

**The death of penal welfare and the  
Christian nation: The secularisation of  
attitudes towards delinquency, citizenship,  
and morality in Britain, c. 1930-80.**

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## Abstract

This thesis investigates ‘the death of penal welfare’ in Britain. It traces the fortunes of penal welfare from c. 1930 to c. 1980. The term refers to measures promoting the reformation and welfare of offenders through the framework of the criminal justice system. Thus the institutions of criminal justice are not just punitive but also part of the state’s involvement in the welfare of its citizens through social services. The main contention of this thesis is that the *raison d’être* of penal welfare was the creation of Christian citizens and that its moral legitimacy came out of the widely accepted idea of Britain as a Christian nation. Furthermore, this study locates ‘the death of penal welfare’ as a consequence of secularisation. When the idea of Britain as a Christian community collapsed in the early 1960s, the set of beliefs that had allowed penal welfare to thrive and had enabled it to reconcile the tension between societal and personal responsibility fell apart as well.

In offering an original framework for understanding the success and collapse of penal welfare, this thesis draws heavily on the historiography on British secularisation that has emerged throughout the last one and half decades. However, studying penal welfare also offers ways of challenging some of the understandings generated by the scholarship – not just on secularisation – but also on the welfare state and its relationship to voluntary religious organisations.

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### **Author's declaration**

I declare that this thesis is a presentation of original work of which I am the sole author. It has not been previously presented for an award at this, or any other, university. All references to other works have been fully acknowledged and appropriately cited.

## Introduction

Today the welfare element within the British criminal justice system occupies a marginal position. In its place, deterrence and retribution have moved to the forefront in dealing with offenders. Consider, for instance, Prime Minister David Cameron's reaction to the 2011 London riots which focused exclusively on punishment promising the rioters that: "you will feel the full force of the law and if you are old enough to commit these crimes you are old enough to face the punishment".<sup>1</sup> During the aftermath of the riots, Cameron repeatedly hammered home the absolute individual responsibility of the offenders: "it is criminals who are responsible for crime. It is an individual act, and we should hold people responsible for their acts."<sup>2</sup> Exceedingly harsh sentences were subsequently handed out. Two youths were convicted to four-year prison terms for inciting riots on Facebook while another was given six months for stealing a bottle of water.<sup>3</sup>

In the 1990s a political climate had developed in which the two main Parliamentary parties vied for the honour of formulating the toughest and most punitive approaches to crime. It was not always like this. Up until relatively recently, the moral legitimacy of the reformatory approach to criminal justice was regarded as self-evident. It was taken for granted that it was an integral part of the welfare state to concern itself with the moral health of its citizens. This thesis refers to this approach to criminal justice as penal welfare. In the immediate postwar year, this notion commanded a strong cross-party consensus. Then, in the 1960s and 1970s, something happened. The assumptions that had underpinned penal welfarism began to crumble and by the time Margaret Thatcher gained power in 1979 its moral legitimacy was in tatters. This thesis explores the death of penal welfare. The allusion to Callum Brown's landmark book *The Death of Christian Britain* is not

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<sup>1</sup> "London riots: Prime Minister's statement in full," *Telegraph*, August 9, 2011, accessed 5 March, 2017, <http://www.telegraph.co.uk/news/uknews/crime/8691034/London-riots-Prime-Ministers-statement-in-full.html>.

<sup>2</sup> *Hansard*, HC Deb 11 August 2011 c. 1068, accessed 5 March, 2017, <https://www.publications.parliament.uk/pa/cm201011/cmhansrd/cm110811/debtext/110811-0001.htm>.

<sup>3</sup> "Some England riot sentences 'too severe'," BBC News, 17 August, 2011, accessed 5 March, 2017, <http://www.bbc.co.uk/news/uk-14553330>.



coincidental. This thesis locates the causes for its demise in the secularisation of morality that – although beginning decades before – became evident in the 1950s and 1960s. It was this process of secularisation that destroyed its moral legitimacy.

Penal welfare was underpinned by the idea that it was right for the state to intervene in and manage – either directly or through intermediary voluntary organisations – the moral health of the population. This was part and parcel of the collectivist and welfarist approach to social problems that emerged in the late nineteenth and early twentieth centuries. It was part of a broader paradigm shift away from classical liberalism. Nineteenth-century classical liberalism had stressed the personal responsibility of individuals to promote their own economic self-interest and rejected any state measures that interfered with the free market. It was not the role of the state to create the environment in which virtue could thrive but rather its part in upholding the moral order was limited to punishment. This type of thinking imbued the expressions of Christian belief in the nineteenth century in which the moral responsibility of the individual was emphasised above all else.

The 1834 Poor Law Amendment Act thus put a strong emphasis on the punitive element of poor relief lest the incentive to hard work be undermined.<sup>4</sup> In the sphere of criminal justice, the severity of punishment was measured in proportion to the severity of the criminal act. The maintenance of an economy of criminal acts and punishment would thus serve to offer appropriate deterrent. The purposes of punishing criminals for breaking the law and punishing the poor for failing within the economic systems were underpinned by the same logic. Following Reverend Thomas Robert Malthus, Christian scholars of the early nineteenth century had argued that God was working through scarcity to stimulate moral growth in people. Thomas Chalmers, the Scottish evangelical and Fellow of the Royal Society of Edinburgh argued for the abolition of poor relief since it interfered with the operation of natural (economic) law.<sup>5</sup> This is not to say that there was no tension between free market capitalism and Christianity. As Geoffrey Searle has shown, while evangelicals viewed business life as an opportunity for the Christian to display

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<sup>4</sup> I am indebted to Chris Renwick for letting me read the draft for his forthcoming book *Bread for All* (Penguin, 2016) in which he traces the shifting thoughts about welfare from the nineteenth century until the establishment of the postwar welfare state.

<sup>5</sup> Geoffrey Searle, *Morality and the Market in Victorian Britain* (Oxford: Clarendon Press, 1998), 11-14.

his virtue and saw economic laws as ordained by God, there was disquiet about the extent of dishonesty, fraud, and greed that came out of the pursuit of individual self-interest.<sup>6</sup> However, on the whole Christianity and free market capitalism maintained a relatively harmonious relationship.

On the other hand, the welfarist paradigm that slowly began to emerge in the 1870s rejected the notion of absolute individual responsibility for a person's circumstances. It posited that individual circumstances needed to be taken into account and that the state should actively seek to create an environment in which individuals could flourish. This was part of the New Liberalism (not to be confused with neo-liberalism) that drew on the ideas formulated by Arnold Toynbee and T.H. Green. Green rejected the autonomy of the individual, arguing instead for an organic society based on the interests of the community. It was the responsibility of the state to redress the appalling social inequality springing out of the Industrial Revolution.<sup>7</sup> In one of his lectures, Green posited it as a duty of the state to create an environment in which individuals were given freedom to exercise their moral capacity.<sup>8</sup> Toynbee, similarly, saw poverty as nourishing moral malaise and saw welfare provisions as the only solution: "the labouring masses, on the other hand, with whom prudential motives have no weight, the only true remedy is to carry out such great measures of social reform as the improvement of their dwellings, better education and better amusements, and thus lift them into the position now held by the artisan, where moral restraints are operative".<sup>9</sup>

Michael Freeden has suggested that Christianity provided the bond through which liberalism and socialist ideas could be made compatible. He viewed the Christian Social Union as the embodiment of this bond through their mouthpiece *The Commonwealth: A Christian Social Magazine* first published in 1896. Freeden also brought attention to the importance of autodidact Benjamin Kidd's 1894 book *Social Evolution* which used Christianity to justify welfarist provisions.<sup>10</sup> It became a

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<sup>6</sup> Searle, *Morality and the Market in Victorian Britain*, 25-26.

