

## UNDERSTANDING THE CRIMINAL: RECORD-KEEPING, STATISTICS AND THE EARLY HISTORY OF CRIMINOLOGY IN ENGLAND

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*This article seeks to understand why detailed personal information about accused criminals and convicts was recorded from the late 18th century in England, and why some of this information was converted into statistics from the 1820s, such that by 1860, extensive information about criminals' physical characteristics and backgrounds was regularly collected and tabulated. These developments in record-keeping and statistics were mostly the result of local initiatives and imperatives, revealing a grass-roots information-gathering culture, with limited central government direction. Rather than primarily driven by efforts at control or the practical demands of judicial administration, the substantial amount of information recorded reveals a strong and widely held desire to understand the criminal, long before the self-conscious enterprise of 'criminology' was invented.*

Keywords: record-keeping, statistics, criminals, criminology, prisons, chaplains

### *Introduction*

By 1860, vast amounts of personal information about criminals were collected and summarized statistically: in addition to their names, offences, verdicts and sentences, details were recorded about ages, places of birth, occupations, marital status, number of children and parentage; descriptions of their physical appearance (height, weight, eye and hair colour, 'build', marks and tattoos); whether they could read and write, their education and their religion; and previous convictions, character and behaviour in prison. In contrast, 100 years earlier virtually none of this information was routinely collected: court and prison records normally documented only names, offences, verdicts and sentences; and the few statistics that were compiled were likewise limited to numbers of prosecutions and punishments. Historians have argued that a new 'taste for the collection of information' about society developed in the 18th century (Innes 2009: 124) but, until the very end of that century, this rarely extended to personal information about criminals.

How did record-keeping evolve from a situation where the personal characteristics of the criminal did not seem to matter to one where his or her individual characteristics were thoroughly documented and often counted? This article tells the story of this fundamental transformation, identifying who was responsible for collecting such information and why. Our subject is the personal information that was recorded in the documents routinely kept by, or passed on to, local and national officials about accused and convicted criminals in England in the period 1780–1860. We are not concerned with the information that had long been collected about crimes, verdicts and punishments, nor do we consider the recording of personal details about convicts in

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the very different contexts of Scotland or Australia.<sup>1</sup> The innovations discussed here were all in place before they were consolidated in the records mandated by the 1869 Habitual Offenders Act, and they presage later-19th-century developments such as the nationwide introduction of photographing arrestees and fingerprinting (Higgs 2011: 122). The period 1780–1860 thus represents a key and distinct phase in the history of criminal record-keeping that requires analysis in itself.

This is a period that has been closely associated with the wider development of an ‘information state’ in England, devoted to the collection and manipulation of personal data about its subjects (Higgs 2004: 10–27). Yet there is little agreement about who initiated such developments and why. In focussing on the nation state, political and sociological narratives have seen the creation of these bureaucratic institutions as a deliberate attempt by the dominant elite to introduce new forms of governance and administrative control in the wake of the Industrial Revolution (Dandeker 1990; Giddens 1995). Others, developing Michel Foucault’s (1979; 2007) theory of ‘governmentality’, have instead viewed the knowledge created as a new form of power exercised by both the state *and* civil society, acting as a constellation of ‘governmental authorities’ (including families, institutions and experts) (Garland 1997: 175; Dean 2010: 145, 152–3; O’Malley 2010). In this vein, new forms of information-gathering, particularly in total institutions such as the prison and under the systems created by the New Poor Law, are seen as an exercise in disciplinary power; a means to stigmatize, control and normalize the individual (Walker 2008). In contrast to both these approaches, some recent studies (Eastwood 1989; Devereaux 2009: 752) have shown that developments in information-gathering were in fact often undertaken by local officials acting solely for their own functional purposes (including the enforcement of criminal justice). Other scholars have turned away from the state (local and national) as a political and social entity and have instead stressed the cultural roots of information-gathering; identifying an emerging positivist tradition marked, first, by the growth of ‘political arithmetic’ in the later 17th century (Slack 2004) and subsequently by the ‘moral statistics’ of the early 19th century (Cullen 1975; Donnelly 1998); both underpinned by the increasing cultural weight of ‘facts’ and empirically collected information (Poovey 1998).

The significant innovations in criminal record-keeping that took place in the later 18th and 19th centuries provide the opportunity to examine the rise of the information state from new perspectives, focusing on local initiatives and on the purposes for which such detailed information was collected. These innovations are particularly important from a criminological perspective, since they mark a significant early ambition to understand criminality. The records created have acquired further importance in the digital age, as they make it possible to reconstruct convict lives, as the AHRC-funded *Digital Panopticon* project has done with the lives of 90,000 Old Bailey convicts who were either transported to Australia or imprisoned in England between 1780 and 1865.<sup>2</sup>

Why did personal information about criminals start to be collected from 1780 and who was responsible for these innovations? Far from being the product of an increasingly powerful national administrative machine, we argue that most of the initiative in this area came from local officials without compulsion from the central state. It

<sup>1</sup>Scotland operated under a different legal system, whereas Australia initially functioned as a military colony with separate regulations governing criminal record-keeping.

<sup>2</sup><http://www.digitalpanopticon.org/>.

resulted, moreover, from a broad moral and empirically driven desire to better understand the criminal and the causes of crime and was not primarily an attempt to control offenders or serve the instrumental needs of judicial administration. As such, we suggest, this story provides evidence of one of the first stages in the history of criminology as an intellectual enterprise in England.

