the title of the book was *Introduction to the Study of the Dependent, Defective, and Delinquent Classes*, and the entire quoted section is found on page 240 of the revised 1906 edition. Williams may have made an error in footnoting, or he may have used another version which I do not have access to. I do not consider any discrepancies here to have substantive import.

<sup>418</sup> Charles Richmond Henderson (1893) *Introduction to the Study of the Dependent, Defective and Delinquent Classes*. Boston: D.C. Heath & Co, 6, 235, 234.

<sup>419</sup> Chad Luck (2014) “George Lippard and the Rise of the Urban Gothic.” In: Charles Crow (ed.) *A Companion to American Gothic*. Malden: John Wiley & Sons, pp. 124-136, 129.

their belts with scalps taken by craft and murder.”<sup>420</sup> Henderson believed in an evolutionary hierarchy of savagery, which included lower and middle phases that saw monstrous behavior (cannibalism, human sacrifice) that was the “normal condition[] of social life among the savages and barbarians of America.”<sup>421</sup> In light of Williams’s reference to Henderson’s violent fantasies of urban life and repeated emphasis of the diminished and savage intelligence and culture of the ‘Mexican-Indian’ group, his research must be understood as incorporating and drawing on Henderson’s perspective of atavism and blood indulgence - which, in turn, incorporated and drew on Lombroso’s vampires. Williams has sterilized the imagery and rhetoric of atavism, but the intellectual trajectory of the concept remains.

This intellectual history and context should inform the interpretation of CBJR studies that repeatedly ‘discovered’ the moronic dullness of Mexican-Indian youth. Karl Cowdery, a field researcher working under Williams, published a study of intelligence in the *Journal of Delinquency* that classified 61% of “colored” and 60% of “Mexican-Indian” youth as morons, compared to 23% of whites.<sup>422</sup> Cowdery, apparently familiar with the criticisms that intelligence tests instead observed language skills and cultural background, argued that the ‘Mexican-Indian’ group understood the tests but feigned ignorance of English to avoid giving useful research information.<sup>423</sup> Another researcher wrote in the *Journal* that failing to contain racially defective intelligence was causing society to “drift[] toward a goal dangerously near self-extinction,” a description of the stakes of the ‘cultured races’ efforts that invokes Garofalo’s apocalyptic vision.<sup>424</sup>

The particular racial pseudoscience of the CBJR and early positivism, then, was not purely a result of the influence of eugenics (although eugenic interests undoubtedly shaped these developments). Rather, the CBJR continued and extended criminological positivism’s invocations of a particularly bloody and fantastic imagery of the atavistic savage, grounded in Lombroso and Garofalo’s work, that provided a background worldview for interpreting violence in intensely racialized ways. Because the CBJR drew on imagery that treated delinquents of color as subhuman monsters, CBJR researchers continually discovered and reaffirmed a racialized lack of intelligence and self-control that threatened a criminal apocalypse in the absence of strong criminological intervention and control. But in addition to drawing on concepts rooted in racialized monstrosity, the CBJR also addressed the problem of racial liminality by framing racial studies in such a way as to make race clear, objective, and knowable.

### Ordering Race

Recording the race of delinquents was a major concern of the eugenic field workers at the CBJR. This is unsurprising -- the effort to find an objective positivist grounding for racial intelligence or crime rates requires racial statistics and tabulations. As Jan-Mohamed argues more broadly, racial hierarchy requires the ability to assign racial status and make claims about race. Thus, the CBJR was epistemologically committed to making race calculable.

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<sup>420</sup> Henderson, *Dependents*, 132.

<sup>421</sup> Henderson, *Dependents*, 145.

<sup>422</sup> Karl Cowdery (1916) “Analysis of Field Data Concerning One Hundred Delinquent Boys.” *The Journal of Delinquency* 1.3: 129-153, 146.

<sup>423</sup> Cowdery, “Analysis of Field Data,” 149.

<sup>424</sup> Samuel Kohs (1916) “Reviews - Mental Defectives in Virginia.” *The Journal of Delinquency* 1.2: 104-107, 106.

The internal CBJR materials on recording race are, at first glance, dry. A 1921 training manual for eugenic field workers published by the institution’s lead researchers makes no mention of hierarchy, savagery, or atavism, instead emphasizing the importance of scientific observation, objectivity, and data collection in order to provide an accurate basis for eugenic endeavors.<sup>425</sup> Researchers are simply instructed to record “race and nativity, with necessary elaboration, including details of ancestral descent.”<sup>426</sup> This reference to ancestral descent, or the frequent use of a mixed-race category such as Mexican-Indian in tabulation, underscores the reality that race was contested, constructed, and dynamic. However, researchers were also instructed to represent race as clear and concrete. For example, the manual requires the use of different colored pieces of paper for different races -- white, salmon, yellow, and blue paper correspond respectively to “White, Negro, Mexican-Indian, and Mongolian.”<sup>427</sup> The visual effect of representing races on different colored backgrounds underscores a facial association between race and color, presenting race as a set of obvious visual categories, amenable to filing and tabulating.

The manual repeatedly emphasizes that recording “blood relationship” and “heredity” is necessary in order to “bring to light as accurately as possible the real causes of the difficulty [delinquency or dependency.]”<sup>428</sup> As with the system of colored sheets, the manual provided instructions on visually representing what may have been a mixed and complex heredity in a simple, clean, and categorized manner, through the use of technical and symbological ancestry charts:

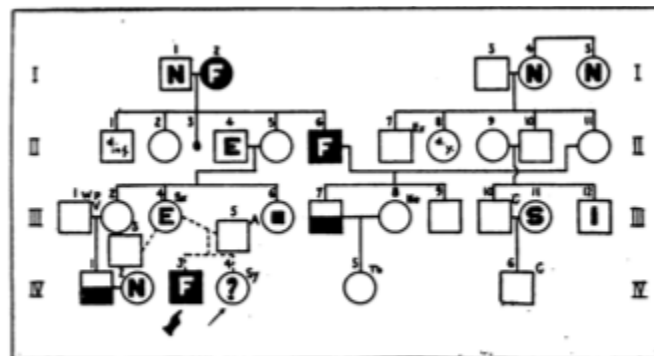


Fig. 5. Hypothetical family chart illustrating use of symbols. 429

### 3.1 Ancestry chart produced for example purposes by J. Harold Williams.

The symbols represent different intellectual, behavioral, and psychological conditions, identifying a history of mental abnormality, substance abuse, criminal behavior, and feeble-mindedness.<sup>430</sup> However, as I discussed above and as Miroslava Chávez-García has extensively shown, all of these qualities were clearly and consciously understood as racial qualities by CBJR researchers.<sup>431</sup> The sample case histories in the manual assign simple racial inheritances - “Scotch,” “Negro” - to describe the results of sprawling and complex ancestry

<sup>425</sup> J. Harold Williams, Willis Clark, Mildred Covert, Edythe Bryant (1921) *Whittier Social Case History Manual*. Whittier: California Bureau of Juvenile Research.

<sup>426</sup> Williams et. al., *Whittier Social Case History Manual*, 17.

<sup>427</sup> Williams et. al., *Whittier Social Case History Manual*, 47.

<sup>428</sup> Williams et. al., *Whittier Social Case History Manual*, 39.

<sup>429</sup> Williams et. al., *Whittier Social Case History Manual*, 42.

<sup>430</sup> A comprehensive key is on Williams et. al., *Whittier Social Case History Manual*, 41

<sup>431</sup> Chávez-García, “Youth of Color and California’s Carceral System.”

charts (the history for John Doe Brown, who appears Anglo, has no racial attribution, which suggests an Anglo default).<sup>432</sup> What pretends to be a neutral map of inherited conditions is fundamentally a map of the CBJR's conception of race, but rendered in a neutral fashion.

Informed by data-gathering practices that recorded race as objective and obvious, the research outputs of the CBJR reaffirmed a racial ontology of clear boundaries and categories. Cowdery's analysis of field data comfortably declared that "in classifying the boys according to race but three distinctions are made: (a) White, (b) Colored and (c) Mexican-Indian."<sup>433</sup> Charts and graphs similarly employed the simplistic categorization of the field researchers, as in this example from one of Williams's published studies of delinquent intelligence:

	White	Colored	Mexican-Indian	All Groups
Per cent of total	70	13	17	1.00
Lowest I. Q.	.54	.62	.41	.41
Highest I. Q.	1.22	1.00	.91	1.22
Median I. Q.	.82	.78	.68	.81
Per cent above 1.02	6.5	0	0	6.5

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3.2 Chart of Race and IQ from 1916.

