

CRABTREE: THE CREATIVE CRIMINOLOGIST

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1977

My study of Crabtree, the creative criminologist, of necessity required consideration of the appointment of the great man as Reader in Criminology in the year 1809 at Oxford University. It is true that until 1958 the University concealed the existence of the Readership. In the light of subsequent appointments, the prior concealment became understandable. But in 1809 the post was still one of academic merit, unlike the position into which it declined after 1880, when the appointment became a mere sinecure without duties or position, granted by those in power to their toadies of a woolly-minded liberal disposition; very similar to our own Equal Opportunities Commission.

How did Crabtree qualify for this honour, for he had none of the three requisites for an Oxford appointment: namely, a poor palate for wine, two dubious publications in an Oxford journal and a homosexual relationship with the Warden of All Souls? However, as Professor Thomas reminded us in 1969 in his distinguished address *Crabtree and the Law*, Crabtree had a powerful friend in Lord Eldon, the then Lord Chancellor. We can deduce that either at Eldon's residence at 27 The Steine, Brighton, or at the nearby wine shop (later to be called 'Crab's Wine Shop', as it is today) amid the heavy potations of claret, the subject of the appointment must have been broached. It is slightly puzzling to understand why Crabtree actually accepted this appointment, until one remembers the oft proven comment that one accepts appointments at Oxford when one is either insane or insolvent. It was the latter problem which beset the great scholar. Eldon's letter of recommendation was certainly forceful, even though it lacked somewhat in clarity. For example, and I quote, the second paragraph reads:

Mr. Crabtree has carried out extensive studies of criminals of all classes and has made detailed examinations of prison conditions.

This was no less than the truth, omitting only the fact that such studies and examinations had been carried out whilst Crabtree himself was in the Fleet Prison as a debtor.

The acceptance of the recommendation may have been attributable entirely to the respect due to Eldon, but one suspects that a small element may be accounted for by the fact that Lord Eldon in the House of Lords was about to hear a case involving a senior member of the Appointments Board who was being sued by a young lady called 'Skittles' Somerville, who alleged that she had been assaulted in the Carfax.

Returning therefore to Queen's in the Michaelmas Term of 1809, Crabtree threw himself into criminological research of the highest calibre. He brought his volatile mind to bear upon the problem 'What causes a man to be a criminal?'. Almost immediately he discerned a valuable field of research. He realised that then, as now, virtually all major crime was committed by males. What was it therefore, he asked, which was present in the male and either entirely absent or vestigial in the female? Like previous great scientific discoveries, the answer to the problem had occurred to him whilst he was in the bath, and brought with it a further question. Would research into the major difference give an indication of a tendency or otherwise towards criminality in the male? Taking the major element firmly in hand, Crabtree and his research team set out to take measurements of this major difference from a representative sample of the population throughout the breadth and particularly the length of Britain.

As soon as the results of these first experiments in clinical measurement began to arrive in Oxford, disturbing trends were discernible. The extraordinary virility of the men of Falmouth was an example. Theories, ranging from the close proximity of the Helston oyster beds to the after-effects of the Bloody Assize, were put forward. The whole fabric of these theories, which had been erected around the statistics, collapsed when it was discovered that Crabtree, with his customary liberality, had employed an attractive female research student in that town, so causing some distortion in the subject's parabolic curves.

More serious, however, were the allegations of racialism which were levelled against Crabtree following some of his early findings. A group of West African and West Indian students had agreed to participate in the study, but the resulting figures from this group showed measurements so minute that, on the basis of them, two population statisticians forecast that within a generation the Black Continent would be depopulated. And one eminent Roman Catholic theologian drew attention to the vast number of virgin births which must be occurring.

Naturally, the students were infuriated. Demonstrations against Crabtree and alleging racialism occurred in the street outside Queen's College, culminating in the arrest of a young Ashanti for indecent exposure, as he hammered on the first-floor window with the pulsating proof of the inaccuracy of the figures.

A rapid check by Crabtree revealed all. One researcher had failed to master the difference between the proximal and distal points on an organ (which he should have been measuring) and, in the case of these coloured students, had been measuring the distance from the distal end of the organ to the ground, thereby producing such minute figures.

One aspect of the research programme had long-lasting social effects. Whether by accident or design, the figures returned from the students of the University of Cambridge were considerably inferior in all dimensions to those produced by the University of Oxford. Crabtree made the unguarded comment, over his claret, that the Cambridge students would be 'no good with whores'. The Oxford accent has never been a good method of communication. The comment was misunderstood by the students of Cambridge to reflect upon their boating ability, confusing 'whores' with 'oars'. It is difficult to understand how even Cambridge men could have believed that there was any correlation between virility and nautical ability, but then Cambridge has never had a first-class school of physiology. One must remember that until this time, all boats had been propelled upon the water either in the manner used by the gondoliers or in the manner of a Pacific Ocean war canoe. In other words, in each case the rower faced the line of progress.

The reaction to Crabtree's comment is chronicled in *The Putney Courier* dated Easter Sunday 1810, which reads as follows:

In answer to Mr. Crabtree's comments, eight gentlemen of Cambridge University, facing backwards to the line of progress, propelled their boat through the water from Putney to the Brewery at Mortlake while naked and trailing their cox behind them. They were followed at a discreet distance by some water-borne gentlemen from Oxford University waiting for the gentlemen of Cambridge to appreciate their error.