*The Pattern of Information Collection*

The key developments, summarized in [Table 1](#), may be grouped into five stages:

- The first major innovations, in the late 18th century, were the recording of ages in the registers of the hulks (following the introduction of this punishment after the cessation of transportation to the American colonies), and the creation of the criminal registers in 1791 by the sheriffs of London and Middlesex. The latter recorded, largely in tabular form, information about the ages, places of birth, occupations and physical descriptions for each person accused of a crime and committed to Newgate Prison.

TABLE 1 *Innovations in record-keeping and statistics: personal characteristics of criminals, 1778–1860*

Type of information	Earliest consistent records	First reported regularly	Earliest statistics	Where recorded
Sex	Always	Implicit in names	1810 (national)	Criminal Returns
Age	1778	Hulks registers	1824 (national)	Prison Returns
Bodily state	1790	Hulks registers	1824 (national-sickness in prison)	Prison Returns
Place of Birth	1791	Criminal registers	1840 (local)	Chaplain's Report
Occupation	1791	Criminal registers	1857 (national)	Judicial Statistics
Previous convictions	1791	Criminal registers	1838 (local)	Chaplain's Report
Height, eye/hair colour, complexion	1791	Criminal registers	1857 (national)	Judicial Statistics
Character	1816	Millbank prison registers	1824 (national)	Prison Returns
Religion	1816	Millbank prison registers	1845 (local-height)	Chaplain's Report
Marks	1816	Millbank prison registers	Nothing nationally	Chaplain's Report
Marital status (F)	1816	Millbank prison registers	1839 (local)	Chaplain's Report
Marital status (M)	1817	Millbank prison registers	Nothing nationally	One-off return
# of children	1817	Millbank prison registers (F)	1853 (national)	Chaplain's Report
Literacy <sup>3</sup>	1830	Hulks registers	Nothing nationally	Chaplain's Report
Parents/family	1831	Hulks registers	1835 (national)	Prison Returns
Instruction/schooling	1836	Criminal registers	1839 (local)	Chaplain's Report
Weight	1842	Pentonville prison registers	1840 (local)	One-off return
			1853 (national)	Chaplain's Report
			1845 (local)	Chaplain's Report
			Nothing nationally	

<sup>3</sup>Literacy was recorded in the convict indents, a document which followed convicts to Australia, from 1826.

- The second stage came with the opening of the first national penitentiary, Millbank Prison, in 1816, whose registers also included information about prisoners' mental state (their character, behaviour and religion) and family circumstances (marital status for both sexes, number of children for female prisoners).
- The third stage involved the compilation of the first substantial statistics. Whereas the first official, national returns, in the 1810s and 1820s, only concerned sex, age, previous commitments and whether prisoners fell sick or were punished for infractions within the prisons, a much wider range of information was tabulated by some prison chaplains and other local officials from the 1830s.
- The fourth stage, in the 1830s and 1840s, saw important new developments in existing record series including the hulks registers and criminal registers, with a focus on education (literacy skills, which were summarized in official statistics in 1835, and degree of previous instruction), as well as information about family and friends, and, in the registers of the newly built Pentonville Prison, prisoner weights.
- Finally, the 1850s witnessed developments—although limited—in official statistics, as the Home Office and Parliament began to collate national-level data on a handful of subjects that had long been investigated by some local officials, including convict birthplaces and occupations. National tables summarizing prisoners' religious denominations and previous schooling were also published in 1853, but this experiment was not repeated ([HOCPP 1852–53a](#); [1852–53b](#)).

Inevitably, the process was not as straightforward as this schematic summary suggests: some developments stopped after a few years and only resumed later, while others, first found in some local records, were not implemented nationally for many years. The amount of information collected in the criminal registers, e.g., was significantly curtailed in the early 19th century, only to be restored in the 1830s ([The National Archives \[TNA\] 1791–1837](#), HO 26/1-43, *passim*). In addition, local officials unsurprisingly sometimes failed to fill in some of the columns in registers they were responsible for. These gaps help explain why the compilation of national statistics lagged behind the keeping of records on individuals. But the sum total of these developments nonetheless represents a revolution in record-keeping of the personal characteristics of English men and women; it was only with respect to national security (members of the armed forces, merchant seamen and aliens) that more detailed records were kept in this period ([Higgs 2011](#): 107–19).

### *Recording the Criminal*

While some of these innovations were dictated centrally by Parliament and the Home Office (established in 1782), in most cases, they resulted from local initiative, with a variety of motivations. In a governing context in which domestic issues were largely left to the responsibility of county and local authorities (most prisons were administered locally until 1877), this is not surprising. Crime was not a high priority for Home Office officials; with its limited budget and manpower, it was reluctant to assume new responsibilities. Consequently, its initiatives with respect to collecting information about criminals were largely reactive. Some of the earliest innovations came from London's local officials in the 18th century. Between 1754 and 1780, Justice of the Peace John Fielding maintained numerous volumes of records with descriptions of suspects and

convicts at his Bow Street office, but since these were all destroyed in the Gordon riots in 1780, we know little about them (Beattie 2012). Next came the criminal registers, in 1791. The elaborate title page in florid handwriting, which proudly promised ‘a particular description of each offender’, indicates the pride taken by the clerk in its creation (TNA 1791–1837, HO 26/1). It was only when, two years later, the City of London decided it could no longer afford to maintain the register that the Home Office took it over, because it recognized how useful such records were when making decisions about pardons (Devereaux 1998: 281–5).