<sup>7</sup> Andrew Vincent, "Green, Thomas Hill (1836–1882)," in *Oxford Dictionary of National Biography* (Oxford University Press, 2004-), accessed 4 July, 2016, doi:10.1093/ref:odnb/11404.

<sup>8</sup> T.H. Green, *Lectures on the Principles of Political Obligation* (London: Longmans, Green and Co., 1895), 206-210.

<sup>9</sup> Arnold Toynbee, *Lectures on the Industrial Revolution in England* (London: Rivingtons Waterloo Place, 1884), 114.

<sup>10</sup> Michael Freeden, *The New Liberalism: An Ideology of Social Reform* (Oxford: Clarendon Press, 1978), 50-51, 82.

global bestseller and made Kidd financially independent.<sup>11</sup> Kidd emphasised the “immeasurable social significance” of the Christian religion and its uniqueness in the importance it attached to the collective welfare of society.<sup>12</sup> Freedon rightly posited Christian support as a key contributor in allowing a form of socialism to penetrate “the consciousness of the British liberal intelligentsia”.<sup>13</sup> Certainly, the moral legitimacy that Christianity provided for the shift away from laissez-faire towards intervention should not be underestimated.

For those who advocated for penal reform in the early twentieth century, the reformation of criminal justice system was linked to a positivist conviction that social problems could be solved through scientific understanding. Influential penal reformers such as Alexander Paterson (1884-1947) and Charles E. Russel (1866-1917) worked within the wider context of social positivism that existed throughout Europe. In Paterson’s *Across the Bridges* (1911), the author delineated the plight of the poor in London using sociological methods of inquiry. He argued that changing existing conditions was a patriotic duty and utilised a language of national efficiency. This moral imperative to help, as well as the nature of the help that should be offered, was profoundly immersed in Christianity. Having delineated the atrocious conditions in a London slum with poverty, malnourishment, and disease, Paterson pointed to the spiritual consequences of these conditions. Living in such conditions, the poor “have not yet found religion to be a guide to conduct, or a power to struggle for good against bad”. They were thus unable to use the Gospel as a framework for their lives. Without the connection of a church “each man is left to the dictates of his own impulse or of his own character” and without any bulwark against temptation leading to lack of self-control. However, Paterson was also optimistic: “there does beat within every man some slow response to the call of his Creator”.<sup>14</sup> He made clear the obligations of the wealthy to help remove these social evils: “Great is the claim of the struggler upon the comfortable, when they kneel in the

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<sup>11</sup> D. P. Crook, “Kidd, Benjamin (1858–1916),” in *Oxford Dictionary of National Biography* (Oxford University Press, 2004-), accessed 4 July, 2016, doi:10.1093/ref:odnb/34312.

<sup>12</sup> Benjamin Kidd, *Social Evolution* (London: Macmillan and co., 1894), 123.

<sup>13</sup> Freedon, *The New Liberalism*, 27-28.

<sup>14</sup> Alexander Paterson, *Across the Bridges: Or Life by the South London River Side* (London: Edward Arnold, 1911), 165-66.

same church and worship the same God”.<sup>15</sup> Thus, while Paterson’s methodology was based in social science, the moral framework was Christian.

Paterson was one of the key figures of penal reform during the first half of the twentieth century. He was a significant reforming figure within the Borstal system having been appointed assistant director of the Borstal Association in 1908. In 1909, he was asked to spearhead the first experiment in aftercare for adult prisoners. In 1911, Home Secretary Winston Churchill made him assistant director of the newly formed Central Association for the Aid of Discharged Prisoners. Paterson argued for a medicalised approach to crime feeling that the role of the courts was not to punish but to diagnose and prescribe treatment. However, there can be no doubt that the driving force behind his work was religious. Paterson had grown up in a Unitarian family although he later joined the Church of England. He was one of the founding members of Toc H, an interdenominational Christian organisation for social service set up during the First World War.<sup>16</sup>

Paterson’s point of view was by no means unique but was rather ubiquitous among penal reformers. Mary G. Barnett’s book *Young Delinquents* (1913) exhibited a similar blend of social positivism and Christian discourse. Barnett’s study was based on a thesis she had submitted at Birmingham University for a Higher Diploma of Social Study and focused on reformatory and industrial schools for delinquent children. The book located the cause for delinquency in poverty that bred ill-health and moral apathy. She connected this to the noxiousness of the urban environment that induced a “lack of reverence” and child neglect through overburdening parents. She also made a firm connection between physical and moral ill-health and argued that the latter could be assuaged by treating the former. She firmly argued that social environment was much more important than heredity in causing delinquency. Her approach to removing delinquency was thus to remove adverse social conditions. This placed her within the tradition of the social positivists. However, just like with Paterson, there was a strong sense that one of the worst consequences of the noxious social environment was the impact upon moral life. When it came to reforming individual children, Barnett emphasised the need for

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<sup>15</sup> Paterson, *Across the Bridges*, 177.

<sup>16</sup> Catrin Smith, “Paterson, Sir Alexander Henry (1884–1947),” in *Oxford Dictionary of National Biography* (Oxford University Press, 2004–), accessed 8 March, 2017, doi:10.1093/ref:odnb/35405.

reformatory institutions to bring juvenile offenders good religious instruction thus giving “the children a definite Hero to follow in the figure of Christ”. The staff working with juvenile offenders, on the other hand, needed to devote “themselves to the work with a whole-hearted zeal and a wonderful spirit of self-sacrifice” and to bear their “sacred responsibilities” in mind.<sup>17</sup> The fundamental aim of the reformers was to create a social environment – both for society as a whole and for individual delinquents – that allowed the individual to observe Christian values and codes of conduct. Thus, the way British penal reformers applied social positivism was imbued with their Christian beliefs.

Paterson framed the preservation and strengthening of the moral fabric of the nation as a patriotic duty that was all the more powerful given the context of severe intra-European tension in general and the Anglo-German naval arms race in particular.

No country that has joined the struggle for supremacy can allow the finest human material to grow stiff or die from lack of help and understanding [...] The actual loss of life is sufficiently appalling to compel the notice of every patriot. Immorality grows unchecked, and brings its penalty upon the innocent and guilty alike.<sup>18</sup>

For Paterson, it was by allowing the innate moral qualities of the English to flourish that the nation could reach its full potential: “It is by economy of this wealth in our inheritance that England will survive competition, and stamp all history more deeply still with the impress of her worth”. Paterson’s invocation of the national interest should not be read as a rhetorical device. During the Second Boer War (1899-1902) the appalling physical condition of potential recruits that had disqualified a large proportion of the applicants had shown the national importance of a healthy population. Paterson wrote within the context of the scramble for Africa while also reflecting the waves of nationalism that had occurred throughout Europe in the previous century. It was no longer possible to maintain the idea of the bourgeoisie and the working class as two separate nations. Paterson emphasised that England

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<sup>17</sup> Mary G. Barnett, *Young Delinquents: A Study of Reformatory and Industrial Schools* (London: Methuen, 1913). On causes of delinquency, see pages 1-4; on heredity, see pages 13-15; on the consequences of a noxious social environment on moral life, see pages 9-10; on the importance of religion in reformatory institutions, see pages 82, 71.

<sup>18</sup> Paterson, *Across the Bridges*, 170.

was *one* nation: “it is still one race that makes the Empire great”.<sup>19</sup> It is the argument of this thesis that penal welfarism won a broad consensus partly because its goals resonated with concerns about the nation.