Perhaps the most striking thing about these depictions is that at other times, the *Journal of Delinquency* inevitably confronted interracial mixing, liminality, and change. For example, a short note on a research paper written by a "K. M. C." (I strongly suspect but cannot prove the author was Karl M. Cowdery) summarized recent research on evolution as follows:

"The intermingling of peoples through travel and the breaking down of social bars...are reducing the hindrances to the amalgamation of the races. There is destined to be but one race of mankind, a highly hybrid stock to which all of the present races which are able to persist shall make their contribution. In America extinction and fusion can actually be observed. Such a fusion into one race will produce great variety and diversity of unit qualities to be manipulated in eugenic marriages. . . . The ideal of eugenics is an antitoxin to the weakening poisons of civilization."<sup>435</sup>

This fascinating, nearly surreal account of evolution confronts the reality that races have, do, and will intermix and change ('fusion can actually be observed'), while also insisting on 'race' as a distinct and separate analytic category (there are separate present races that will make separate contributions to the future fusion). Eugenics, in a way, seems to mediate this tension between liminality and change and static racial identities, by channeling the best attributes of static races into the future hybrid-liminal race. K. M. C. seems to imagine eugenics as a solution to the inevitable sociological-biological fact of evolutionary racial change over time, something that can freeze and carry forward traits of statically categorized discrete racial identities. Eugenics research, then, could plausibly claim to work on a discrete and objective set of present races without denying the reality of hybridization -- another solution to the challenge of liminality to hierarchy, it turns out, is to situate racial science within a liminal frame rather than against it.

<sup>432</sup> The three sample case histories seem to be edited histories for real youth committed to Whittier. Williams et. al., *Whittier Social Case History Manual*, 53-96.

<sup>433</sup> Cowdery, "Analysis of Field Data," 148.

<sup>434</sup> J. Harold Williams (1916) "Delinquent Boys of Superior Intelligence," *The Journal of Delinquency* 1.1: 33-52, 36

<sup>435</sup> K. M. C. (1916) "Metcalf, Maynard M. Evolution and Man" *The Journal of Delinquency* 1.4: 236-237.

The data gathering and reporting practices of the CBJR served to implicitly respond to the liminal construction of race that marked California's postwar history. Against the broader history and context of social and cultural panics around racial identification, racial crime, and racially passing or hybridized monsters, the CBJR reaffirmed that race *could* be visually discerned, that it could be tabulated, and that it was a scientifically objective basis of knowledge about behavior. Through various visual representations, tabulations, and scientific frames, CBJR researchers created an objective hierarchy of race that could sustain their racialized assessments of delinquency and criminality.

### **The Positivist Imagination**

This chapter focuses on the particular case of Whittier and the CBJR in order to develop a counter case and counternarrative to the general claim that the twentieth century sophistication of criminology as an academic discipline rationalized away the monstrosity and cultural fears of earlier twentieth century criminology. Building on Chávez-García's finding that Whittier must be understood as part of a historical process of the construction of race and racism in California's settlement, I argue that the case of the liminal monster can be used to discern the presence and force of monstrosity in the facially neutral scientific theories of CBJR criminology. Although monster imagery did not overtly appear in the CBJR, their research and the *Journal of Delinquency* drew on positivist and racial imagery informed and made sensible by fears of monstrosity, while simultaneously endeavoring to re-order race in an anti-liminal fashion, presenting race as clear, objective, and impermeable. Tools such as statistical tabulations and ancestry charts served to remake the representation of race, ordering youth into single categories which then became racial destiny, obviating the problem of racial hybridization and intermixing. As such, the CBJR demonstrates how scientific and modern criminology could be shaped by fears -- in this case, the fear of the liminal, savage monster. The racially ambiguous mythical and medical figure of Dracula is the ghost haunting Whittier's criminology -- he is never invoked, but the representation and theory of race is a defense against his presence.

Of course, this chapter cannot demonstrate the presence of monster imagery in twentieth century criminology more broadly. The next chapter proceeds to study liminality, monstrosity, and criminalistics in this period, rather than undertaking a separate study of further academic criminological discourse. However, these two case studies together should raise doubts about how thoroughly it is ever possible to rationalize away the past. My purpose is to show that historians of criminology have probably assumed too casually that the absence of an explicit reference to a monstrous or superstitious figure means the monster is truly gone. The images and fears of the past do not fade so easily.

## Chapter IV: Legible People

### Introduction

This dissertation has so far examined the intellectual history of criminology from the perspective that positivism's academic dominance did not reflect a triumph of scientific purification, but rather an attempt at resolution of unconscious problems and fears posed by crime. This chapter furthers the project of the dissertation by introducing a new topic of concern: the rise of criminology as not only an academic, university-oriented discipline, but as an applied field of criminalistics and policing. The first criminology program in the United States was not a theory-producing endeavor, but a police training program developed at U.C. Berkeley to further applied scientific investigation.<sup>436</sup> Positivism's significance in the history of criminal justice has been in part because of its actionable knowledge. Therefore, this chapter turns to the history of one of the most familiar scientific techniques of criminalistics today: fingerprinting.

During the First World War, the United States racialized Germans as monstrous 'Huns' who blended in to the American polity and had to be rooted out. In this wartime surge of ethno-nationalistic patriotism, security forces sought a way to detect and trace Germans who appeared to be white Americans, but were really dangerous others. This chapter argues that in context of a cultural history of thinking about fingerprinting as a solution to racial liminality - boundary-crossing and transgressing racial status - the fear of monsters in our midst spurred increased advocacy for print identification by police officials in the U.S. This finding both sheds light on the relatively late adoption of fingerprinting in the US, as many American police departments preferred anthropometric identification until roughly the end of the First World War, and invites a reconsideration of the cultural meaning of print identification.<sup>437</sup> In an age when facial recognition and other identification technologies are growing more refined, and these tools nonetheless perpetuate our human biases, it is more crucial than ever to consider how racism and fear inform our belief in identification.<sup>438</sup>

Fingerprinting, like any technology, is culturally embedded and has historically produced meanings.<sup>439</sup> Simon Cole has argued that racism was embedded in the meaning of prints, observing how American police officials believed that fingerprinting could distinguish between individuals belonging to races that 'all look the same.'<sup>440</sup> Thus, a racist belief in the superficial similarity of all people of color helps frame the appeal of a new technology (identifying Chinese immigrants without using pictures). As I show, fingerprinting not only addressed individuation within races, but between races, resolving troubling cases of racial category crisis.

This study is based on a close reading of historical materials, most notably issues of *The Detective*, a popular police periodical that was adopted as the official outlet of the International Association of Chiefs of Police in the early twentieth century. *The Detective* is a particularly

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<sup>436</sup> Johann Koehler (2015) "The Development and Fracture of a Discipline: Legacies of the School of Criminology at Berkeley." *Criminology* 53.4: 513-544.

<sup>437</sup> Simon Cole (2001) *Suspect Identities: A History of Fingerprinting and Criminal Identification*. Cambridge: Harvard University Press, 196.

<sup>438</sup> Virginia Eubanks (2018) *Automatic Inequality: How High-Tech Tools Profile, Police, and Punish the Poor*. New York: St. Martin's Press; Cathy O'Neil (2016) *Weapons of Math Destruction: How Big Data Increases Inequality and Threatens Democracy*. New York: Crown Random House.

<sup>439</sup> Langdon Winner (1986) *The Whale and the Reactor: A Search for Limits in an Age of High Technology*. Chicago: University of Chicago Press.

<sup>440</sup> Cole, *Suspect Identities*, 139.

informative source because it brought together reports of routine police activities and compilations and publications from conferences, events, and symposiums. As such, it provides a window into both the internal intellectual history of policing, and the day-by-day practices that constituted it. To understand how fingerprinting theories and practices co-evolved, I read available issues of *The Detective* from 1914-1922 to understand how the magazine's content changed in and around the First World War, and how advocacy for print identification rose alongside those changes.<sup>441</sup> Alongside the proceedings of the International Association of Police Chiefs and the International Association for Identification, the articles and reports in *The Detective* provide a window into the debates, concerns, and motivations underlying a police perspective on the adoption of fingerprinting. I am less attentive to materials on the technical development of fingerprinting, because I am interested in exploring how coded racial concepts contextualized advocacy for fingerprinting rather than observing scientific debates. To this end, I also pay some attention to popular literary sources of information about fingerprinting, especially those that were drawn on, referenced, and retold by police officials.

My argument here is not an attempt to disprove the underlying scientific validity of print identification. Rather, I wish to join those challenging our general modern belief in the infallibility of fingerprinting - a position Jennifer Mnookin refers to as "fingerprinting moderation."<sup>442</sup> Although fingerprinting has been successfully used to identify offenders for more than a century, we also know that fingerprinting has produced false positives and wrongful convictions.<sup>443</sup> At the same time, American courts have accepted the scientific validity of fingerprinting, despite the lack of underlying studies to justify it.<sup>444</sup> Print analysis by experts may depend on various factors that can influence errors, including the quality and distortions of the underlying image or the perceptual learning processes of the experts themselves.<sup>445</sup> In short, despite print identification's widespread legal and cultural acceptance, questions about its foundations remain unanswered. Print identification is a matter of belief as well as science, and it is timely to reflect on the cultural embeddedness of not only punishments, but the criminalistics techniques that justify them.