In the following century, prison officials were the key individuals responsible for innovations. While the creation of the Millbank prison register was dictated by the statute which authorized the building of the prison (56 George III c. 63, s. 38), which specified that it should include information about ‘the age, bodily estate, and behaviour of every such prisoner while in custody’, the *Rules and Regulations* for the prison (established by the prison committee and approved by the court of King’s Bench) in 1818 also mandated the collection of information about each prisoner’s place of origin (parish, county or country), occupation, marital status, number of children, physical description (height, hair colour, complexion, eye colour, distinguishing marks), state of health and character (House of Commons Parliamentary Papers [HOCPP] 1818: 11, 14, 16, 33). The actual registers kept by prison officers went even further, recording the prisoner’s religion as well (TNA 1816–28, PCOM 2/60).

Prison chaplains were particularly active. Under the 1823 Gaol Act (4 George IV c. 64), they were required to produce (without specifying the level of detail) an annual written ‘statement’ on the condition of the prisoners under their charge and, from 1840, national prison regulations required them to keep a ‘character book’ (Great Britain, Home Office, *Regulations for Prisons in England and Wales* 1840: 43). However, in their spiritual and moral desire to support the reform of prisoners (and facilitated by the requirement that they visit prisoners on a regular basis), some chaplains went far beyond these requirements and collected extensive qualitative and quantitative evidence. As William Forsythe has suggested, many chaplains (particularly those who supported the ‘separate system’ of incarceration) put great value on the discovery of prisoners’ individual characteristics (Forsythe 1987: 48). John Clay, for instance, chaplain to the Preston House of Correction, adopted a set of registers in 1839 for recording a vast range of information about those committed to the jail (HOCPP 1839: 47) (Figure 1).

The prison capture papers created from the late 1840s following the implementation of the progressive stage system and public works prisons nicely illustrate local variations in patterns of record collection. Records needed to be kept to accompany prisoners from prison to prison, and to determine when they should be moved onto the next stage, depending on their character and behaviour. However, the actual forms were created separately by each prison and varied in terms of the amount of information collected. Some, such as those from Northampton in 1850, are very detailed (including information about trade and occupation, and where learned; where prisoner went to school, and for how long; father’s name, trade and residence; if married, wife’s residence and means of subsistence; number of children, names and ages). Others are far less comprehensive (TNA 1853a, PCOM 3/1/14; TNA 1853b, PCOM 3/1/99). And while these forms normally included a series of boxes to be filled in, they were often annotated with additional information written by local officials by hand on the back, including physical descriptions and notes about character and conduct. Similar variations in

No. of Offender.	No. of Offence.	Date of Commitment.	NAME.	Sex.		Age.	Occupation.		Birth place.	Last, or Usual Residence.	Place where Offence Committed.											
				M.	F.		Professed	Actual.														
Parentage.			Education.			Religion.			Domes. Condition.		Previous Character.											
Legitimate.	Illegitimate.	Orphans, or otherwise.	Cannot read.	Can read only.	Read,—write ill.	Read and write well.	Superior education.	Quite ignorant.	Ill instructed.	Well instructed.	Profess'd Church or Sect.	Employment to which Offender brought up.	Married, Single, Widow.	Illic., Cohabit, or not.	Children.	Legitimate.	Illegitimate.	Sober or drunk.	Industrious or idle.	Orderly or vicious.	Pre-vious Conviction	Date of Offence.
Persons or things—objects of offence.			Modes or Instruments by which Offence committed.			Inducements to Offence.			Proximate cause of Offence.													
Offence.	Persons.	Things Stolen.		Modes.			Desire of Gain.			Intoxication.												
		Nature.	Value.																			
		Force.	Fraud or Stealth.	Unknown.	Instru-ments.	Profligacy.	Distress.	Sexual desire.	Malice.	Wantonness.	Other inducements.	Of Offender.	Of Offence.	Temptation.	Other causes, and nature.							
Total.																						
Date.	No Prosecution.	Bill ignored.	Acquitted.				Convicted—Sentence.					Member of Benefit Society, Trade Union, or otherwise.	Additional Observations.									
			Falsé Charge.	Neg. or culp. of Pros.	Charge not proved.	Insanity.	Defect of Law.	Legal technicality.	Amount.	Costs.	Imprisonment and Term.			Transported.								
								Default of fine.	Simple.	With labour.	With whipping.	With sol. impris.										

FIG. 1 John Clay's Prison Register for the Preston House of Correction (1839)

local practice were documented by the prison inspectors in their reports from 1836 (HOCPP 1836–51). Why were some local officials so keen to expand the range of information collected about their charges? We can identify some very practical reasons, but ultimately as the following paragraphs suggest, these instrumental factors do not fully explain the development of record-keeping, leading to the conclusion that the officials concerned were more often motivated by a desire to better understand their subjects, and thus the nature and causes of crime.

While the police were not in the forefront of innovations in record-keeping in this period, long-held requirements of policing, in terms of arresting suspects and apprehending escapees from prisons, explain why physical descriptions of suspects, including heights, eye and hair colour, complexion and distinguishing marks, had long been

recorded. From at least the 16th century, information about physical characteristics was disseminated by advertisement or handbill to encourage others to arrest suspects (Griffiths 2008: 255). From the 1750s, John Fielding was a key figure in promoting the collection and use of descriptive information about suspects. He urged victims, constables and fellow JPs (Justices of the Peace) to send him information which he then distributed widely through newspaper advertisements. He used his Bow Street office as a clearinghouse for storing this information, including information about prisoners acquitted at the Old Bailey and convicts who had returned from transportation before their sentence had been served. Details included physical descriptions as well as ‘their occupations, their customary aliases and disguises... their modus operandi’, and their place of birth and age (Beattie 2012: 12, 28).