In the first few decades of the twentieth century, the Anglican Church gradually became a vocal advocate for welfare provisions. A volume entitled *Christianity and Industrial Problems* had been published in 1918. It was the report of a committee chaired by the Bishop of Winchester. Members included, amongst others, the Bishop of Oxford, future Labour leader George Lansbury, and economic historian and Christian socialist R.H. Tawney. The thrust of its argument was that modern industrialism led to selfishness rather than public service. It maintained that the sole purpose of industry was to serve the community and labelled competitive struggle as unchristian. There were recommendations for a national living wage and unemployment insurance.<sup>20</sup> The exact contents of the recommendation or how far they were implementable or realistic are not the concern here. Rather, the significance lies in the Church throwing its weight behind welfarist ideas lending them moral legitimacy.

William Temple, Archbishop of York between 1929 and 1942 and subsequently of Canterbury until his death in 1944, was a firm advocate of a welfare state during his career as Archbishop. His book *Christianity and the Social Order* was published as a Penguin Special in 1942 and quickly sold over 140, 000 copies.<sup>21</sup> He categorically rejected the notion that the Church should steer clear of economic debates. The economic system, he argued, played a key role in “the moulding of a people’s character”. If the Church found that an economic system undermined the development of “Christian character” in people, then it was its duty “to secure a change in the economic system so that it may find in that system an ally and not an enemy”. Temple issued a firm moral condemnation of the current economic system: “Why should some of God’s children have full opportunity to develop their capacities in freely-chosen occupations, while others are confined to a stunted form of existence, enslaved to types of labour which represent no personal choice but the sole opportunity offered? The Christian cannot ignore a challenge in the name of

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<sup>19</sup> Paterson, *Across the Bridges*, 176-177.

<sup>20</sup> John Kent, *William Temple: Church, State and Society in Britain, 1880-1950* (Cambridge: Cambridge University Press, 1992), 117-118.

<sup>21</sup> Kent, *William Temple*, 164.

justice. The moral quality of the accusation brought against the economic and social order involves the Church in ‘interference’ on pain of betraying the trust committed to it”.<sup>22</sup>

Temple translated his Christian principles into concrete recommendations. He advocated that the government take responsibility for housing: “we must secure a public opinion which will lay it upon Government as a primary obligation to see that the housing necessary to healthy family life is available for all citizens”. He argued that all employers should be obliged to provide holiday with pay since periods of rest were a necessity: “to splash about a little on holiday is thoroughly right. It is not only permissible; it is a duty”. He argued that family allowances should be paid by the state. He maintained the “sacredness of personality in all citizens” leading him to argue that “no child shall be condemned to grow to maturity with faculties stunted by malnutrition or by lack of opportunities for full development”. Furthermore, “an under-nourished and under-developed body is likely to house an irritable, querulous, and defensive soul”. He condemned the education system as “defective and inadequate”. Smaller classes and extended school leaving age were necessary. Temple saw it as the duty of the state to make sure that each citizen had an income large enough to keep a family and bring up children in a wholesome environment. He argued that “Unemployment is a corrosive poison. It saps both physical and moral strength”.<sup>23</sup>

Temple’s recommendations – although framed as Christian moral imperatives – echoed the ones that would be put forward later in the same year by William Beveridge in *Social Insurance and Allied Social Services*. Temple himself was full of praise for the report: “the first time anyone had set out to embody the whole spirit of the Christian ethic in an Act of Parliament”.<sup>24</sup> Of course, in society in which religion still mattered immensely, this cannot have failed to provide a great deal of moral legitimacy for Beveridge’s ideas. Temple had not written his book in isolation from the wider context of welfarist ideas circling among economists. In the prefatory note, Temple expressed his gratitude towards John Maynard Keynes for

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<sup>22</sup> William Temple, *Christianity and Social Order* (London: Penguin Books, 1942; reprint. 1956), 22-23. Citations refer to the 1956 edition.

<sup>23</sup> Temple, *Christianity and Social Order*, 85-88, 99, 97.

<sup>24</sup> Correlli Barnett, *The Audit of War: The Illusion and Reality of Britain as a Great Nation* (London: Pan Books, 1987), 120.

commenting on the manuscript.<sup>25</sup> John Kent has shown that Temple was actively accepting advice from Keynes.<sup>26</sup> As Eliza Filby has argued, Temple's *Christianity and Social Order* should be placed next to the Beveridge Report and Maynard Keynes' *Theory of Employment* as the founding tracts of British social democracy.<sup>27</sup>

Temple's zeal for a welfare state also permeated his desire to reform the criminal justice system along welfarist lines. He was a founding member of the Clarke Hall Fellowship – an organisation dedicated to penal reform. He delivered its first annual lecture in 1936 entitled *The Ethics of Penal Action*. While Temple saw punishment as indispensable in that it represented the repudiation of the criminal act as well as deterrence for others, he saw reformation as equally essential:

In particular it is to be noticed that though the interest of the offender comes last, yet if this be neglected, the action [punishment] taken loses its quality of punishment and deteriorates into vengeance, for the offender is then no longer treated as within the society that takes penal action, but over against it, and therefore outside it.<sup>28</sup>

The offender needed “as we all need, sympathy; he needs, as a sick man needs, diagnosis of his disorder and appropriate remedial treatment”. As he would do in *Christianity and the Social Order*, he framed welfarist measures as a Christian duty: “Unless a man is wholly identified with evil, which only God could know him to be, it must be immoral and unjust to treat him as if he were”.<sup>29</sup>

The 1948 Criminal Justice Act abolished penal servitude and court-ordered corporal punishment in addition to making wide-ranging provisions for the reformation of offenders. When the Bill was debated in Parliament in 1947, Home Secretary Chuter Ede invoked the religious ethos of the recently deceased Alexander Paterson celebrating his conviction that “it was our duty, which in the majority of cases we could fulfil, to send prisoners out into the world better men than they were

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<sup>25</sup> Temple, *Christianity and Social Order*, 11.

<sup>26</sup> Kent, *William Temple*, 165-166.

<sup>27</sup> Eliza Filby, *God and Mrs Thatcher: The Battle for Britain's Soul* (London: Biteback Publishing, 2015), 57.

<sup>28</sup> William Temple, *The Ethics of Penal Action: The First Clarke Hall Lecture* (London: Clarke Hall Fellowship, 1936), 23.

<sup>29</sup> Temple, *The Ethics of Penal Action*, 31-32.



when they came into prison”.<sup>30</sup> While this language only tangentially invoked Christianity, the institutions of penal reform at this time were, as we shall see, firmly imbued with a Christian ethos.

As Jeffrey Cox has pointed out, the late nineteenth-century British churches had put a great deal of their energies into providing social services. Voluntary societies – often connected to a religious denomination – provided hospitals and poor relief.<sup>31</sup> They were also involved in penal welfare. Both the reformatories for children that would later become the Approved Schools and the Probation Service had their origins in the efforts of religious organisations. In 1846 the Philanthropic Society affiliated with the Church of England moved to Redhill founding a school for delinquent boys. Mary Carpenter, daughter of a Unitarian minister, established her own Reformatory school at Kingswood in 1852. In the early 1850s, Carpenter and others successfully lobbied Parliament to establish the Youthful Offenders Act of 1854. This meant that voluntary organisations were authorised to provide Reformatory schools with the power to detain an offender for up to five years even though the Home Secretary could technically order the release of any child and withdraw certification for the school. The Home Office, however, rarely used this authority. Instead it mainly exercised control when it came to finance.<sup>32</sup> These reformatories were most often denominational receiving children from their faith. The English Probation service, on the other hand, was pioneered by the Police Court Mission run by the Church of England Temperance Society with the goal to help turn criminals away from a life of crime.

The ethos of the welfare state – both in its early twentieth-century incarnation and its fully fledged postwar embodiment – had always included considerations of moral and penal welfare. The landslide victory for the Liberal Party in 1906 saw the passing of welfarist provisions such as the 1908 Old Age Pensions Act and the 1911 National Insurance Act. By the same token, the welfarist policies of this Parliament extended into penal welfare. There was the 1907 Probation of Offenders Act that created the framework for the operation of the Probation Service and the 1908

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<sup>30</sup> *Hansard*, HC Deb 27 November 1947 vol. 444 c. 2130.