I will proceed by first developing my understanding of racial liminality, drawing on the work of anthropologists and postcolonial theorists, to explain how this study conceives of race and racial ambiguity. I then provide a brief overview of key social and historical developments in fingerprinting and anthropometric identification, to establish necessary background, as well as to illustrate how race and racial liminality figured into early thinking about print identification. Finally, I present historical evidence from a study of police journals and conference proceedings from the early twentieth century United States. I show how the wartime racialization of Germans, and the need for security services to accurately identify passing German spies,

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<sup>441</sup> *The Detective* was widely read and distributed at the time, but is hard to find today. I used issues held in the California Secretary of State's Archive: Department of Justice, Criminal Identification and Investigation Records, F3672. Sacramento, California.

<sup>442</sup> Jennifer Mnookin (2008) "The Validity of Latent Fingerprint Identification: Confessions of a Fingerprinting Moderate." *Law, Probability, and Risk* 7.2: 127-141.

<sup>443</sup> Simon Cole (2006) "The Prevalence and Potential Causes of Wrongful Conviction by Fingerprint Evidence." *Golden Gate University Law Review* 37: 39-105.

<sup>444</sup> Lyn Haber & Ralph Haber (2008) "Scientific Validation of Fingerprint Evidence under Daubert." *Law, Probability, and Risk* 7.2: 87-109.

<sup>445</sup> PJ Kellman, JL Mnookin, G Erlichman, P Garrigan, T Ghose, E Mettler, D Charlton, IE Dror (2014) "Forensic comparison and matching of fingerprints: using quantitative image measures for estimating error rates through understanding and predicting difficulty." *PLoS ONE* 9.5: e94617. <https://doi.org/10.1371/journal.pone.0094617>

provided a conduit for the successful advocacy of widespread fingerprinting. As a case of racial category crisis, the response of police officials to the threat of spies in the First World War reveals the powerful appeal of print identification as a way to determine racial identities and navigate a cultural connection between race and dangerousness.

### **Liminality and Legibility**

“What is a White Man?” asked the editors of *The Nation* in 1924.<sup>446</sup> The question was sarcastic, intended to skewer the shifting racial definitions set out in immigration cases.<sup>447</sup> But *The Nation*’s racial perplexion bespeaks a genuine fear held by the dominant American class. Despite the shifting boundaries of race as a sociolegal and historical construct, America’s nineteenth century racial caste system relied on clear and distinct racial lines that could “put mixed-race citizens back ‘in their place.’”<sup>448</sup> As Abdul JanMohamed argues, clear and strict racial categories serve racist ideology by laying down the preconditions for a view of race as a “Manichean allegory” of good versus evil.<sup>449</sup> Although race has historically been constructed in changing ways, American law and culture have mobilized ideological machinery to resolve cases of racial mixing and ambiguity with strict categorization in order to perpetuate the truth condition of a racial caste system. Racism, like other forms of power relations, produces and justifies itself through the production of truths.<sup>450</sup>

Racial liminality refers to spaces of interstitiality that cross racial boundaries, such as the spaces occupied by ambiguous or multiracial identities that defy strict categorization. The precise meaning of the term is somewhat slippery, as scholars have deployed it in different ways; liminality refers to the gaps between spaces, borders, identities, or cultures<sup>451</sup> and such racial ‘gaps’ are multifaceted. Devin Carbado invokes racial liminality to capture the socially and politically liminal experience produced by being a black American: included as an American, but excluded as a black man.<sup>452</sup> This sense of racial liminality as a liminal condition produced by a non-liminal racial identity is also reflected in some social history.<sup>453</sup> On the other hand, sociologists of race have used racial liminality to describe the fluidity of multiracial people in crossing and accessing racially coded settings.<sup>454</sup> This perspective highlights racial liminality as a site of productivity and creativity, inviting new identity and culture formations that transcend convention.

My own use of racial liminality is inspired by work on how powerful, oftentimes state-oriented actors and ideologies perceive racial ambiguity as dangerous or disorderly. Concordant

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<sup>446</sup> Natalia Molina (2010) “In a race all their own: The quest to make Mexicans ineligible for U.S. citizenship.” *Pacific Historical Review* 79.2: 167-201, 167.

<sup>447</sup> Ian Haney-López (1996) *White By Law: The Legal Construction of Race*. New York: New York University Press.

<sup>448</sup> Fleischmann, “Neither Fish, Flesh, nor Fowl,” 461.

<sup>449</sup> JanMohamed, “The Economy of Manichean Allegory.”

<sup>450</sup> Michel Foucault (1980) *Power/Knowledge: Selected Interviews and Other Writings, 1972-1977*. New York: Pantheon Books.

<sup>451</sup> Thomassen, “The Uses and Meanings of Liminality,” Homi Babha (1994) *The Location of Culture*. New York: Routledge.

<sup>452</sup> Carbado, “Racial Naturalization,” 639.

<sup>453</sup> Lambert, “Liminal Figures.”

<sup>454</sup> Brunnsma, Delgado, and Rockquemore, “Liminality in the Multiracial Experience,”; Mary Bernstein and Marcie De la Cruz (2009) “What Are You? Explaining Identity as the Goal of the Multiracial Hapa Movement.” *Social Problems* 56.4: 722-745.

with JanMohamed's observation of the Manichean imagination of race, Foucault argued that defiance of racial categories was traditionally seen as a deviation from natural laws of race, which indicated monstrosity.<sup>455</sup> Shelley Streeby uses the term racial liminality in this sense in her study of American literature from the Mexican-American War. Streeby shows how the racially ambiguous figures - light-skinned Spaniards, white passing Mexicans - terrified the white middle-class imagination. Hence, stories of roving bandit gangs that were "'white' enough to pass as non-Mexican but...still irredeemably alien and monstrous."<sup>456</sup> Racial liminality, on this perspective, is a type of category crisis,<sup>457</sup> an encounter with something that forces a powerful ideology to confront the failings and limitations in its own schema of classification. Historians have long observed an enduring conservative fear of monstrous others that winds through American history.<sup>458</sup> Racial liminality is a space of such a fear, a space where the dominant imagination of racial identity falters in the face of racial intermixing and transgression.

Streeby's example of white-passing bandits highlights a particular fear of liminal subjects who transgress the boundaries between whiteness and other racial categories, and white American culture generally excluded mixed-race or uncertain individuals from whiteness. In the ideological framing of whiteness as a metonymy for good, subjects who may not be white but can appear as such are particularly troubling. Hence the long history of arguments over what, precisely, it is to be white. Whiteness is a malleable and changing construct that has at times excluded those who we think of as obviously white today, such as non-English European immigrants.<sup>459</sup> For example, Irish immigrants to the United States in the nineteenth century were not considered white until they proved their whiteness and Americanness by joining the causes of anti-black racism and pro-slavery advocacy.<sup>460</sup> However, this assimilation to American whiteness was also motivated by class interests, notably the desire of Irish immigrants to compete for jobs controlled by white elites, and the interest of the white establishment in avoiding a unified labor front between Irish and black workers. Thus, the malleability of whiteness is a matter of multiple struggles. In the years leading up to Irish assimilation to whiteness, Irish people who intermarried or mingled with blacks were deemed "mulatto" mixed-race castaways.<sup>461</sup> White-appearing mixed-race Hispanics and mixed race black-white youth were similarly excluded from whiteness.

Early popular literature on fingerprinting identification reflects the ideological interest in policing the boundaries of whiteness. Fingerprinting was sometimes seen by experts as a resolution to the racial mysteries in fiction, and was sometimes used by authors themselves. One example of the former is Robert Stevenson's 1886 *Strange Case of Dr. Jekyll and Mr. Hyde*, which as Simon Cole observes, was referenced by early fingerprint scientists as evidence of printing's power: as one expert wrote, "Jekyll's finger patterns remain the same when he

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<sup>455</sup> Michel Foucault (2003) *Abnormal: Lectures at the Collège de France, 1974-1975* ed. Arnold Davidson, trans. Graham Burchell. London: Verso, 56.

<sup>456</sup> Shelley Streeby (2002) *American Sensations: Class, Empire, and the Production of Popular Culture*. Berkeley: University of California Press, 254.

<sup>457</sup> Jeffrey Cohen (1996) "Monster Culture (seven theses)." In: Jeffrey Cohen (ed.) *Monster Theory: Reading Culture*. Minneapolis: University of Minnesota Press, pp. 3-25.

<sup>458</sup> Bernard Bailyn (2017) *The Ideological Origins of the American Revolution: Fiftieth Anniversary Edition*. Cambridge: Harvard University Press.

<sup>459</sup> Nell Irvin Painter (2011) *The History of White People*. New York: W. W. Norton & Co.

<sup>460</sup> Noel Ignatiev (1995) *How the Irish Became White*. New York: Routledge.

<sup>461</sup> Ignatiev, *How the Irish Became White*, 48, 57.

transforms himself into Hyde.”<sup>462</sup> Jekyll’s transformation highlights not only the threat of the undetectable criminal, but of the undetectable racial monster. When Jekyll transforms into Hyde, his skin becomes darker, his accent changes. Hyde isn’t just a criminal or a monster, he’s an ambiguous and never-identified racial other. Fingerprinting, for Faulds, will follow that racial transmutation and connect Jekyll to his true self.