It is obvious why physical descriptions and aliases would have been useful for identifying suspects, but it is less clear why details of occupation, place of birth and age were included. While occupations were a traditional form of identification and could be seen as indicative of appearance, this would have been of limited use since workers frequently moved between jobs. With respect to age, one of the details collected earliest, Fielding wrote ‘although it will be common for criminals to change their names, they cannot alter their age or figure’. In fact, ongoing research suggests that there is evidence of some distortion in the ages reported to clerks, though one could not stretch too far the limits of plausibility. Was the case similar with place of birth: were people’s accents so marked by their place of birth that this too, was thought to be impossible to alter? Perhaps more plausibly, this information was collected out of a vague desire to gain a more in-depth understanding of the individuals under arrest.

The requirements of policing might also explain why information was collected about where prisoners’ friends and relatives lived, or their former places of abode. This was collected from the 1830s in hulks records, and in prison registers and prison capture papers in the 1840s, with the latter also recording parents’ occupations and marital status. All this information might have been used to keep track of ‘known associates’ of convicts (though there is no evidence of this practice) and to help monitor those released from prison (in the context of the decline of transportation in this period), but this information was collected *long before* the first scheme for monitoring released offenders was implemented, in the 1864 Penal Servitude Act. Once again, more information was collected by local officials than can be explained by legal and practical requirements.

Another set of practical reasons for collecting information about criminals was to assist those responsible for reaching sentencing and pardoning decisions, and determining penal regimes for those committed to prison. The Old Bailey *Proceedings* consistently reported the age of convicts from 1790, and there is evidence that the judges’ sentences did vary by age (King 2000: 298). Information about previous convictions was kept (erratically) from 1791 in the criminal registers, and this might have been used to shape sentences, though there is no evidence that judges actually had access to the criminal registers. It was certainly used to determine post-sentencing pardons, when, as a clerk acknowledged in 1797, ‘distinguishing between old and new offenders’ was particularly important (HOCPP 1797: 325; Devereaux 1998: 283–5).

While information about previous convictions and periods of confinement, as well as prisoners’ characters and conduct in prison, may have been useful in determining the character and length of penal regimes once the progressive stage system was introduced

in the late 1840s, there is no evidence of the use of such information for this purpose when it was first collected earlier in the century, when prison regimes were remarkably uniform (Zedner 1991: 212). Apparently the result of local initiative, prison clerks noted ‘character sent with the prisoner’ in the Millbank registers and hulks returns (for those prisoners who had been imprisoned for three months or more) from 1824. Gaolers’ reports in prison and hulk records continue into the 1830s, reflecting a wider interest in the character of offenders at this time (Wiener 1990: 46–9). These records demonstrate the importance of local practice before it was institutionalized nationally by the official *Regulations for Prisons in England and Wales* in 1840, which required that governors, chaplains and surgeons all keep books with information about individual prisoners (Great Britain, Home Office, *Regulations for Prisons in England and Wales* 1840).

Other types of information in the registers might also have been useful to those running the prisons for prescribing aspects of the prison regime, but again they do not appear to have been used, at least initially. Although age was recorded in the hulks records from their very beginning in 1778, e.g., separate provision for young convicts was not implemented until 1822. Occupations, recorded in some hulk and prison records from the 1810s, may have been used to assign appropriate forms of hard labour, but there is little evidence of this practice.<sup>4</sup> Similarly, while it is plausible that information about prisoners’ literacy could have been used to plan educational provision (required by the 1823 Gaol Act, though often not implemented), there is no evidence that the information was used in this way. In any case recording practices often went beyond what was practically necessary, no doubt stimulated by the growing interest in the relationship between education, crime prevention and reform in the 1820s and 1830s (Crone 2010: 6). Perhaps encouraged by the requirement that chaplains record information about prisoners’ ‘education’ (Great Britain, Home Office, *Regulations for Prisons in England and Wales* 1843: 31), in the 1840s, some chaplains interpreted this ambitiously and began collecting detailed information about the length and types of schooling prisoners had experienced (in West Suffolk in 1844 and Berkshire in 1845), including degrees of literacy, names of schools and types of informal schooling (Crone 2010). Joseph Kingsmill, chaplain of Pentonville Prison, even asked prisoners about their mathematical knowledge (Kingsmill 1849: 18–9).

The same story of local initiative and lack of clear function in the collection of information applies to that collected about prisoners’ religious denominations. This was collected from as early as 1816 in the Millbank prison register (listed as Church of England, Church of Scotland, Catholic, Methodist, etc.), despite the fact neither the statute nor the prison regulations required this information. This predates any statutory requirement for religious provision for non-Anglicans, though the 1823 Gaols Act allowed prisoners to ‘request that a minister of [their religious] persuasion shall be allowed to visit them’. It was only in 1863 that non-Anglican ministers could be appointed in prisons and paid for by public funds. The information about prisoners’ religious ‘persuasions’ collected earlier could not have been used to plan provision for those of different faiths in the prison. Nonetheless, this information was regularly recorded on prison capture papers in the 1850s, perhaps because it was thought to be helpful in attempts to reform prisoners.<sup>5</sup>

<sup>4</sup>But see Zedner (1991: 152), for the use of such information in women’s prisons.

<sup>5</sup>Another possible reason to record such information was because from mid-century prisoners could request to change prisons in order to obtain a Roman Catholic chaplain (Johnston, forthcoming).