<sup>31</sup> Jeffrey Cox, *The English Churches in a Secular Society: Lambeth, 1870-1930* (Oxford: Oxford University Press, 1982), 272-273.

<sup>32</sup> Jim Hyland, *Yesterday's Answers: Development and Decline of Schools for Young Offenders* (London: Whiting and Birch, 1993), 4-5, 8.

Children and Young Persons Act that prohibited imprisonment for children younger than sixteen. The Prevention of Crime Act, in the same year, made provisions for Borstal institutions that served as an alternative to youth imprisonment. This meant that the state moved into a role that had previously been the exclusive domain of voluntary organisations. This did not mean that voluntary organisations were completely marginalised. Rather a mixed economy of welfare was imagined in which the state utilised the efforts of voluntary organisations. The Police Court Mission continued to play a pivotal role in the Probation Service until 1936 whereas the reformatories and industrial schools – made into Approved Schools through 1934 Children and Young Persons Act – continued to be run by voluntary organisations until their abolition in 1969. It is helpful – following Geoffrey Finlayson – to think about the respective roles of the state and voluntary societies as constituting moving boundaries within a mixed economy of welfare. It proceeded by fits and starts rather than linearly.<sup>33</sup>

While religious organisation played a role in many areas of social service, their fitness for work in penal welfare possessed an especially strong logic. This was because penal welfare centred around the notion of moral reformation. For a society based on Christian values, the appropriateness of churches inculcating morality was regarded as self-evident. Thus even while the frontiers of the mixed economy of welfare was moving heavily in favour of the state, the voluntary foundation of the Approved Schools remained. The notion that religious organisations were especially suitable for the task of moral reform also lay behind much of the protest against the revamping of the Probation Service along wholly public lines in 1936.

The idea that it was the role of the state to underpin the moral fabric of the nation was increasingly undermined in the 1950s and 1960s. The recommendation of the Wolfenden Committee that homosexual acts between males and prostitution be decriminalised when conducted in private was based on the assumption that the state should not concern itself with the private morality of individuals. When abortion and homosexuality were legalised in the late 1960s, together with the liberalisation of divorce law, this represented a palpable shift towards the deregulation of moral

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<sup>33</sup> Geoffrey Finlayson, “A Moving Frontier: Voluntarism and the State in British Social Welfare 1911–1949,” *Twentieth Century British History* 1, no. 2 (1990): 184, 193.

behaviour. This was what Thatcher referred to when – years later – she framed the 1960s legislation as something more than the sum of its parts.<sup>34</sup>

The anxieties provoked by the increasing awareness in the 1960s – especially amongst Conservatives – that Britain was no longer a Christian nation led some to view the penal welfarist approach as untenable. The reformatory ideal – as manifested in the work of Approved Schools and the Probation Service had been imbued with a purpose to communicate Christian values. When it appeared that these values failed to resonate with large sections of populations, it made punishment and deterrence seem the only recourse.

For Thatcher and the New Right, the welfarist approach to crime was part of a more general moral malaise nourished by the welfare state in general. The circle around Thatcher saw the solution as promoting absolute individual responsibility and thus rejected the logic of William Beveridge and William Temple that virtue would be nourished by the security provided by a welfare state. Instead, the role of the state was to punish social failure both in the case of offenders and the poor.

It was not simply the New Right that attacked penal welfare as part of a general attack on the welfare state. Various groupings of the New Left saw penal welfare as oppressive in that it imposed normative values on individuals. The sociologists of the National Deviancy Conference as well as the Centre for Contemporary Cultural Studies run by Stuart Hall critiqued penal welfare from this perspective. The attitudes of both the New Right and the New Left grew out of the vacuum created by the death of Christian Britain and, by extension, the crumbling of the moral legitimacy of penal welfare.

In spite of the tangible connection between penal welfare and welfare in general, they have seldom been treated together by historians. There are some notable exceptions and they will be dealt with in the historiography review below. The answer to the question of why historians of the welfare state have ignored the criminal justice system can only be a matter for speculation. Part of the answer probably lies in the fact that although penal welfare was part of the logic of welfarism, it is different from other welfare provisions. Education, pensions, health,

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<sup>34</sup> Margaret Thatcher, Radio Interview for BBC Radio 4 Woman's Hour ("Permissive or Civilised"), 1970 April 9, MTFW (Margaret Thatcher Foundation Website) 101845.

and the security of unemployment benefits permeate the relationship between the welfare state and all citizens. On the other hand, only a small minority of people will be in contact with the system of penal welfare. By the same token, assaults on the welfare state will have a much greater impact for the majority of people when they strike at the non-penal social services. Another key issue is that people in general do not have a great deal of sympathy for those who break the law. The plight of miners, assaults on the poor through welfare cuts and, more recently, attacks on the National Health Service are all capable of generating significant popular protests. On the other hand, relatively few people care about the fact that many prisoners now live in squalid and overcrowded conditions, that the Probation Service is being sold to the highest bidder, and that the punitive element of justice increasingly overshadows the reformatory element. A third reason is that the history of the criminal justice system and its institutions has been left to criminologists. Even though the narratives provided by these criminologists fail to properly place penal welfare within the wider context of twentieth century Britain, historians have seldom sought to challenge their accounts.

This thesis seeks to remedy historians' neglect of penal welfare by placing it in the context of the wider development. Considering penal welfare has the potential to nuance and add to the historical understanding of several key themes of the twentieth century. Its impact goes far beyond the welfare state into such areas as secularisation, the rise of affluence and permissiveness, and it also connects to the sense of crisis and decline that became increasingly common from the 1950s onward. Thus, we will now turn towards a review of the relevant historiography, how it can illuminate penal welfare, and what studying penal welfare can add to the understanding of these issues.

## Historiography

### *The historiography on the welfare state and penal welfare*

Few historians doubt the significance of the rise of the welfare state in the twentieth century in Britain as well as the rest of Europe. The most influential textbook narrative is Derek Fraser's *The Evolution of the British Welfare State* – first published in 1973 and as of 2009 in its fourth edition. It traced the shift from Victorian laissez-faire liberalism towards increasing state involvement and the emergence of a full-blown welfare state after 1945 as well as, in later editions, the crisis of the welfare state under Margaret Thatcher's premiership.<sup>35</sup> Fraser's study was very much focused on the political, emphasising legislation and the responses of politicians to social issues. When framing the momentous shifts that gradually took place in Britain – starting with the liberal victory in the 1906 elections but with the proper breakthrough reserved for post-1945 – which meant that the state took unprecedented responsibility for the physical, social and financial well-being of its citizens, Fraser did not recognise that the emergence of penal welfare that was part of the same welfarist trajectory. This trajectory constituted a move away from the common wisdom of the minimalist Victorian era when – to offer a slight simplification – it had been thought that social and economic welfare was exclusively the moral responsibility of each individual. Provisions – in the form of the Poor Law – had been made to assuage the worst extremes of poverty and suffering – a key distinction being made between the deserving and undeserving poor – but other than that it was felt that financial and social well-being should only be regulated by the free-market. It had been held that indiscriminate relief would deeply undercut the moral development of individuals and that each individual should be held responsible for his own circumstances.