This procession with Cambridge being followed by Oxford has become an annual event. Victorian prudery required the clothing of the rowers and the installation of a child-like figure in the stern of the boat, indicating the emphasis on procreation rather than virility in that era.

At that time, 1810, Crabtree accepted as one of his research workers a young man who had recently returned to the country after his capture by the Napoleonic army, but he was released upon Napoleon's abdication. He was Alexander Maconochie. This young man was entrusted with the final draft of this great research work entitled by Crabtree *The Coefficient of Criminal Linear Expansion*. Maconochie was a disreputable character. He is often referred to as the father of Australian criminology, and there can be no greater condemnation of a man than that. He decamped with the transcript and sold it some years later to an Italian from Verona named Cesare Lombroso. Thinly disguised under the heading *Anthropometry of Four Hundred Venetian Criminals*, Lombroso plagiarised the great man's work. Fortunately for academic purity, Lombroso misunderstood the translation and attributed the measurements to the cerebellum of the prisoners. He is now rightly regarded either as a dubious academic or a straight pervert.

Crabtree's work was not confined to clinical measurement. Noting that inadequacy in virility led to criminality (and thereby pre-empting the work of both Freud and Jung), he discovered the bisexual or amoebous syndrome, whereby a patient believed that he was both, at one and the same time, male and female; acute cases complained that they could not with propriety be left by themselves, alone, together. On this work Kleinfelter based his XXY theory and Kleinfelter's Syndrome theory.

Crabtree's fame reached as far as Whitehall and, by 1812, his advice was sought on numerous matters of legislation. When asked to advise on particular problems, he was diligent in carrying out extensive research. For example, the Disorderly Houses Act of 1828, which controlled brothels in the Metropolis, was produced only at the end of fifteen years' exhausting research in the city by the great man. However, the initial request that he should give advice on the drafting of a Sexual Offences Act was misunderstood by Crabtree to be a request for an indication of sexually offensive acts. The result was the production of an illustrated booklet which still ensures, around the Charing Cross Road, extensive profits and equally extensive slipped discs amongst American tourists in the Soho area.

Crabtree's international understanding of the problems of criminology enabled him to warn the government of

the day to avoid error in the enactment of proposed legislation to deal with the practice of necrophilia. Crabtree was able to point out that certain problems would arise in proving the malice aforethought required. He was able to cite the case of *The State against Dubois*, from the district of Orléans where, as we know, he had gone as a young man. Dubois was accused of having intercourse with a woman following her death. By his defence Dubois admitted the act concerned but he prayed in aid that he had known the woman while she had been alive, but that she was an Englishwoman and that it was impossible to tell during intercourse whether an Englishwoman was alive or dead. He was acquitted. The English Government, noting the problems which the legislation produced, very rightly abandoned the Bill.

In the area of research into the punishment of the offender he was no less diligent. Some, however, alleged that his interest in the topic was solely due to a misconception on his part as to the real meaning of the term *penology*. This is a phallus which must be exploded. His deep scholarship included a study of capital punishment and transportation. His aphorism that it was the duty of the Courts to despatch the felon to the new world or the next was widely followed and produced considerable economies in the prison-building programme. His dire warnings against the repeal of the City of London Sheep-stealing Act were well founded. That Act had provided for capital punishment for stealing of a live sheep in the City of London. The abolition of the death penalty for this offence has resulted in the position which we see today, where not a single live sheep remains in the City of London.

He spoke strongly against the influence of Elizabeth Fry, who sought to introduce the alien concept of teetotalism to prison life. Never a man to mince his words, Crabtree described her as the only woman who, within a generation, had managed to corrupt the British taste for both chocolate and Quakerism. He sought to encourage the rehabilitation of prisoners by allowing them to express their feelings in works of art and architecture. He organised a course of building therapy for the homosexuals and insane — this produced Keble College. His alliance with 'Skittles' Somerville led to the foundation of the establishment for fallen women which still bears her name and carries on her traditions.

It is in this area of prison reform that we can see this evening a direct legacy of the great man's work. Practising lawyers, unlike their academic brethren, have to produce evidence to support their theories. This I now propose to do.

In 1813, at the Spring Oxford Assizes, Augustus Taylor was convicted of being a pickpocket and stealing a silver nut-dish, the property of one Crabtree. His account was that the nut-dish had fallen off the back of a stage-coach. Both his hands were amputated and he became a reformed character — at least there is no further account in the records of his activities as a pickpocket. The silver nut-dish has recently come into my possession and I have it with us tonight. It is inscribed 'Joseph Crabtree 1811' and is hall-marked for that year. It states that it is presented to him by the inmates of the Oxford House of Correction. In presenting this nut-dish to the Foundation, may I draw attention to the words which were inscribed thereon as a mark of respect to the great man for his work for the amelioration of relationships between prisoners and warders. The prisoners have inscribed a famous line from Ovid's *Ars Amatoria* Book IV and it is a fitting epitaph on those fine years which Crabtree spent at Oxford. It reads:

Nec custodem commodum amice spernere debes.

Literally translated, it reads 'Friend, do not despise a worthy warder' or, in the prison parlance of the day:

Never neglect a good screw.