There was, therefore, no discernible specific administrative or practical purpose for the collection of many of the categories of information we have discussed. Information in the criminal registers from 1791 about occupation, place of birth and female marital status (with the last more consistently provided in the Millbank prison registers from 1816), and on male marital status in the hulks and prison registers from the 1810s, did not determine penal regimes or constitute an effective means of identifying prisoners. The same applies to other types of information collected in some prison registers: attendance at chapel with reasons for non-attendance; information about prisoners' families; whether the prisoner had been in the army or navy and if so what regiment or ship; and when the prisoner went to school, and for how long (HOCPP 1836–51). And what are we to make of the recording of male marital status in the registers of Parkhurst Prison (a prison for boys) in 1838? (TNA 1838–63, HO 24/15).

This record-keeping instead points to the existence of a diffuse, but significant information-gathering culture among local officials, not primarily driven by the Home Office or Parliament. There was clearly a desire on the part of these officials to understand their custodial subjects and their crimes as well as control them, but since there was no consensus about the causes of crime in this period there was no agreement about the types of information that needed to be collected, and record-keeping practices varied. It was not the central state which took the lead; rather it tended to follow once the utility of collecting this information had become apparent. Local officials were left to their own devices, and their enthusiasm and interests varied—as it did with the associated production of criminal statistics, to which we now turn.

### *Counting the Criminal*

Quantitative data on matters of criminal justice had been compiled by some local officials since at least the beginning of the 18th century (Old Bailey Proceedings Online [OBPO] 1710: OA17101215). From 1776, the central authorities began to follow suit (Innes 2009: 157–8, 161), and in 1810, an important change was introduced when the Home Office began publishing a regular set of criminal statistics (under the title of *Criminal Returns*) concerning defendants put on trial, the verdicts of the cases, and the resulting sentences (HOCPP 1810). Yet it was only in the second quarter of the 19th century that statistics on the *personal details* of offenders began to be collated.

The first efforts came at the behest of the Home Office and Parliament. With the establishment of the *Criminal Returns*, local court clerks throughout England were required to provide figures on the sex of defendants. This was taken further by the 1823 Gaol Act, which mandated that prison keepers provide statistics on the sex, age and number of previous convictions of those committed over the previous year, as well as figures on the punishments meted out for offences in the prison and cases of sickness and death (Gatrell and Hadden 1972: 342). These returns—originally known as ‘Schedules (B.)’, here referred to as the *Prison Returns*—were published annually by the Home Office. In 1834, this was taken further, as prison keepers were also required to provide the Home Office with statistics on the literacy skills of prisoners upon their incarceration (TNA 1834–35, HO 329/47). Yet the Home Office seems to have done little with this

information, aside from simply printing the *Criminal* and *Prison Returns*—sometimes collating the returns from each jurisdiction into statistical overviews, but more often not.<sup>6</sup>

This is indicative of the central government's apathy towards statistics on the personal details of offenders at this time. While the initial impetus for criminal statistics came from the centre, from the 1830s, the initiative shifted to local officials. As discussed in the previous section, local prison chaplains started to keep their own sets of records and, on the basis of such documents, began to compile statistics on the personal details of offenders that went well beyond those required by the Home Office. Other local officials, such as the police forces established from the 1830s, can also be found compiling figures on the characteristics of suspects on their own initiative. Statistics produced by the Manchester police force in the 1840s and 1850s on the basis of their charge books, e.g., regularly included the accused's occupation, age and degree of literacy (Williams 2000: 80). But such activities were limited in comparison to the statistical efforts of some prison chaplains. For the most part, until the 1856 Police Act made the compilation of returns compulsory, police forces confined their statistical efforts to generating guesstimates of the size of the 'criminal classes' within their localities.

Prison chaplains were under no compulsion from the central arm of government to produce criminal statistics. While they were subject to vague requirements to collect qualitative evidence about their charges, they were not required to generate quantitative data from their records. Yet by the 1830s, a significant number were compiling detailed reports filled with statistics on the personal details of offenders. Some local magistrates and central government officials—those who directly supervised prison chaplains—applauded them for doing so, but others raised objections. A prison inspector in 1841 for instance complained that in a number of recent chaplains' reports, the principal focus had been given to 'statistical enquiries' on the background of offenders, rather than the required simple statement on the 'condition' of the inmates (HOCPP 1841: 58).

Indeed, despite the claim by John Clay—the apotheosis of such information-gathering chaplains—that he was 'almost the only gaol-chaplain in the kingdom' who had gone beyond the basic requirements of the 1823 Gaol Act by producing annual reports filled with criminal statistics, it is clear that at least 20 other chaplains between 1820 and 1860 also produced number-heavy reports.<sup>7</sup> These chaplains were spread across England, from Sussex and Surrey to Somerset, Shropshire and beyond. According to John Clay's son, Walter, writing in 1861, with these reports 'Probably no one class of writings has done so much towards getting the state of English criminality known and studied' (Clay 1861: 125).

Chaplains were certainly well placed to maintain registers and compile statistics on the personal details of offenders, having powers that extended beyond access to the inmates to include many aspects of prison administration itself (McConville 1981: 162, 447). And for many chaplains this was, in their own minds, an essential part of their work. If it should be thought that the statistical observations in his gaol report were out of place, Clay explained in 1842, he pleaded that they necessarily arose from what came under his view as a gaol chaplain, and that he 'should scarcely fill my duty were I to withhold them at a time when [the matter of crime] can scarcely be discussed too widely, or

<sup>6</sup>For a summary of the 19th-century national criminal statistics, see Walliss (2012).

<sup>7</sup>This has been established through a systematic analysis of the HOCPP, the *Journal of the Statistical Society of London*, and the *Transactions of the National Association for the Promotion of Social Science*.

pondered too deeply' (HOCPP 1843: 88). It was a message that Clay urged colleagues to follow: in a letter of 1857 to a young prison chaplain whose own detailed gaol reports had been suppressed by the local magistracy, Clay advised him not to exclude 'reference to those social questions which inevitably connect themselves with the criminal question, and which a gaol chaplain has peculiar opportunities for investigating' (Clay 1861: 125–6).