The history of penal welfare provides unparalleled insight into the British welfare state's partial unravelling. Penal welfarism was underpinned by the idea that poverty was caused by structural issues rather than by individual shortcomings and

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<sup>35</sup> Derek Fraser, *The Evolution of the British Welfare State: A History of Social Policy since the Industrial Revolution* (Basingstoke: Palgrave Macmillan, 2009).

that certain morally noxious environments bred delinquency. The idea of limited individual responsibility together with greater responsibility for society was integral in both penal and social welfarism. It was no coincidence that the Thatcherite rhetoric on the welfare state in the 1970s and 1980s was at its most ferocious when it came to attacking penal welfare. As such the two belong together and any discussion of the rise of the welfare state without penal welfarism will be incomplete. Conversely, no study of penal welfarism will be complete without taking the general narrative of the welfare state into account.

In spite of this, penal welfarism has rarely been placed in the context of these other issues by either historians or criminologists. Neither the most influential synthesis of twentieth-century Britain, Peter Clarke's *Hope and Glory: Britain 1900-2000*, part of the Penguin History of Britain series, nor the standard textbook for teaching modern British history at undergraduate level, *20<sup>th</sup> Century Britain*, dealt with penal welfarism when discussing the trajectory towards increasing state welfare.<sup>36</sup> Similarly, Derek Fraser, in his momentous survey of the welfare state, had little to say about penal reform and nothing to say about the 1944 Criminal Justice Act or the Probation Service.<sup>37</sup>

On the surface these omissions may seem justifiable. After all, penal reform affected, directly, only a limited number of people. The 1908 Pensions Act and 1911 National Insurance Act were momentous pieces of legislation that affected the lives of a vast number of people. Similarly, the creation of the postwar welfare state saw the creation of a social safety net, extensive rehousing together with slum clearance, as well as the creation of the National Health Service giving all citizens the right to decent health care regardless of personal wealth. These things greatly improved the quality of life for the majority of the British people. By contrast, the shift of the 1948 Criminal Justice Act towards reformatory justice affected a relatively small amount of people. It did not leave an imprint on the everyday experiences of most people. However, penal welfarism originated from the same ideological climate as social

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<sup>36</sup> Peter Clarke, *Hope and Glory: Britain 1900-2000* (London: Penguin Books, 2004); Julie-Marie Strange and Francesca Carnevali, *20th Century Britain: Economic, Cultural, and Social Change* (Harlow: Pearson Education, 2007).

<sup>37</sup> Fraser, *The Evolution of the British Welfare State*.

welfarism. They were part of the same trend representing an ideological shift away from Victorian laissez-faire liberalism to state involvement in welfare.<sup>38</sup>

With two exceptions, penal welfarism has been the subject of journal articles rather than monographs.<sup>39</sup> When penal reform has been studied, historians have either preferred to adopt a narrative of the path towards enlightenment in which the penal system was gradually humanised due to the efforts of enlightened reformers or they have read the growth of penal welfare through either Foucauldian theory or radical sociology. The former approach has not been very fashionable for the last few decades but was the one adopted in Victor Bailey's 1987 book *Delinquency and Citizenship*. The latter perspective is much more popular today, coming out of the intellectual climate of the late 1960s and 1970s. Here, penal reformism has been viewed as a tool of oppression, imposing normative values following the sociologists of the National Deviancy Conference or, according to Foucault, as a manifestation of the state insidiously cutting deeper into the social fabric, increasing its control over codes of behaviour.<sup>40</sup> This has brought much in the way of invaluable insights. The self-evident 'rightness' of the values that penal reform sought to instil can no longer be taken for granted but are, rightly, seen as coming out of a specific value system. However, these studies have also suffered from a noticeable moralist emphasis in which the main aim has been to expose the oppressiveness of the somewhat vaguely defined establishment.<sup>41</sup>

Victor Bailey's study on the shift from punitive to reformatory justice placed the development of penal welfare squarely in the context of other provisions of social welfare. The first fifty years of the twentieth century, he argued, was an "era of collectivist thought and social reconstruction". Bailey rightly took other historians to task for not realising that penal welfare legislation, such as the 1908 Children Act or the 1948 Criminal Justice Act, were part of the same ideological climate that gave

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<sup>38</sup> Victor Bailey, *Delinquency and Citizenship: Reclaiming the Young Offender, 1914-1948* (Oxford: Clarendon Press, 1987), 1-4.

<sup>39</sup> The exceptions are Bailey, *Delinquency and Citizenship* and Pamela Cox, *Gender, Justice and Welfare: Bad Girls in Britain, 1900-1950* (Basingstoke: Palgrave Macmillan, 2003).

<sup>40</sup> These sentiments can be found in Michel Foucault 1975 book *Surveiller et Punir: Naissance de la Prison* (Paris: Gallimard) first published in English in 1977 as *Discipline and Punish: The Birth of the Prison*. Such sentiments are also found in much of the work produced by the National Deviancy Conference. For a historian following Foucault, see Cox, *Gender, Justice and Welfare*.

<sup>41</sup> Louise A. Jackson, "'The Coffee Club Menace': Policing Youth, Leisure and Sexuality in Post-War Manchester," *Cultural and Social History* 5, no. 3 (2008): 289-308; Cox, *Gender, Justice and Welfare*; Bill Osgerby, "'Well, It's Saturday Night An' I Just Got Paid': Youth, Consumerism and Hegemony in Post-War Britain," *Contemporary British History* 6, no. 2 (1992): 91-93.

birth to the National Health Service, the 1944 Education Act, and other welfare provisions. Bailey saw British penal welfarism as growing out of the ideology of New Liberalism that appeared in the 1870s and was promoted by people such as T.H. Green and Arnold Toynbee. It held that the state should assist the ‘social good’ in bringing about higher standards of living. Such ideas shaped the beliefs of penal reformers, such as Alexander Paterson, who applied them to criminal justice holding that the social causes of delinquency could be removed. In this, Bailey pointed out, they shared the outlook of the European positivists that criminal behaviour was influenced by innate traits and environment and that punishment needed to be adapted to reform the offender. Thus they focused on both internal – later reformers would call them psychological – and external causes of behaviour.

This social positivism, Bailey argued, gradually became part of Fabianism in the interwar period which played a big role in laying the foundation for the postwar welfare state. Bailey argued that it was this ideology – adopted by Home Office administrators of the Children’s Branch and the Prison Commission, as well as the penal reform lobby and Probation Service – that came to permeate the criminal justice system. Thus Bailey firmly placed ideology at the forefront of penal reform arguing that pragmatism took a backseat.<sup>42</sup> Similarly, he located the assault on penal welfare by members of the Conservative Party – beginning in the late 1950s and reaching new heights under Thatcher – as a more general attack on the welfare state. Bailey posited a very clear-cut distinction between ‘progressives’, those in favour of humane, reformatory justice and reactionaries, those favouring draconian, punitive measures. Implicitly, he made clear that the Conservatives were to blame for undermining the ideology of penal welfare and destroying the reformatory consensus; “No one interest grouping now speaks with the same convincing moral force and legitimacy as the reformers of this study”.<sup>43</sup>

Bailey’s study has a great deal to recommend itself. It rightly placed penal welfare and reform within the context of welfarism and social reform in general and thus successfully positioned them within the ideological climate of the time. This included viewing the assault on penal welfarism by the Right – tentatively in the 1950s and taken to new heights under Thatcher – as part of a broader attack on

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<sup>42</sup> Bailey, *Delinquency and Citizenship*, 1-4.