Perhaps a more explicit example of the cultural connection between print identification and racial liminality is Mark Twain’s (1894) *Puddn’head Wilson*, which was one of the first depictions of print identification in a courtroom, and very popular with identification experts. The Mayor of Berkeley opened the fifth meeting of the International Association for Identification in 1919 by welcoming the “Sons of Puddn’head Wilson,”<sup>463</sup> and in 1918 the Nevada Supreme Court cited Twain’s story as an example of how prints served as a “physiological autograph” of the crime, noting that in the 1890s, “modern culture had as yet failed to grasp the full significance of his [Twain’s] words.”<sup>464</sup> The head of the Pinkerton Detective Agency enthusiastically proclaimed to the 1916 meeting of the International Association of Police Chiefs that Twain had “foreseen the value” of print identification, and recounted ordering copies of the book for his British associates.<sup>465</sup>

What was Twain’s prophetic vision of the value of fingerprints? *Puddn’head Wilson* is a story about murder, and about racial liminality. The plot concerns Roxy, an attractive slave woman who is 1/16th black, and her son Valet de Chambre, who is 1/32nd black and born to a slave mother. Under the ‘one drop’ rules of the slavery-era Southern setting of the story, Valet is black and will grow up to be a slave - until Roxy switches Valet in his crib with Tom Driscoll, the white son of her master. Valet, living a racial lie as the white Tom Driscoll, grows up into a self-centered and lazy aristocrat whose gambling and dissolution erode the family fortune. Eventually, a misguided scheme to get money from a relative leads Valet to murder his uncle. The story then becomes a courtroom drama, where lawyer and amateur palmistry and print identification enthusiast David “Puddnhead” Wilson takes the center stage. Wilson, an eccentric man with strange habits, had taken print collections from residents of the community for some time, including the young Tom and Valet. As it happens, Wilson is able to use his print collection to unravel the mystery and prove both that Valet committed the murder, and that Valet is really the black son of Roxy, not the white son of her master. The criminal and racial mysteries unraveled together, Tom is freed while Valet is sold down the river into slavery.

*Puddn’head Wilson* has often been read as a satire of southern race relations, where “there is...no absolute distinction of black and white, merely an imaginary line - crossed and recrossed by the white man’s lust.”<sup>466</sup> This point is well taken, but race is also real and forceful in the story. Valet’s monstrous criminal behavior cannot be dissociated from his hidden identity as a black man, and triumph of justice at the end of the story includes a return of Valet to his racial destiny by writ of birth. The truth of the crime and the truth of race are intertwined. James Scott has argued that biometric identification is about the creation of “legible people” who can be categorized and recognized *as* something - workers, travelers, criminals.<sup>467</sup> I argue that in the context of the American preoccupation with racial categories and distinctions, against the

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<sup>462</sup> Cole, *Suspect Identities*, 3.

<sup>463</sup> The Detective (1919) “IAI Convention is great success.” *The Detective* 36.407: 2.

<sup>464</sup> *State v. Kuhl*, 175 Pacific Reporter 190, 191 (Nevada, 1918).

<sup>465</sup> William Pinkerton (1916) “Address to International Association of Chiefs of Police.” *The Detective* 32.369: 2.

<sup>466</sup> Leslie Fiedler (1997) *Love and Death in the American Novel*. Champaign: Dalkey Archive Press, 405.

<sup>467</sup> James Scott (1998) *Seeing Like a State: How Certain Schemes to Improve the Human Condition have Failed*. New Haven: Yale University Press, 68.

backdrop of embedded state racism, identification techniques were also about creating *racial* legibility by categorizing people in their correct and clear racial categories. The boundary-crossing nature of mixed-race youth can be identified and corrected by connecting the person to the prints. In this country, part of legibility - the quality of being clear enough to read - is a clear and readable racial identification.

The Nevada Supreme Court was not entirely wrong to suggest in 1918 that twenty years earlier, Twain's vision was not appreciated. The United States was relatively late to adopt fingerprinting compared to other forms of biometric identification. Largely, that story has been told in histories of identification, but I argue that understanding printing and racial liminality helps us understand the contours and concerns of the American move to printing. To that end, it is important to contextualize this argument in the history of identification.

### **The Development of Fingerprint and Anthropometric Identification**

Finger and palm prints have been used across the world for centuries as a form of identification or signatory mark. Records of identifications suggest that basic print comparisons were used in China and Iran more than a millennia ago. However, the rise of modern print identification as a routine part of criminal investigations began in the latter half of the nineteenth century, most notably with the work of William Herschel and Henry Faulds.

Herschel was the British Administrator for what was then the colonial state of Jungipoor, and claimed to have come up with the idea of using palm prints for identification when he had a local merchant use a palm print to sign a contract for road paving.<sup>468</sup> Herschel became fascinated with the ridges and patterns in the print, possibly owing to a childhood interest in the patterns of thumb etchings in a book he had owned, and he began taking copies of palm and finger prints from people in Jungipoor and classifying them. Herschel corresponded and exchanged print samples with his friend Francis Galton, a well-known anthropologist and eugenicist in London. Galton took quickly to the idea that prints could be classified to serve as an indicator of heredity. In fact, Galton began to include prints alongside anthropometric identifiers on personnel cards for his Eugenic Laboratory by the early twentieth century.<sup>469</sup> Thus, early western scientific interest in fingerprinting was not only about purely individual identification as we think of it today, but also about racial and genetic identification, wrapped up in a context of *fin de siècle* eugenic beliefs.<sup>470</sup>

The early use of print identification in colonial Indian courts was motivated by the intersecting concerns of racial hierarchy and racial liminality. After Herschel successfully pushed for the use of fingerprints to register document signatures in his district, prints began to be used as evidence of identity in civil and criminal cases. However, fingerprinting did not have an obvious place in the colonial evidence code. The result was cases such as *Queen v. Dass*<sup>471</sup>, an 1892 prosecution for fraud, principally against defendant Tufan Dass who was accused of forging his relative Jola's signature in documents that sold Jola's land to Tufan at a very

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<sup>468</sup> William Herschel (1916) *The Origin of Finger-Printing*. London: Oxford University Press.

<sup>469</sup> Several of these cards, including finger and thumb prints, are in the William James Herschel Papers on Fingerprinting ("Herschel Papers"), BANC MSS 92/630 z, Bancroft Library, UC Berkeley, Box 2, "Anthropometric Laboratory."

<sup>470</sup> Diane Paul (2003) "Darwin, social Darwinism, and eugenics." In: Jonathan Hodge and Gregory Radick (eds.) *The Cambridge Companion to Darwin*. Cambridge: Cambridge University Press, pp. 214-239.

<sup>471</sup> *Queen v. Dass*, High Criminal Court no. M() 103, 1892, Case No. 189. I used the copy contained in Herschel Papers, Box 2.

favorable price. Because the Department of Registration had collected fingerprints from all deeds of sale, the print from the deed was introduced as evidence against Tufan: if it matched Tufan's fingers, it would show that he had forged Jola's signature. A police officer from Calcutta had been sent to serve as a fingerprinting expert who could assist the court in matching the thumbprints.

Problematically for the judge, the Indian Evidence Act restricted expert testimony to matters "of the character of science or art as to require a course of previous habit or study in order to obtain a competent knowledge of its nature,"<sup>472</sup> and the judge found that fingerprinting was in fact too obviously true to qualify. Claiming that prints were "self signatures...free from possible errors of transcription or observation," the judge found expert testimony unsuitable. However, he also found print evidence itself necessary because of India's "caste and diverse system of races," noting the impossibility of visually distinguishing the different races of the Indian population, and the subsequent challenge of knowing which races could be trusted. Here, the judge was treating caste as a racial category, a concept that seems strange today but was common in the late nineteenth century when colonial anthropology sought to show the racial underpinnings and connections of castes.<sup>473</sup> Fingerprinting could thus distinguish races that were otherwise visually identical, and was necessary to colonial administration. The judge's solution was simply to compare the prints himself, declare them a match, and convict Tufan.

As printing began to spread in India and England through the efforts of Herschel and Galton, it gained further prominence through the work of Henry Faulds, a Scottish doctor who claimed to have independently developed print identification as a means of solving murders. Faulds claimed credit for the innovation of printing, and corresponded with Darwin, Galton, and some police inspectors about the idea, as well as exchanging ideas (and arguments over credit) with Herschel in the journal *Nature*.<sup>474</sup> The question of who first developed print identification aside, Faulds did do a great deal of work to advance the classification of prints.<sup>475</sup> For efficient police purposes, prints must not only be matched, but stored, found, and compared, which requires a systematic way of organizing and describing them.

From correspondence, articles, and presentations, knowledge of print identification spread. In the 1890s, a detective named Juan Vucetevich led the adoption of fingerprinting in Argentina, and Americans certainly encountered the idea.<sup>476</sup> In fact, in line with the long and scattered history of pre-Herschel fingerprinting, Americans had at least contemplated print identification - as in Twain's *Pudd'n'head Wilson*, or a west-coast plan to fingerprint Chinese immigrants that never came to fruition - before the popularization of British print categorization systems (Cole 119-122). Some American police began to adopt fingerprinting in the early twentieth century, as reflected by occasional crude transmissions of early print categorizations, in wanted serials and police journals. Such reports might take the form of the following print information given to help identify a wanted felon who escaped from an Indiana reformatory in 1915:

"25--4; M--O; 17.