The range and detail of the statistical information compiled by this group of prison chaplains went far beyond the national criminal statistics produced by the Home Office. With no direction from the central government or local magistrates, and with seemingly little consensus about the information that should be tabulated, statistics were produced on a wide range of categories. By 1838, Clay's annual statements included data on the ages, literacy, occupations and birthplaces of the inmates. In 1839, his figures extended to the progeny, marital status and parentage of offenders—statistics that were never compiled at a national level. And in 1846, the range of information expanded further to include figures on the weight and height of prisoners on their entry and exit from jail—again, never compiled at a national level (Lancashire Record Office [LRO] 1824–58, 'Chaplain's Reports', QGR/2/1-42).

Clay was not alone, with some chaplains producing upwards of 10, 15, or even 20 separate tables of criminal statistics in their annual gaol reports. Details of the age, sex, literacy and previous convictions of offenders appear to have been standard in such reports. But the production of statistics on other types of information varied over time and place. In several instances, the tables even included information that was not recorded in any of the individual-level records discussed in the previous section. In the 1840s, some chaplains started to gather figures not only on the professed religious denomination of prisoners, but also their level of religious knowledge and categories of schools attended (HOCPP 1840: 370; Carter 1859: 349–61). Others produced statistics on the weekly earnings of prisoners prior to their committal, the numbers of prisoners' children and siblings, the marital status of offenders, and the offender's place of residence and the location of the crime (HOCPP 1840: 370; 1842*a*: 143; 1846: 192; 1850*a*: 57).

As with developments in criminal record-keeping, this number-crunching by prison chaplains points to a significant information-gathering culture among local officials, a culture that was not primarily driven from above. To be sure, some local magistrates and central officials did promote the statistical work of prison chaplains, but this took the form of simply encouraging other prison chaplains to follow the example set by men such as Clay (e.g. HOCPP 1846: 188; 1850*a*: 55), rather than establishing a centrally directed set of regulations for the production of criminal statistics. Local officials looked to each other for inspiration as part of an emerging information-gathering network (often sharing their reports with one another), rather than to the Home Office or Parliament. In this respect, the statistical enquiries of prison chaplains formed part of an embryonic yet vibrant statistical movement in 19th-century Britain, one that was driven more by local officials and amateur enthusiasts (in some cases stimulated by developments in continental Europe), than by Whitehall 'experts' (Cullen 1975; Emsley 2007: 117–34).

The central government was, by contrast, a slow and reluctant participant in the collection of criminal statistics. From the start, complaints were made that the *Criminal* and *Prison Returns* were the most defective of all the statistics compiled by the central

state. The national criminal statistics, it was frequently said in the second quarter of the 19th century, failed to go far enough into the characteristics of offenders. For the barrister Joseph Fletcher, honorary secretary of the London Statistical Society, while the data on sex, age and literacy collated by the Home Office afforded materials for ‘important analyses’, at the same time it was important ‘to bear in mind those boundless influences of residence, occupation, association, domestic habits, and social position’—details that were regularly being recorded in prison and hulk registers, and which were being counted by a handful of prison chaplains, yet which Whitehall refused to collate nationally (Fletcher 1843: 219).

The pressure for the Home Office to extend and improve the national criminal statistics came from the statistical community (both international and domestic). The International Congress of Statisticians in 1853, for instance, recommended that the ‘origin, domicile, condition, profession, and extent of education of the criminal, the causes known or presumed of the crime, [and] the attenuating circumstances’ should all be added to the official statistics directed by the Home Office (Levi 1854: 13). At a meeting of the British Association for the Advancement of Science in 1856, the Committee for Economic Science and Statistics likewise reported on the ‘imperfect state’ of the official criminal returns, which, it was stated, ‘had reference to the number and nature of the offences and their punishment, rather than to their origin, and to the character of our criminal population...’ (Tartt 1857: 366). Such proposals required the creation of the sort of comprehensive, centrally directed and uniform system of criminal record-keeping that Whitehall was not willing to put in place.

This groundswell of dissatisfaction outside of the Home Office did lead to a set of resolutions and a bill in Parliament, moved by Lord Brougham in 1856, calling for a revised and improved system of national criminal statistics (HOCPP 1856; 1857a). Among other measures, Brougham’s ‘Judicial Statistics Bill’ proposed a radical extension to the range of numerical information that was compiled by the Home Office about offenders, including occupation, marital status, children, residence, parentage and religion (Eardley-Wilmot 1857: lxxxix, 822–49). Until such a system of criminal statistics was adopted, Brougham argued, Parliament would be ‘legislating in the dark’ (HOCPP 1857a: cols. 685–6). The Bill was later withdrawn following a promise from the government that the national statistics would be reformed as part of the upcoming nationwide establishment of police forces (Radzinowicz and Hood 1990: 98). The result was the introduction, in 1857, of the *Judicial Statistics*, a new publication which brought together the existing *Criminal* and *Prison Returns* with a new set of *Police Returns* (HOCPP 1857b).