<sup>43</sup> Bailey, *Delinquency and Citizenship*, 307.



welfare in general. These are very useful insights and it is unfortunate that they have not had a greater impact on the grand-narrative of twentieth-century Britain in general and welfarism in particular. Additionally, the study provided a meticulous delineation of the translation of ideology into policy. However, there are several reasons why Bailey's study cannot be viewed as the definitive narrative on the rise of penal welfarism. First of all, Bailey completely neglected the Christian aspect of penal reform and its ideology. Secondly, while Bailey rightly recognised that penal reform was about making citizens, he did not deal with why such an ideology became so persuasive at the time and why it could command such "convincing moral force and legitimacy". This raises the question of why the reactionaries were successful in the 1970s but not in the 1940s. Since this question was hardly addressed in Bailey's study, it also meant that the reader was not given a convincing explanation as to why penal welfarism actually collapsed. Thirdly, while convincingly showing the importance of Fabianism for constructing Labour's view on penal welfarism, Bailey did not consider the role of Conservative Paternalism. Thatcher's contempt for paternalism set her apart from earlier Conservatives and its demise had great consequences for attitudes towards welfare. Fourthly, Bailey did not problematise the way in which penal welfarism was rooted in a specific value system. As such his study merely replicated the point-of-view of the penal reformers taking these normative values for granted.

On the question of why the consensus on penal welfare was undermined and eventually collapsed, Bailey did not offer much in the way of answers. Reading Bailey's book, one is left with the impression that penal welfarism collapsed because of a Conservative assault that undermined the undoubted moral authority of the penal welfarism. There is, of course, some truth to this but the real picture is infinitely more complex. This thesis will make the argument that the key reason as to why it was no longer possible to speak with the same moral authority was that the belief in the existence of a Christian national moral fabric collapsed. There is thus a significant gap in the scholarship that this thesis will fill.

Another flaw in Bailey's analysis is the complete absence of any recognition of the normative value system embedded in penal welfare. Bailey summarily rejected the ideas of scholars stressing social control motives for penal welfare as conspiracy

theories without engaging with their arguments.<sup>44</sup> The realisation that penal welfare embodied normative values and sought to impose these on the offender is now taken for granted and underpins the more recent scholarship on delinquency. It has expanded to include a more sophisticated understanding on how the discourses on class, gender, and race help construct the category of delinquency.

Pamela Cox has written on the emergence of penal welfarism in Britain through a case study of its application towards delinquent girls. Like Bailey, she positioned the origin of penal welfare squarely in the context of the welfare programmes of New Liberalism in the early twentieth century. Welfarism was intertwined with processes of democratisation, discourses on national efficiency and imperialism and its purpose was to harness “social potential for the community, nation and empire”. This, however, is where any similarities with Bailey’s account end. She explained the shift in focus of the criminal justice system away from punishment towards rehabilitation as a shift towards a new governmentality. Governmentality is a concept invented by the French philosopher Michel Foucault describing the efforts of a government to create the citizens best suited to its form of government. Like Foucault, Cox viewed penal welfare as a vehicle for maintaining social control through imposing norms. Cox’ main focus was the way these norms were gendered. The behavioural ideals that penal welfare worked towards were based on a problematic conception of femininity viewed as fixed and biologically determined. Thus female delinquency was largely constructed through tropes of sexual promiscuity and the aim of efforts of reform was to prepare female citizens for good motherhood. The way normative behaviour was constructed for girls was thus in a way that maintained their subordinate position. Constructing certain behaviours as necessitating rehabilitation was a way for the state to police behaviour and this was especially utilised to maintain the gender order. Rehabilitation was thus a strategy of social regulation. Cox clearly and convincingly delineated how welfarism stigmatised certain behaviours and sought to change them in an institutional setting, thus perpetuating a model of citizenship that upheld certain power relations.<sup>45</sup>

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<sup>44</sup> Bailey, *Delinquency and Citizenship*, 1.

<sup>45</sup> Cox, *Gender, Justice and Welfare*, 6, 13, 11-15.

Abigail Wills, similarly, approached the subject from a gender perspective. Like Cox, she saw the policing of gender normality as a key function of the state's role in rehabilitating delinquents into good citizens. However, she criticised previous scholarship for failing to understand that this was equally apparent in the treatment of male delinquents. Looking at the Approved Schools system from the 1930s to 1960s, she made the claim that the treatment of boys in Approved Schools revolved around making them conform to ideals of masculinity aiming to eliminate 'unhealthy sexuality' whether heterosexual or homosexual and induce strength, self-control and a robust work ethic. Through studying the main organ of Approved Schools – the *Approved Schools Gazette* – as well as the records of a few individual schools, Wills came to the conclusion that male citizenship – just like its female counter-part – was rooted in gendered ideas of masculinity; “anti-citizens could only be turned into citizens by a process of character reform that involved the policing of every aspect of their emotional, physical and sexual existence”. Wills identified a palpable shift away from the imposing of normative values towards individual happiness in the 1960s. She relates this to the wider shift towards permissiveness in society and the breakdown of the idea of the community as a unified and homogeneous whole.<sup>46</sup>

Thus, while a small number of historians have considered penal welfare as part of the general welfare state, this has been limited to scholars whose main focus is penal welfare. However, the development of the penal welfare state can very usefully be placed within the general narrative of the welfare state since it connects to many of the same themes. A key theme which the study of penal welfare can illuminate is the relationship between the state and voluntary organisations in providing social services – what William Beveridge called ‘the mixed economy of welfare’. Jose Harris has noted that until the First World War, the voluntary associations providing welfare in one form or another dwarfed the expenditure on social welfare by the state. She regarded the period between 1870 and 1940 as one in which the bureaucracy of the centralised state took control over these provisions. Harris focused on the roots of this shift in idealism tracing the growth of the ideology of the welfare state.<sup>47</sup> However, Geoffrey Finlayson has questioned the

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<sup>46</sup> Abigail Wills, “Delinquency, Masculinity, and Citizenship in England 1950-1970,” *Past & Present* 187 (2005): 158-159, 61, 64, 75, 82.

<sup>47</sup> Jose Harris, “Political Thought and the Welfare State 1870-1940: An Intellectual Framework for British Social Policy,” *Past and Present* 135 (1992): 116-117.

standard narrative of the fading of voluntary welfare into insignificance. Rather, he posited a ‘mixed economy of welfare’ in which the respective roles of voluntarism and the state constituted a constantly ‘moving frontier’. Voluntary societies thus adapted to new contexts and negotiated their role in relation to the state. Voluntarist ideology also made its mark on the state’s attitude to welfare.<sup>48</sup>

Studying penal welfarism offers a useful case study in the relationship between the state and voluntary organisations and Finlayson’s “moving frontier”. Approved Schools System and the Probation Service had their origins in voluntary organisations. The forerunners of the Approved Schools – the reformatories and industrial schools – had been founded in the nineteenth century offering an alternative to imprisonment for children. The Probation Service, on the other hand, had originated in the efforts of the Police Court Mission run by the Church of England. Both of these institutions were gradually incorporated into the welfare machinery of the state in the twentieth century; partially in the case of Approved Schools and fundamentally in the case of the Probation Service. With the Children and Young Persons Act of 1933, the old reformatories and industrial schools were merged into the category of Approved Schools. They maintained their status as voluntary organisations but needed to be ‘approved’ by the Home Office that was also responsible for their financial upkeep. The Probation Service, on the other hand, was made wholly public in 1936 ending the dual system of probation officers that were employed both by the Home Office and the Church of England after much heated debate. The fact that the ‘shifting frontiers’ of the boundary between state and voluntarism proceeded differently within the two institutions only makes them more interesting to compare.

The Probation Service fits into the general trajectory of the expanding welfare state. In 1926 there were 16, 600 people on probation and the Service counted 225 full-time officers. By 1939 the number of people on probation had grown to 29, 000 the number of full-time officers had increased to 509.<sup>49</sup> In 1961 the Service had grown to approximately 1, 750 officers.<sup>50</sup> Until 1936, the Church of England remained a key player providing more than half the officers through its

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<sup>48</sup> Finlayson, “A Moving Frontier,” 184, 193.

<sup>49</sup> B.J. Reynolds, “The Thirty-First National Conference: Reports of the Proceedings,” *Probation*, July 1943, 55, 53.

<sup>50</sup> T. A. F. Noble, “The Service Develops,” *Probation*, June 1966, 36.