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<sup>472</sup> Queen v. Dass, 19-20.

<sup>473</sup> Deepa Reddy (2005) "The ethnicity of caste." *Anthropological Quarterly* 78.3: 543-584.

<sup>474</sup> Cole, *Suspect Identities*, 63-79.

<sup>475</sup> See the organizational system developed in Henry Faulds (1905) *Guide to Finger Print Classification*. London: Wood, Mitchell & Co.

<sup>476</sup> Kristin Ruggiero (2001) "Fingerprinting and the Argentine plan for universal identification in the late nineteenth and early twentieth centuries." In: Jane Caplan and John Torpey (eds.) *Documenting Individual Identity*. Princeton: Princeton University Press, pp. 184-196.

Right hand . . . \ W \ W \  
Left Hand . . . / W / W /<sup>477</sup>

The numbers and letters conform here to a system developed by Faulds for categorizing fingerprints according to patterns of whorls and ridges, and would be legible to a detective with the appropriate training. However, it is not hard to imagine the loss of information and specificity in this system, compared to precise visual comparisons.

In part for this reason, until the late 1910s, it was “anthropometry, not fingerprinting, that was generally viewed as more scientific” by most American police officials.<sup>478</sup> Anthropometric identification was a competing system of criminal identification based on the measurement and recording of distinctive physical characteristics of individuals, such as length of arms, height, weight, trunk circumference, any obvious birthmarks, and so on. Anthropometric identification rose to prominence with the efforts of a French detective, Alphonse Bertillon, who developed a system for identifying recidivists with extensive biometric measurements in the 1870s.<sup>479</sup> Bertillonage consisted of a set of parameters for expert measurements of bodily lengths and ratios, and one of its primary appeals was its quantitative nature. Because Bertillonage was reducible to a series of numbers, Bertillon measurements could easily be reported in wanted circulars and magazines. Far more common in early twentieth century U.S. police magazines than fingerprint reproductions are strings such as “67.7 ; 73.0 ; 89.0 ; 19.0 ; 15.6 ; 15.6 ; 6.0 ; 25.7 ; 11.7 ; 9.2 ; 46.2”<sup>480</sup> that convey measurements corresponding to specific body parts.

Anthropometric systems of identification such as Bertillonage may have thus been appealing in the United States because of their relative ease of transmission in written form across long distances, necessary for the coordination of police departments on different sides of the country. However, anthropometry was also subject to a number of critiques. Bertillonage numbers, despite their quantitative veneer, were far from objective or infallible. Women and children did not conform to Bertillon’s standard statistical norms of measurement, and adult men could engage in tricks such as ‘vaulting’ (curving of the spine) to alter the measurements and escape detection.<sup>481</sup> Anthropometry required precise, controlled measurements with careful tools and training, and it could often be difficult to execute. But none of this is to imply that printing *was* objective or infallible. Leaving alone the challenges of visual comparisons of prints, even advocates of fingerprinting sometimes observed that printing had its own practical difficulties. One private detective in 1918 bemoaned the “thousands of men, especially in large cities, of whom it is impossible to get a fairly good finger print, on account of their class of employment.”<sup>482</sup> He was referring to bricklayers, meatpackers, and others whose employment left their hands wet or dirtied to sufficient degree that reliable print-taking was not practical.

Hence, there was not an objectively clear or ‘right’ choice between identification systems. As Cole explains, the adoption of fingerprinting by the end of the 1910s was about “competing models of science and the social construction of race in America” rather than critical scientific realities.<sup>483</sup> Fingerprinting, Cole argues, became more appealing because of the racist

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<sup>477</sup> Reproduced by the author from print classification for W. Wilbur Montgomery, *The Detective* November 1915, p. 1

<sup>478</sup> Cole, *Suspect Identities*, 146.

<sup>479</sup> Cyrille Fijnaut (2017) *Criminology and the Criminal Justice System*. Cambridge: Intersentia, 178-189.

<sup>480</sup> Reproduced by the author from Bertillonage identifier for suspected murderer in *The Detective*, July 1919, p. 1

<sup>481</sup> Martine Kalyszynski (2001) “Republican Identity: Bertillonage as Government Technique.” In: Jane Caplan and John Torpey (eds.) *Documenting Individual Identity*. Princeton: Princeton University Press, pp. 123-139.

<sup>482</sup> William Pinkerton (1918) “Address to IACP.” *The Detective* 35.393: 2.

<sup>483</sup> Cole, *Suspect Identities*, 146.

construction of ‘others’ as visually identical and thus not amenable to identification by photography or birthmarks. If white police believed that all Asians were indistinguishable, then identification would require something other than visual clues. Similarly, fingerprinting advocates mobilized in professional associations to slowly argue that printing was a more expert and rigorous form of science than the often crude adaptations of French technique found in the United States.

As these professional struggles played out, by the late 1910s America was also confronting a shifting nationalistic panic in the First World War. In that context, printing became not just about distinguishing between races, but about the ability to draw lines between races at all.

## The Monstrous Huns

As debates between advocates of fingerprinting, anthropometry, or a hybridization of the two systems continued into the late 1910s, the United States experienced a transformation in dominant conceptions of nationality, patriotism, and race. The First World War began in 1914, and direct American involvement began in April 1917, lasting until November 1918. During this period, state and security services extensively propagandized the war as a moral, racial, and national crusade. The American experience of wartime social transformation was not unique - the First World War, as the first ‘total’ war, saw many participant states reorient the relationship between the state, the military, and public information.<sup>484</sup> In the US, propaganda mixed race, gender, and class identity into a “particularly intolerant and authoritarian brand of patriotism” where white-oriented patriotism defined being a “true American.”<sup>485</sup> American propaganda, for example, accused Germans of the racial subversion of black Southerners, the organization of race riots, and associated them with what Theodore Roosevelt called “hyphenated Americans,” people who appeared American and white, but were actually alien and other.<sup>486</sup> Over time, the American propaganda machine demonized Germans as ‘Huns,’ many of whom tried to pass as other races to avoid mass jailings, deportations, and enemy alien internment camps. Popular vigilante groups such as the American Protective League organized in the late 1910s to hunt German spies, often turning against leftist labor groups and other immigrants when German treachery rings proved elusive.<sup>487</sup>

*The Detective*, the official periodical of the International Association of Chiefs of Police, provides a window into the nationalistic racialization of Germans by American security personnel. Before American involvement war, *The Detective* largely printed routine wanted bulletins and advertisements for police equipment, instructional courses, and private detective agencies. The November 1915 issue is typical of this style of content. The front page is centered on a bulletin - “WANTED. WIFE MURDERER” - followed by a physical description and Bertillon numbers for the suspect, as well as a description of the crime and a request to contact Detective O’Brien in Chicago with information. The remainder mostly consists of smaller wanted notices, advertisements for the William J. Burns Agency and the Pinkerton Detective

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<sup>484</sup> Eberhard Demm (1993) “Propaganda and Caricature in the First World War.” *Journal of Contemporary History* 28.1: 163-192.

<sup>485</sup> Cecilia O’Leary (2000) *To Die For: The Paradox of American Patriotism*. Princeton: Princeton University Press, 221, 231.

<sup>486</sup> O’Leary, *To Die For*, 237.

<sup>487</sup> Joan Jensen (1968) *The Price of Vigilance*. Chicago: Rand McNally; American Protective League (1918) *American Protective League*. Washington, D.C.: The League.

Agency, and advertisements for police equipment. In short, before American entry into the war, *The Detective* was concerned with domestic matters of crime investigation, identification, and policing for profit.

Vague references to the war emerged by early 1918, and by the summer, *The Detective* had adopted a xenophobic and jingoistic style. For example, the July 1918 issue opened not with a wanted bulletin for a criminal, but with the following text in a large box on the front page: “Keep a sharp lookout / for German spies, hun agents, I.W.W.’s, and all other Kaiser-lovers in America / Give ‘em Hell.”<sup>488</sup> This language was repeated throughout the issue, as in reports of a “Plan to Swat the Hun” and the agreement on police tracking of “I.W.W.’s, professional pacifists, alien enemies, and Hun agents” from that year’s meeting of the IACP. This language serves to both demonize Germans (along with leftists, unionists, and so on) as monstrous ‘Huns,’ and to refocus the efforts of police from crime control to national security. In this way, *The Detective* both reflected the rise of nationalism, and contributed to it.