In some respects, this marked a significant development: the *Police Returns* included estimates of the number of ‘known thieves, prostitutes etc.’ within each division, and the *Prison Returns* also began to include, for the first time, statistics on the occupation and birthplace of prisoners. However, particularly in relation to the personal details of offenders, the changes implemented by the Home Office fell far short of what Brougham had called for and what some chaplains were already doing. Statistics on the marital status, progeny, current residence, parentage and religion of offenders had all been proposed by Brougham as appropriate subjects for the national criminal statistics, but nothing on these heads was subsequently compiled by Whitehall. As we have seen, such information was being kept in some local jurisdictions by 1857, yet the central state was clearly unwilling to coordinate the extension of this to a nationwide scale. If

the first half of the 19th century, therefore, witnessed the ‘birth’ of criminal statistics (Radzinowicz and Hood 1990: 91), to the extent that this extended beyond numbers of crimes, verdicts and punishments it was driven more by local officials and amateur enthusiasts than it was by Whitehall.

*Understanding the Criminal*

To a limited extent, the efforts of prison chaplains and the Home Office to collect statistics on the personal details of offenders were motivated by the demands of judicial policy-making and penal administration. In the case of the central government, these number-crunching efforts were given impetus by the post-1816 increase in recorded crime: clearly there was an attempt by Whitehall and Parliament to understand the *level* of crime, and this ‘helped in turn to generate the first hesitant (and methodologically naive) attempts to investigate the roots of criminal behaviour, the ages and backgrounds of offenders and the effects of various judicial policies upon them’ (King 1998: 156). Statistics in some instances fed into parliamentary investigations, particularly those on juvenile delinquency and the relationship between crime and education. The 1852 Select Committee on Criminal and Destitute Juveniles received figures from John Clay on the birthplaces, ages, parentage, schooling, religious knowledge, literacy and weekly earnings of 100 young offenders committed to the Preston House of Correction (HOCPP 1852: 435–7). Yet such cases were relatively rare: select committees on criminal matters for the most part relied on the qualitative oral testimony of witnesses, and in those instances when committees did refer to criminal statistics, this was usually restricted to data on crimes, verdicts and punishments, rather than the personal details of offenders.<sup>8</sup> In some local prisons, statistics were used to monitor the moral, intellectual and physical development of prisoners during their confinement (e.g. HOCPP 1842a: 143; 1843: 145; 1846: 188). Prisoner weights, e.g., were collected and tabulated so as to monitor the effects of prison diets and work on health, and thus informed changes to prison regimes (HOCPP 1835: 725; 1850b: 358).

Statistics were more often used, however, to understand criminality. This key impetus was often cited by those prison chaplains who kept detailed records and statistics about the subjects under their care. For John Clay, data collection on offenders was more important for understanding the causes of crime on a societal level than for shaping prison discipline in relation to specific offenders (Clay 1861: 492). As he explained to the overseeing magistrates in 1841, ‘if it is intended that my observations and report as to the unhappy objects of my ministry should be restricted to their state and condition as *prisoners*, thus limiting myself, my labours would be much lightened; but ... the prevention of crime is a more momentous care than the punishment or discipline of the criminal...’ (original emphasis—HOCPP 1842a: 91). The following year, he argued it was essential that his annual report addressed ‘the causes of crime’ (HOCPP 1843: 87). His fellow statistically minded chaplains agreed. Richard Burnet had ‘gone beyond what is usual’ in compiling information about offenders in the hope that it would help to ‘arrest the course of crime and misery among us’ (HOCPP 1840: 370). Religious and moral concerns were at the heart of this desire to understand the criminal. Prison work

<sup>8</sup>This has been established through an extensive study of the select committee reports on criminal matters conducted in the period 1810–60 and published in the HOCPP.

evidently proved attractive to evangelically minded Anglican clergy with a strong belief in the importance of personal salvation (McConville 1981: 448), such as John Clay, Joseph Kingsmill and John Field (1848). For evangelicals, society was primarily a community of souls, and it was thus imperative—for the spiritual health of humankind, if nothing else—to reform the ‘lost’ souls of prisoners. This was something that could be achieved, it was believed, even in the worst of cases (Downing and Forsythe 2003: 146). If crime was the product of individual moral failings, borne of misguided spirits, it was incumbent upon prison chaplains to investigate how such souls had become obstructed by the stumbling blocks of ignorance, corrupting influences and fouled environments.

Whitehall and Parliament’s less extensive efforts to quantify the personal details of offenders at a national level were also driven by a desire to understand the criminal and the causes of crime. In 1828, the Select Committee on Criminal Commitments collated nationwide statistics on the birthplaces of offenders in order to investigate concerns that competition from migrant Irish labourers was forcing English workers into unemployment and crime (HOCPP 1828: 22). The Home Office’s statistics on the literacy skills of defendants and prisoners compiled from 1834 were taken as ‘a proof of the effects of education in restraining from the commission of crime’ (HOCPP 1842*b*: 8), while the nationwide data on offender occupations was, according to the compiler of the *Judicial Statistics*, calculated ‘to throw any light upon the antecedents of the criminal classes and the causes which lead to crime’ (HOCPP 1859: xxiii).

These developments in record-keeping and statistics reflected wider shifts in contemporary thought about the causes of crime: from an interest in the relationship between education and crime in the 1830s, to socio-economic factors in the 1840s and 50s, and the influence of criminogenic neighbourhoods, recidivism and bad company in the 1860s (Radzinowicz and Hood 1990: 49–84). The recording and counting of specific categories of information can therefore be seen as part of wider attempts to understand the criminal and the causes of crime. Thus, the Surrey gaol chaplain William Rowe started to collect information in 1845 on whether prisoners had lost their mother, father, or both parents by the age of 17 in order to identify the extent to which crime was due to ‘the want of domestic government’ (HOCPP 1846: 192). John Clay’s tabulation of the value of property stolen by prisoners convicted of larceny meanwhile was intended to show ‘how little or how much will tempt to dishonesty’ (HOCPP 1842*a*: 84). By recording and counting prisoners’ occupations, he also sought to uncover the relationship between apparently ‘optional’ or ‘irregular’ employments and the tendency towards criminality (Clay 1857: 32).