Police Court Mission when it was decided that the Service should be exclusively run by the Home Office.

Similarly, the years following the establishment in 1934 of the Approved Schools system witnessed a rapid expansion of its scope. In 1938, 4, 000 children resided in Approved Schools whereas in 1951, this number had more than doubled to 9, 000.<sup>51</sup> However, in contrast to the Probation Service, the Approved School system did not continue to grow notably in the postwar years. Largely, this was due to the expansion of probation as the preferred alternative. It was both cheaper and it was increasingly seen as desirable that children should stay in their family environment. The Approved Schools were also an expensive system. The average stay in an Approved School was eighteen months in 1960. In 1951 the weekly cost per child was over £6 and with 9, 000 residents and the total annual cost for the Treasury for the whole system approached £3 million. In 1965 the number of residents had decreased slightly to around 8, 600 while the weekly cost per child had risen to £16.13.0d. while the total annual cost for the state landed at about £7.5 million. As critics were all too happy to point out, this was more than the cost to educate a boy at Eton or another Public School. In 1967, there were 123 Schools, 93 of which were voluntary with 30 run by Local Authorities.<sup>52</sup>

Though the Approved Schools did not grow as rapidly as the Probation Service, this should not lead us to underestimate its significance as part of the penal welfare state. In 1949, 1, 075 teaching posts were filled in Approved Schools. It had decreased to 910 by 1960 partly due to the increasing importance of Housemasters and Housemistresses who numbered 240. The amount of people employed was thus a bit more than half of that of the Probation Service at the same time. However, the Approved Schools had a student-staff ration of 8:1 whereas the normal caseload of a full-time probation officer would often exceed fifty clients.<sup>53</sup> The costs per individual were thus significantly larger for Approved Schools. The fact that the state was willing to spend this amount of money is testimony to the importance attached to the Schools. Furthermore, another testimony to their status is that the

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<sup>51</sup> Hyland, *Yesterday's Answers*, 24, 31.

<sup>52</sup> Hyland, *Yesterday's Answers*, 50, 30-31, 23.

<sup>53</sup> Hyland, *Yesterday's Answers*, 26; R. Bessel, "The First Three Months," *Probation*, September 1959, 35.

Approved Schools were allowed to maintain their status as independent voluntary organisations until the abolition of the system in 1969.

The collapse of penal welfarism has received virtually no attention from historians. The postscript to Victor Bailey's monograph merely noted that penal welfarism had collapsed under the onslaught of the New Right and compared the punitive justice of Thatcherism to the enlightenment of the preceding period.<sup>54</sup> Unsurprisingly, the efforts of the New Right to dismantle the welfare state were accompanied by assaults on penal welfarism. Ideologically, this made a lot of sense. As E.H.H. Green has pointed out, there had always been suspicion towards the postwar settlement among many Tory MPs beneath the surface of consensus politics.<sup>55</sup> Thatcherism sought to re-emphasise personal responsibility and this included both blaming economic misfortune on the poor and finding the causes of crime in personal wickedness rather than external circumstances. The connection has been recognised by criminologist David Garland who has written a monograph charting the emergence of penal welfare in the 1890s and its collapse in the 1970s relying heavily on the Foucauldian concept of governmentality. Thus Garland attributed the shift from penal welfarism to punitive justice to a shift from a social democratic ethos of collective spending to an individualistic market-focused society. In this market-driven society, it was necessary to locate responsibility in the individual rather than in society. This was what undermined the common framework for discussing penal policy in the 1970s. This shift away from the logic of social democracy towards the logic of individualism thus explained why "Criminological accounts that slight free choice and stress social determinants now lack the kind of resonance and ideological appeal that they exerted in the heyday of the welfare state".<sup>56</sup>

Even though this thesis agrees broadly with Garland's claims in terms of locating the rise and collapse of penal welfarism in the context of shifting ideas of the individual's role vis-à-vis the state and the collective, shifting modes of governmentality is inadequate as an explanation for change. From the historian's

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<sup>54</sup> Bailey, *Delinquency and Citizenship*, 306-08.

<sup>55</sup> E.H.H. Green, "The Conservative Party, the State and the Electorate, 1945-64," *Party, State, and Society: Electoral Behaviour in Britain since 1820*, ed. Jon Lawrence and Miles Taylor (Aldershot: Scolar Press, 1997), 176-197.

<sup>56</sup> David Garland, *The Culture of Control: Crime and Social Order in Contemporary Society* (Oxford: Oxford University Press, 2001), 198-199.

point of view, Garland's use of history is problematic in itself. The purpose of his book, as explicitly stated by the author, was to conduct a genealogical investigation of why contemporary responses to crime came to take the form they did rather than understanding the past on its own terms.<sup>57</sup> Informed by his end-point in the 1970s, Garland assumed that social democracy underpinned the logic of penal welfare. At this time, Christianity had largely ceased to matter in providing moral legitimacy for the reformation of offenders. Before, the early 1960s, however, the idea of a moral fabric of the nation underpinned by Christianity was integral for underpinning penal welfare. This explains why the state spent a great deal of money – even during the austere immediate postwar years – on inculcating moral values in Approved Schools and expanding the Probation Service. Thus Garland's failure to approach the past on its own terms leads to significant issues being left out.

Furthermore, the emphasis on personal responsibility by the New Right – although very significant – only tells us half the story about the collapse of penal welfare. Equally important was the sapping of its moral legitimacy by the other side of the political spectrum. Beginning in the late 1960s, various strands of the New Left began to view penal welfare as an oppressive tool of the establishment for imposing normative values. The fact that the values implicit in penal welfarist approaches were no longer regarded as self-evident was in itself a consequence of collapse of Christianity as the dominant cultural discourse.

### *Historiography on secularisation, affluence, and permissiveness*

This thesis locates the moral legitimacy of penal welfare in the strength of Christianity as the provider of the nation's moral framework. It concurs with those historians and other academics that see penal welfarism as an exercise in producing a certain type of citizen through the imposition of normative values. As we saw above, these academics have neglected the Christian framework of these norms. The importance of Christianity was borne out in Parliamentary debates, the journals of organisations such as the Probation Service and the Approved Schools, as well as in books published during this period which shall be made evident throughout this

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<sup>57</sup> Garland, *The Culture of Control*, 2.

thesis. In spite of this, the historical scholarship on delinquency has seldom engaged with the role of Christian values and the effects of secularisation on penal welfare. This omission is all the more unfortunate given the ground-breaking scholarship on British Christianity and secularisation that has emerged within the last two decades at the hands of historians such as Callum Brown, Simon Green, and Matthew Grimley among others.<sup>58</sup> This scholarship could yield invaluable insights into shifting conceptions of delinquency and penal welfare even though the works themselves do not give these issues any attention.

Since the influence of religion and the chronology of secularisation are of vital importance when looking at penal welfare, it is useful to delineate briefly the different ways these issues have been conceptualised. Often different periodisations for secularisation merely come out from different ways of defining these concepts. The famous French historian René Rémond located secularisation in the separation between church and state. Adopting a gallocentric perspective, Rémond saw the turning point as the 1789 French Revolution. Throughout the nineteenth and twentieth centuries citizenship ceased to be linked to a confessional community. Here increasing religious freedom in the nineteenth century was viewed as secularisation.<sup>59</sup> Thus, religion was seen as something negotiating the relationship of individuals towards each other and towards the state whereas secularisation was conceived as its decline in this function. In the older scholarship, religiosity has often been defined as the reliance on the supernatural to explain the everyday world in contrast to secularism which made sense of the world in terms of natural causation. Secularisation has been defined as the process whereby secular ways of making sense of the world take over areas previously understood with reference to the supernatural. This position was taken by Alan D. Gilbert in his 1980 book *The Making of Post-Christian Britain*. Explaining the continued importance of religions in society, Gilbert argued that the world having become secularised, even deeply religious people understood it through a secular frame of mind. This secularisation of thought had thus permeated the churches themselves that increasingly accepted

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<sup>58</sup> Callum G. Brown, *The Death of Christian Britain: Understanding Secularisation, 1800–2000*, 2<sup>nd</sup> ed. (London: Routledge, 2009); S.J.D Green, *The Passing of Protestant England: Secularisation and Social Change, c. 1920–1960* (Cambridge: Cambridge University Press, 2012); Matthew Grimley, “The Religion of Englishness: Puritanism, Providentialism, and “National Character,” 1918–1945,” *The Journal of British Studies* 46, no. 4 (2007): 884–906.