The nationalistic tone continued throughout and even after the war. In August 1918, police were told to “STOP, LOOK, AND LISTEN FOR ACTIVE HUN AGENTS IN YOUR MIDST,” and by November the publication included a list of “Hints to Hun Hunters.”<sup>489</sup> Armistice failed to quell *The Detective*’s nationalistic fervor; in February of 1919, several months after the end of the war, the front page of the magazine was advocacy for the deportation of ‘alien enemies.’<sup>490</sup> The cultural transformations and wartime propaganda experience of the United States contributed to a durable reshaping of the focus and interests of security forces. Platt shows the long history of integration and crossover between military and police forces in the United States.<sup>491</sup> In a wartime context, the International Association of Chiefs of Police and others explicitly envisioned their work as policing for national security purposes. A central focus of *The Detective*’s editing and readership became the hunt for the monstrous Hun agents in their midst.

Perhaps unsurprisingly, the alien enemies that were put front and center as examples of the German threat in *The Detective* did not always seem to truly endanger national security, or to raise real specters of disloyalty. Some did - the ‘arch fiend’ Robert Fay was accused of planning the bombing of a submarine, clearly a military matter.<sup>492</sup> On the other hand, “alien enemy” Jacob Bruer, who was treated as a subversive Hun spy, was substantively only accused of white-collar crimes and was not obviously a national security threat except by virtue of his racialization as a German other. Thus, although there were certainly cases of suspected spying, *The Detective* also more broadly treated suspected criminals of German as a traitor and an alien.

The fearful tone of these invocations against ‘fiends’ and ‘Huns,’ the panic over their ‘Hellish Designs’ can be understood through the lens of racial liminality. Germans often attempted to escape persecution by passing themselves off as something else. German ancestry is not visually distinguishable from many other white ancestral groups, and the ‘Huns’ could thus hide, as the magazine had put it, ‘in your midst.’ This framing of ‘monsters in our midst’ invokes the classic trope of category crisis, raising a sense of precarious liminality by way of a reminder

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<sup>488</sup> *The Detective* (1918) Front page. *The Detective* 35.393: 1.

<sup>489</sup> *The Detective* (1918) Cover *The Detective* 35.394:1; *The Detective* (1918) Cover *The Detective* 35.397: 1.

<sup>490</sup> *The Detective* (1919) Cover. *The Detective* 35.400: 1.

<sup>491</sup> Anthony Platt (2019) *Beyond These Walls: Rethinking Crime and Punishment in the United States*. New York: St. Martin’s Press.

<sup>492</sup> *The Detective* (1918) *The Detective* 35.393:2.

that we cannot firmly distinguish ourselves from visually similar others. There was a sense in the wartime *Detective* that alien spies intermixed freely with the real Americans - but who was who?

The transgressive ambiguity of racial boundaries between racialized Germans and other whites amplified and contextualized the fear of Germans as alien others. In fact, the magazine sometimes invoked familiar tropes of racism, such as intellectual hierarchy, to establish the otherness and the inferiority of Germans. One issue, for example, proclaimed that the ‘Huns’ would be “cleaned up by their Intellectual Superiors, the Criminal Catchers of America,”<sup>493</sup> a formulation that seems to play on older tropes of slave catchers and proclaimed white intellectual superiority under chattel slavery. In another atavistic display, the Chief of Police of Atlantic City published a long paean to Lombroso and noted the widespread acceptance of his concept of a “human monster” in police circles.<sup>494</sup> Lombroso, a prominent criminal anthropologist of the late nineteenth century, had explained crime as the product of racially coded monstrous degenerates, an idea that still had some purchase with police.<sup>495</sup>

### **Fingerprinting, Race, and Loyalty**

*The Detective* did not only print warnings and wanted bulletins, but also articles and conference reports. These materials addressed identification techniques. In fact, despite the greater prevalence of Bertillonage numbers, advertising for fingerprint training began in *The Detective* as early as 1916, as in the case of one solicitation for police to “[b]e a man of power and authority” by becoming a “Finger Print Expert.”<sup>496</sup> The discussion of identification also changed during the war, with more explicit advocacy of fingerprinting in the context of tracking and hunting Hun spies.

The association of fingerprinting with the successful tracking of Hun spies occurred in large part through the association of police work and national security work. The editor reported in mid-1918 that at last year’s meeting of the IACP, an NYPD detective assigned to the Military Intelligence Division as a police liaison had met with others “in secret session, behind closed doors” to agree on tactics “of a most effective and far-reaching nature” to confront the Hun threat.<sup>497</sup> In August of 1918, a telegram from the War Department printed in *The Detective* affirmed that the Military Intelligence Division was “desirous of securing your active co-operation in the prosecution of the war by aiding in the apprehension and suppression of active alien enemies,” as well as leftists and labor unionists.<sup>498</sup> The telegram requested that local police departments be engaged in this effort as well. Through meetings of the IACP, the assignment of liaisons, and exchanges of correspondence, a coordinated web of action between military and police detectives emerged.

In September of 1918, fingerprinting came front-and-center as a component of the police response to the challenge of coordinated intelligence. T.J. Tunney, the detective liaising with the War Department had delivered a report on “Startling Revelations of German Plots” to the 1918 meeting of the IACP, and noted its appropriate theme: “War work and finger prints stressed.”<sup>499</sup> Tunney, possibly in response to his concern about the racial subversion of the “Russian Jews of

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<sup>493</sup> *The Detective* (1918) *The Detective* 35.396: 3.

<sup>494</sup> RC Miller (1918) Untitled. *The Detective* 35.393: 3.

<sup>495</sup> This analysis of Lombroso is discussed at greater length in Chapter Three.

<sup>496</sup> *The Detective* (1916) Advertisement. 32.374: 2.

<sup>497</sup> AL Dunlap (1918) “The Kansas City convention.” *The Detective* 35.393: 3.

<sup>498</sup> War Department (1918). Telegram. *The Detective* 35.394: 3.

<sup>499</sup> AL Dunlap (1918) “N.Y. State Chiefs Meet.” *The Detective* 35.395: 2.

this country” by Germans, had helped organize a “comprehensive presentation of the finger print system by Eugene Van Buskirk, superintendent of the National Bureau of Criminal Identification,” at the meeting.<sup>500</sup> Van Buskirk was quoted in the magazine as arguing to the chiefs that “never before in the history of the country was this need [fingerprinting] more imperative, and it will be enhanced even to a greater extent in the reconstruction period following the war.”<sup>501</sup>

Unfortunately, the reasons why Van Buskirk through reconstruction might require identification even more urgently than the war are left to speculation. He may have simply been looking ahead, as by the time of the meeting in mid-1918, the German offensive had begun to falter. But in the context of swirling fears about racial subversion and the unionist-dissident-Hun threat, Van Buskirk’s suggestion most plausibly reveals an imagination of fingerprinting as discovering not only identity, but loyalty, as mediated by racial nationalism. In fact, this may be precisely what Bertillonage or anthropometric identification failed to deliver to the war effort. Bertillonage was about physicality and appearance, but prints seem to have been imagined as revealing something more - something tracing the core personhood of Jekyll when he transforms into Hyde. Physical measurements were changing and changeable, and tracking liminal threats required a constant identifier.

Van Buskirk’s prediction about reconstruction bore out. In the immediate aftermath of the war, in Spring of 1919, several writers in *The Detective* observed the problem of “thousands of interned alien enemies” and other subversives seeking a “reign of terror and lawlessness,” including the racially liminal foreign subversives left over from the war.<sup>502</sup> Advertisements for the 1919 IACP convention highlighted the “tremendous problems relating to the reconstruction period,” including the “near crisis” of anarchism caused by the “roughnecks and lowbrows of each race.”<sup>503</sup> The particular figure of the German subversive had not disappeared, but remained an internal problem of detection (or possibly interned), and the threat of outsiders infiltrating the polity remained.

Fingerprinting advocates again seized on these concerns. William Pinkerton, son of the infamous Allan Pinkerton and heir to his Detective Agency, drew on the “evils of bolshevism” to explain the need for a national fingerprint registry, which Pinkerton had previously favored but was now a security necessity.<sup>504</sup> Van Buskirk similarly proposed to the IACP the next year that because the war had “dumped into many localities persons of vicious tendencies,” shadowy “strangers” of “non-identity,” it was necessary for police to endorse “universal adoption of the finger-print system.”<sup>505</sup> At the same meeting, Van Buskirk networked with several other detectives, identification agents, and police officials from New York to open a correspondence school for fingerprint training for police officers.

New York had previously experimented with fingerprinting as a requirement for those convicted of petty crimes,<sup>506</sup> likely because petty crimes such as pickpocketing were seen as the domain of serial recidivists in the early twentieth century. Van Buskirk’s printing exhibitions

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<sup>500</sup> Dunlap, “N.Y. State Chiefs Meet.”

<sup>501</sup> Dunlap, “N.Y. State Chiefs Meet.”

<sup>502</sup> M Sylvester (1919) “Problems of the reconstruction period.” *The Detective* 35.400: 3, AL Dunlap (1919) “US should deport every interned alien enemy.” *The Detective* 35.400: 2.

<sup>503</sup> AL Dunlap (1919) “Chicago race riots.” *The Detective* 36.407: 1; *The Detective* (1919) “Police chiefs arrested.” *The Detective* 35.401: 3.

<sup>504</sup> William Pinkerton (1919) “The Bolshevick problem in America.” *The Detective* 35.403: 3-4.