### *The Origins of Criminology*

From the late 18th century, there was a clear desire on the part of a wide range of individuals to understand the social, moral and physical characteristics of criminals. We see the developments in record-keeping and statistics in the period 1780–1860 as of foundational importance to the development of criminology as an enterprise. Conventional histories of the discipline start either with the ‘classical school’ of Enlightenment thinkers including Cesare Beccaria, William Blackstone and Jeremy Bentham, or more conventionally with the development of the positivist school of ‘scientific criminology’ from the 1860s, though earlier interests in phrenology and physiognomy are acknowledged (Davie 2005: 27). While David Garland notes there was also a tradition

of empirical studies of criminal justice and punishment dating back to the late 18th century, he argues that interest in the criminal per se was a late 19th-century development (Garland 1994: 36). But the evidence presented here suggests that this empirical tradition is more important than previously acknowledged.

Prior to the late 18th century, understandings of crime were based on a universalist conception of sin, which explained crime as the inevitable consequence of sinners falling down a slippery slope (McKenzie 2007). While these ‘traditional representations’ of criminality include ‘rudimentary versions of the etiological accounts which are used today’ (Garland 1994: 28–30), any empirical studies of individual criminals (such as the life stories of the London hanged published in the Ordinary’s *Accounts*), were compiled in order to demonstrate this preconceived general principle (McKenzie 2007). While this understanding of the moral causes of crime persisted into the next century, patterns of record-keeping from the 1780s indicate that there was a new focus on the individual circumstances of offenders, echoing contemporary intellectual developments promoting individualism and the self in philosophy and literature (Seigel 2005). This change is epitomized by the decline of the Ordinary’s *Accounts*, which ceased publication in the 1770s (McKenzie 2005).

What followed is what Garland described as ‘a governmental project’, ‘the long series of empirical inquiries which, since the 18th century, have sought to enhance the efficient and equitable administration of justice by charting patterns of crime and monitoring the practice of police and prisons’ (Garland 1994: 18). While we agree with this focus on ‘practical contexts’, we disagree with Garland’s view that this ‘project’ was only about criminal justice and ‘control’, and the implication that it was a unified practice. From the late 18th century, there was a strong impetus to understand as well as control the criminal, and ultimately explain the causes of crime, and we question whether this was either solely ‘governmental’ or a single ‘project’. Not only did the compilers of systematic records extend beyond the Home Office and Parliament to include a wide range of local government officials (sheriffs, prison keepers, clerks and chaplains), but they also included individual activists such as members of the Statistical Society. Criminology’s ancestors were broader and less state-centred than is usually recognized.

From the 1850s, the activities we have discussed here were supplemented by entrepreneurial social investigators who, building on wider investigations into social conditions of the working class from the 1830s (Yeo 1971: 52–3), included criminality in their surveys (Philips 2001: 63–83). Most substantially, Henry Mayhew and his team of investigators carried out systematic surveys of the living and working conditions, and associated criminal practices, of the London poor, in which he sought not only to classify criminality, but also explain its causes (Mayhew 1861; Radzinowicz and Hood 1990: 77–83). Mayhew’s famous survey represents the culmination of the processes we have been discussing, but was also an important turning point. In their writings and statistical tables, Mayhew and his collaborators refer to the various personal characteristics of criminals which were increasingly recorded and counted in this period: age, sex, place of residence, education, religion and physical characteristics. But while this could have pointed to a more individualistic and therapeutic approach to crime, their belief in the existence of a criminal class which almost amounted to a separate race pointed to a conception of criminality which was increasingly defined as produced by a homogeneous group of habitual offenders who were thought to be beyond reformation and in need of containment. This view, widely held by 1860, facilitated the acceptance of

Lombroso's physiognomic ideas in the following decades (Bailey 1993: 242–5; Godfrey et al. 2008: 12–4).

This understanding of the nature and causes of crime espoused by mid-century social investigators is not one we recognize today, but their *methods* are in many respects recognizably modern. They suggest, when placed alongside the record-keeping and statistical practices described here, that the desire to understand crime was a significant form of governmentality. There was clearly a desire to control the criminal among the widely dispersed group of local and national officials and self-appointed information-gathering entrepreneurs who pioneered the recording of a wide range of personal data and the production of innovative statistics. But in some respects, the 'history of the present' focus of governmentality theory makes it ill-suited to make sense of these 19th-century developments: power was much more diffused, and other motivations, including strong religious and moral concerns, were at play (Garland 1997: 193–204; Gunn 2006: 716–7). If control of the prisoner was really the goal, much more could have been done, and more consistently, in terms of putting collected information to use. Moreover, as we have seen, record-keeping and statistical initiatives were sometimes at cross-purposes to those of the Home Office, which at times actively discouraged them. We also need to recognize, as prison officers did, the agency of convicts in resisting such control and shaping the information provided. Before the introduction of prison capture papers, few others knew their ages, places of birth, occupations and religions, and some prisoners enjoyed their own form of power, reinventing aspects of their past to, e.g., avoid harsher punishments for those with previous convictions or secure more comfortable prison conditions (HOCPP 1837–38: 78; Priestly 1985: 11, 116–7; Zedner 1991: 151–2). Theories of governmentality need to be less 'top-down' and pay more attention to the emotionally driven motivations and agency of local actors (Garland 1997: 202; Gunn 2006: 716).

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