<sup>505</sup> *The Detective* (1920) “That Detroit convention.” *The Detective* 37.417: 2.

<sup>506</sup> Cole, *Suspect Identities*, 157.

illustrate how wartime concerns and threatening liminal offenders helped printing bridge the gap from petty to serious crimes. Fingerprinting became not just about tracking recidivists, but about tracking subversives, and often not-yet offenders who belonged to a dangerous liminal type. In this regard, the American view of printing seems to align with Galton's original vision, that printing could track type and heredity rather than just individual identity.

The particular appeal of fingerprinting for security purposes in the war and postwar period seems, in part, modelled off of Twain's story in *Pudd'n'head Wilson* - the appeal of something that could track a person's identity from cradle to grave. Perhaps another failing of Bertillonage during the war was that those born to suspect races (Huns, subverted Russian Jews, who knows what else) would age out of their measurements. But, as a federal agent at the Bureau of Criminal Identification and member of the International Association for Identification explained, fingerprints allowed identity to be "recorded inescapably. For, unlike the facial characteristics, the patterns never change. . . . The impression made by the fingers of a dead man may be compared with the impression of his fingers, made when he was a baby a few days old, and a perfect identification will be made."<sup>507</sup>

Whether this is true is beside the point - the important thing about this remark is the belief that identification from cradle to grave is necessary for sussing out wartime dissidents and political subversives. This belief makes sense if such traits operate in concordance with race and are born or inherited. Determining loyalty is about tracing heredity to some extent: who was born to a 'real American' and who was born to a Hun-Bolshevik monster? In the wartime atmosphere of racialized patriotism, where true belonging was racialized and set aside from immigrants or 'hyphenate Americans,' revealing racial truths became a way of revealing political truths. The ability of fingerprinting to trace a complete identity made it appealing to security officials who sought to deterministically identify racialized others for surveillance, deportation, or repression. Reacting to the threat of figures who could cross over the racial lines of belonging and otherness, police and military officials sought to use fingerprinting as a way to concretize and categorize a racial-national sense of identity.

## Identification and Embedded State Racism

Scholars of identification have shown how states use identification to render people legible as *types* - as workers, criminals, immigrants. Individual identification practices are also about group identification, insofar as they allow the categorization and sorting of individuals for purposes of state action. In the wartime nationalistic atmosphere of the late 1910s United States, police and military officials sought to identify types of loyalty and 'real' Americanness, a covertly racialized category. Some who could appear 'white' or pass as American were secretly other - Huns, subversives, and so on. Because of the failure of Bertillonage to allow cradle-to-grave tracking of these racial categories as types, print identification emerged as a way to code and categorize true Americanness.

My argument is not that the First World War or that the racialization of Germans deterministically caused the adoption of fingerprinting. The advance of print identification in the West was the culmination of myriad developments and debates, including struggles over the nature of science and knowledge. My goal is rather to draw attention to how racial liminality, and not only racial individuation, played into and furthered the appeal of fingerprinting, and in so doing to invite reflection on the significance of classification in a world of state racism. Print

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<sup>507</sup> AJ Renoe (1919) "Personal identification, first installment." *The Detective* 35.401: 2.

identification emerged in context of efforts toward racial hierarchy and categorization by state actors.

Rendering people legible to the state thus entailed rendering them racially legible. In *Society Must Be Defended*, Foucault argued that political relations were continuations of warlike relations, mobilized through racial categories in modern states. Observing both the late-nineteenth century rise in misappropriated evolutionary thinking that provided a framework for racial hierarchy, and the increasing transformation of modern politics into a governance of populations rather than individuals, Foucault thought that embedded state racism had become a constitutive category of political knowledge. Concepts of racial regeneration through struggle, and the threat of racial degeneration from ‘others,’ justified the total mobilization of populations. And indeed, the First World War was perhaps the first ‘total’ war revealing a power to kill and order killed entire populations, a “death-function” of modernity grounded in a “racism...bound up with the workings of a State.”<sup>508</sup>

Racial classification is logically a requirement of such a power, a necessary element of knowledge for the exercise of racial sovereignty. Mobilizing the population to regenerate the race requires identifying what the race is, and what it is not. Spaces of racial ambiguity are threatening to this ideology of power. Even a satire of racism such as Twain’s *Puddn’head Wilson* cannot escape the eventual restoration of racial hierarchy when the boundary-crossing Valet is restored to his destiny by birth and sold into slavery. Fingerprint identification, as in Twain’s story, distinctively served the goal of state security and legibility through identification because of the cultural belief that printing could untangle and resolve spaces of indeterminate racial classification.

This is not to say that fingerprinting is a racist practice, which would be a strained conclusion. Rather, we must be attentive to how even seemingly neutral technologies can be embedded within, and have their meaning and adoption shaped by, state racism. Fingerprinting is not inherently racist, but in a racist society, its meaning, construction, and adoption may well be. And we live in an age when identification techniques are growing rapidly more sophisticated, keying and coding bodily features and racial cues in new ways.<sup>509</sup> Facial identification techniques are increasingly prevalent across much of the world, enabled by the rise of inexpensive recording and video storage; one recent study proposes an automated system of racial identification from video footage based of statistical sampling of skin color.<sup>510</sup> More sophisticated technologies of racial identification seem likely, including potential predictive technologies.

Whatever the future of identification holds, the past is a reminder that identification technologies can incorporate, perpetuate, and be framed by racist ideologies. We must be carefully attentive to the ideological underpinnings and history of racial classification. Racial liminality can be a productive space of creativity and exchange, but it can also appear as a threat to, and subsequent target of, power. Identification technologies may pose a danger in the future, as they have in the past, to indeterminacy, difference, and those who do not fit into a normative sociopolitical order.

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<sup>508</sup> Michel Foucault (1997) “*Society Must Be Defended*”: *Lectures at the Collège de France, 1975-1976*. Ed. Arnold Davidson, trans. David Macey. New York: Picador, 258

<sup>509</sup> Pamela Sankar (2001) “DNA-typing: Galton’s eugenic dream realized?” In: Jane Caplan and John Torpey (eds.) *Documenting Individual Identity*. Princeton: Princeton University Press, pp. 273-290.

<sup>510</sup> Rishi Gupta, Pradeep Yadav & Sandeep Kumar (2017) “Race identification from facial images using statistical techniques.” *Journal of Statistics and Management Systems* 20.4: 723-730.

## Conclusion

Criminological positivism's stated central aspiration is to produce a scientific account (whether social, biological, psychological) of criminal behavior. It is an aspiration that rejects the idea that criminology is a moral discourse -- positivism leaves little room for metaphysics or ethics. And yet, because criminology's object of reference is inevitably defined by the contingent moral sentiments and preferences of the societies within which it arises, positivism must present itself as a secular theory of evil, an account of morality with no moral theory. Positivist theory usually does not explicitly invoke monstrous characters, because science usually does not believe in monsters.

This dissertation has argued that the positivist aspiration is internally contradictory and impossible. The basic templates and meanings of moral value that structure crime in a society are too laden with cultural and fictive imagery for positivism to purify itself. Instead, positivism has remained trapped in a cycle of repetition and reiteration, expelling the monster and then conjuring its return through references, allusions, character templates, and tropes. Positivism must explain a morally charged deviation from the law, but also cannot explain the deviation solely in terms of legal rules -- otherwise, there would be no difference between criminology and jurisprudence. The result is an enduring and recurring reliance on the double deviant, and the various ways that culture has constructed that character.

I view positivist criminology's reliance on monstrosity as stemming generally from the overarching contradiction of the effort to establish a scientific discourse on morality that cannot be led by moral rules. Consider a contemporary example: John Wright and Matt DeLisi, two contemporary advocates of positivist biopsychosocial research in criminology,<sup>511</sup> who recently wrote an editorial in *City Journal* warning against the efforts of radical criminologists: "The current national conversation about criminal-justice reform is well-intentioned, but we run the risk of succumbing to passionate rhetoric and to being misled by promises built on flimsy evidence."<sup>512</sup> For Wright & DeLisi, the particularly dangerous "disciplinary bias[]" is "liberal views on race," which they describe as "corrupting."<sup>513</sup> Typically of those who argue for a scientific genetic explanation of crime, or at least genetic multifactor explanation, they believe the critical criminological insistence that race is not a cause of crime to be mistaken.

And yet the insight Wright & DeLisi claim is certainly not better science than the liberals. They castigate what they see as a "propensity to abstraction," criticizing academics who "have never met with women who have been raped or children who have been molested, or seen the carnage wrought by a bullet that passed through a human skull." These academics have a "romanticized view of criminals as victims, making it easier for criminologists to overlook the damage that lawbreakers cause."<sup>514</sup>

This argument about the proper focus and orientation of the science of crime is decidedly non-scientific in its terms and verbiage. The content is entirely moral and emotional, a collection of appeals to sympathy and horror at atrocity and invocations of the morally-charged character of the 'lawbreaker' who is defined in advance as a cause of carnage and destruction. The

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<sup>511</sup> Wright and DeLisi have both published extensively on biological causes of crime, occasionally together. For example, see Kevin Beaver, John Wright, and Matt DeLisi (2008) "Delinquent Peer Group Formation: Evidence of a Gene X Environment Correlation." *Journal of Genetic Psychology* 169.3: 227-244.

<sup>512</sup> John Wright and Matt DeLisi, "What Criminologists Don't Say, and Why." *City Journal* Summer 2017: <https://www.city-journal.org/html/what-criminologists-dont-say-and-why-15328.html>, n.p. Last accessed 9/1/2019.

<sup>513</sup> Wright & DeLisi, "What Criminologists Don't Say, and Why."

<sup>514</sup> Wright & DeLisi, "What Criminologists Don't Say, and Why."

lawbreaker -- implicitly in context of their remarks on race, the black lawbreaker -- is a new monster, rampaging and threatening the innocent. Science relies on a certain amount of abstraction; Wright & DeLisi, like all positivists, cannot consistently be scientific or abstract. Abstraction becomes bad when it turns away from the fearful character tropes that their position relies on, but presumably good when it generates statistics that suggest there is a difference in the rate of crime by race in the United States. The argument for better scientific evidence in criminology turns out to have remarkably little to do with science, at its core.

Variations on the theme of this dilemma have been experienced by positivists for more than two hundred years. Benjamin Rush fit criminal behavior into an explanatory scientific framework anchored on a narrow conception of rationality and self-control, but leveraging that self-control required ghost stories, unspeakable horrors, and irrational fears. W. Duncan McKim's genocidal proposal for exterminating a large portion of the American population by gassing could only be received as an erudite if overzealous proposal for social improvement because those people had been constructed as degenerate monsters separate from decent humanity. Facially neutral and objective theories of race and crime developed by the CBJR relied on the vampiric, blood-drinking image of the atavist to explain the connection between race and behavior. The perceived necessity of fingerprinting as a form of criminalistics responded not to concerns about identity generally, but to concerns about the difference between monstrous and non-monstrous identities, in a time of belief in numerous variations and offshoots of the white race. In each case, the scientific cause of crime or tool of crime detection cannot be articulated or justified in scientific terms, because of the inherent contradiction in positivist criminology.

From Beccaria to Quetelet to Lombroso to Sutherland to Raine, across disciplines, methods, and theories, the central claim of positivism has been that there is an objective and empirically discernable rule (whether biological or social) that explains crime. For Beccaria, it was the universal nature of rational human incentives to action. For Lombroso, it was the laws of race and genetics. For Sutherland, it was insistence that a sociologically rigorous account of crime must cover both the necessary and sufficient conditions for criminal behavior. And yet, as experience has consistently shown, crime is a social, interactional, experiential process that does not conform itself to such rules. To explain how people can deviate from the scientific rules that purportedly govern their behavior, positivists rely on character tropes of monstrosity and fear.

The way in which monstrosity emerges in positivist criminology changes over time. Literary sources are particularly useful reflections of criminological thinking because they bring forward the very things that criminology suppressed: character arcs, narrative tropes, aesthetics. To understand a society's construction of criminal behavior, scientific criminology and crime fiction form a yin and yang, a set of inverted but complementary forces that mutually co-construct a larger and more complicated system than either gestures at independently.

As an intellectual exercise, hunting ghosts, monsters, and contradictions is both entertaining and informative. But it also casts light on the horrific ideas perpetuated by, and actions justified by, positivist criminology. Precisely because the figure of the monster changes over time and is culturally constructed, positivist criminology's reliance on monstrous characters has often meant a reliance on the stigmatization and denigration of those who are outcast or subordinate in society. Mainstream criminology has often targeted the most vulnerable, and placed the blame for social ills on their shoulders, because from a mainstream position, they are often the most monstrous. The monster is a political character, not a neutral one. In the context of settler colonialism and the white conquest of California, Mexican youth were made monstrous and dangerous to explain crime and disorder, and implicitly, the necessity of white supremacy.

Poor whites in the late nineteenth century were represented as monsters dragging the white race backward, justifying their extermination, rather than, for example, the redistribution of wealth or support programs to alleviate the conditions of inner-city tenement living. Because positivism implicitly insists that crime is produced by monsters rather than by interactional, personal, social experiences, it has reproduced and justified sexism, racism, and classism, using all of these to further its agenda.

There is good news. As always, there are countercurrents. Criminology today is more vibrant and diverse than ever before. Myriad new methods, theories, and approaches have been proffered to study crime without insisting that there exists an objective scientific law that governs it. The efforts of ethnography, cultural criminology, narrative criminology, and others have suggested that we can study violence, theft, and other social troubles while taking the human experience seriously, without otherization. The central theme in these works is to take the subjects involved in them seriously, as the authors of their own narratives and subjectivities. Ethnographers Michael Musheno and Calvin Morrill relied on years of stories from youth articulating their own perspectives on trouble and violence in order to understand trouble not as something governed by an objective law of science or society, but as an interactive and experiential part of life -- even something often normal and relatively non-dangerous.<sup>515</sup> Crucially, Morrill & Musheno avoid pathologizing their subjects, or pathologizing violence, instead simply seeking to observe troubled and untroubled interactions and processes. Victor Rios, similarly, approached gang members in Oakland from his own position as a former gang member in Oakland, and asked them to tell him their stories, weaving together an explanatory tapestry of human emotions, struggles for respect, coercive adult interventions, and happenstance.<sup>516</sup> Rios does not offer an objective truth of the cause of crime -- he offers a human one. Lois Presser has shown the potential explanations to be drawn from offender and victim narratives, or from images,<sup>517</sup> and critical criminologists have continued to argue that crime is a product of history and power relations in society.<sup>518</sup> It is truer today than it ever has been that positivism is not the only way forward, and abandoning positivism does not (and must not) mean abandoning the effort to understand and explain crime.

After all, as Jonathan Simon has argued, criminology is more necessary today than ever.<sup>519</sup> In the United States, we face myriad challenges involving crime and criminal justice, including a racially violent system of policing, the downscaling of a grotesquely distended prison system, and an emerging crisis of routine mass killings. These are things that criminologists must address. My argument is that they must be addressed as fundamentally human problems. We cannot ask what the single sociological or biological law that governs whether or not someone becomes a mass shooter is. We must engage mass violence as a painful, varied, complicated, human question -- and we have methodological tools to do so.

The endless repetition of the monster need not continue. We should acknowledge that after centuries of effort, the positivist project has been unsuccessful and it has been dangerous.

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<sup>515</sup> Calvin Morrill and Michael Musheno (2018) *Navigating Conflict: How Youth Handle Trouble in a High-Poverty School*. Chicago: University of Chicago Press.

<sup>516</sup> Victor Rios (2011) *Punished: Policing the Lives of Black and Latino Boys*. New York: NYU Press.

<sup>517</sup> In fact, Presser has written on this topic more extensively than I can cite here. For a good overview, see Lois Presser (2016) "Criminology and the Narrative Turn." *Crime, Media, Culture: An International Journal*. 12.2: 137-151.

<sup>518</sup> Anthony Platt (2019) *Beyond These Walls: Rethinking Crime and Punishment in the United States*. New York: St. Martin's Press.

<sup>519</sup> Jonathan Simon (2014) "A Radical Need for Criminology." *Social Justice* 40.1: 9-23.

We should consistently challenge positivism's mainstream and prestigious place in the American criminological academy. And we should continue to constructively develop alternative paradigms and advance imaginative, new, and productive visions for what criminology is and can become. This is not to pretend that we can finally 'rationalize away' monsters, as criminologists have failed to do so many times. Rather, we must give up the attempt to scientifically expel the monster, and instead, welcome the monster into the light. We must confront the discipline's reliance on the history of monstrosity, face our monsters directly, and learn from them.

In his story *The Monster* (1898), Stephen Crane tells the story of Henry Johnson, a handsome, friendly, industrious black man in New York, who is burned and disfigured while saving a child from a fire in the house of the boy's father, Dr. Trescott. Dr. Trescott, something of a mad scientist, has various mysterious chemicals and jars that Henry is exposed to during the fire, transforming Henry into a monstrous outcast who is exiled to live outside the town. Henry's exile from the mostly white town is a product of a manmade monstrosity, though one that symbolically mirrors racial prejudice in nineteenth century New York. The story is somewhat famous for its complex and indeterminate morality; Henry was expected to die, but Trescott revived him with medical science, echoing Frankenstein's monster. The Trescott's themselves also become social pariahs in the town, as Trescott's actions are connected to Henry's monstrous presence. The story is "at once deeply disturbing and profoundly philosophical, with issues incapable of easy resolution, beyond glib formulation."<sup>520</sup> Monstrosity follows from many sources in the fictional society: Trescott's dangerous collection of experimental chemicals, the ambitions of his medical science, Henry's happenstance bad luck and the consequences of his heroism, and the town's inability to deal with difference.

One point is clear in Crane's novella. Monsters are as real as we make them.

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<sup>520</sup> James Nagel (1999) "The Significance of Stephen Crane's 'The Monster'" *American Literary Realism 1870-1910* 31.3: 48-57, 48.

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