<sup>59</sup> René Rémond, *Religion et Société en Europe: La Sécularisation aux XIXe et XXe Siècles 1789–2000* (Paris : Éditions du Seuil), 16–17.



scientific understandings of the world.<sup>60</sup> From the vantage point of these ways of defining religiosity and secularisation, Gilbert's argument certainly made sense. However, neither Rémond nor Gilbert offered much help in understanding the continued importance of Christianity in twentieth-century Britain. Even though Christian belonging was not a prerequisite for citizenship – in the legal sense – and even though Christianity lost ground to science in making sense of the natural world, Christianity continued to play an essential role in other areas of society among which were penal welfare.

The inevitability of secularisation that the modernisation thesis suggests – science supplanting religion following the Enlightenment and industrialisation uprooting the old communities centred around the parish church – has been widely criticised. A large number of historians have presented the secularisation process as more uneven – encompassing both decline and revival – and, perhaps more importantly, as consisting of different areas. Popular belief has been distinguished from the institutional importance of churches and the role of voluntary organisation has been emphasised. Jeffrey Cox, in particular, has taken issue with the theory that the social and intellectual changes brought about by the Enlightenment and industrialisation led *ipso facto* to the decline of religious ideas and influence. Cox argued that the reason for religious decline was that the nineteenth century churches channelled their energy and resources towards philanthropic work that later became superfluous when the state began offering these services systematically. This process began in the 1880s and by the 1920s church philanthropy was a marginal phenomenon.<sup>61</sup> Frank Prochaska has, similarly, seen secularisation as deeply tied to the welfare state's encroachment on social services previously monopolised by voluntary religious organisations.<sup>62</sup> However, the history of penal welfare offers does not completely fit this theory. The Church of England remained a central player within the Probation Service until 1936 whereas the majority of Approved Schools were managed by religious organisations until the 1969 abolition of the system.

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<sup>60</sup> Alan D. Gilbert, *The Making of Post-Christian Britain: A History of the Secularization of Modern Society* (London: Longman, 1980), 9-10, 105.

<sup>61</sup> Cox, *The English Churches*, 266, 272-273.

<sup>62</sup> Frank Prochaska, *Christianity and Social Service in Modern Britain: The Disinherited Spirit* (Oxford: Oxford University Press, 2006).

Callum Brown's controversial 2001 book *The Death of Christian Britain: Understanding Secularisation* has had a vast impact on the field. Brown located secularisation – or as the title suggests the death of Christian Britain – in the permissive revolution of the 1960s with new attitudes towards issues such as sex, marriage, and family life. Eschewing the narratives of gradual secularisation, Brown posited “a short and sharp cultural revolution which makes the Britons of the year 2000 fundamentally different in character from those of 1950”. This constituted the collapse of the old value system and moral identities regulating protocols of behaviour.<sup>63</sup> Thus Brown turned away from older ways of conceptualising religiosity.

Christian religiosity of the industrial era is defined as people's subscription to protocols of personal identity which they derive from Christian expectations, or discourses, evident in their own time and place. Protocols are rituals or customs of behaviour, economic activity, dress, speech and so on which are collectively promulgated as necessary for Christian identity.<sup>64</sup>

Thus the position of Christianity as moral value system regulating behaviour became the main tool for measuring secularisation. The categories used by previous historians, Brown argued, were institutional Christianity (church membership, religious rites, practices of worship), intellectual Christianity (the influence of Christian ideas in society and belief in individuals), functional Christianity (the role of religion in civil society in, for example, education, government and charity), and diffusive Christianity (the efforts to reach out to people). Drawing on modern cultural theory, Brown suggested that these categories were all dependent on what he called ‘discursive Christianity’. Brown argued that in a society free from government regulation of religion, all of the other categories would be dependent on the discursive. With these criteria in mind, Brown launched a radical rejection of previous scholarship on secularisation instead arguing that, between 1800 and 1963,

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<sup>63</sup> Brown, *The Death of Christian Britain*, 2, 13, 8-9.

<sup>64</sup> Brown, *The Death of Christian Britain*, 12.

Britain was “a highly religious nation” and that the period constituted “the nation’s last puritan age”.<sup>65</sup>

Brown’s arguments were hugely innovative in two ways. Firstly, in reconceptualising secularisation through privileging the discursive, he brought the focus to a sphere of religiosity that had previously been neglected and that fits very well with how religion was discussed in the twentieth century. When penal welfare advocates talked about the importance of Christianity in the 1930s, 1940s, and 1950s, its purpose was conceived as inculcating moral values. Secondly, secularisation was not conceived of as a process but rather as an event – the death of Christian Britain. This was a radical departure from virtually all previous scholarship. Both of these points were cleverly made by Brown and have been invaluable in stimulating discussion. However, neither of these points can be accepted *in toto*.

First of all, Brown’s idea that discursive Christianity is necessarily the master category – the fundamental prerequisite for intellectual, institutional, diffusive, and functional Christianity – in a society free from government regulation of religion is open to question.<sup>66</sup> Although, there was no coercive legal framework interfering confessional freedom that does not mean that there was no moral regulation along Christian lines from people in power. Since welfare provisions and poverty relief were largely run by religious organisations and there was a distinction between the worthy and unworthy poor, there was certainly room for institutional pressure on codes of behaviour. The growth of educational provisions throughout the nineteenth century was pioneered by religious organisations and their status was retained in the 1944 Education Act. This meant that the churches, through their institutional power, had an immense opportunity to disseminate their ideas through education that people could hardly opt out of. Furthermore, even though there was no legislative pressure on individual to belong to any denomination, there was still legislation that served the purpose of moral regulation. Male homosexuality was punishable by death until 1861 (the last executions were carried out in 1835) and remained punishable by imprisonment until 1967. Divorce was in practice unavailable to regular people until 1937 Matrimonial Causes Act and even then in a restrictive way. Furthermore, a

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<sup>65</sup> Brown, *The Death of Christian Britain*, 12, 9.

<sup>66</sup> Brown, *The Death of Christian Britain*, 12.

law-breaker from the early twentieth century onward might find that their chances of avoiding a custodial sentence would depend on the intervention of a Police Court Missionary and their own willingness to submit to the latter's moral regulation.

The suddenness of the 'death' of Christian Britain is similarly open to question. Simon Green has suggested a different time-frame for secularisation arguing that the process seriously started in the 1920s and continued until the 1960s. He saw the decline of Sunday Schools, the increasingly laxity of observing the Sabbath, new attitudes towards alcohol consumption, and the lessening importance of notions of self-restraint among other things as responsible for dislodging Christianity from the centre of national life. He also suggested that the permissiveness usually attributed to the 1960s actually had its roots in the 1940s.<sup>67</sup> Thus even if one accepts – as this thesis does – that Christianity remained central to moral regulation, one must be aware that its significance was in decline even before the 1960s.

In his review of Brown's book, Jeremy Morris critiqued the author for disregarding the issues of attenuation and institutional marginalisation. By attenuation, Morris was referring to the diminishing importance of the Christian values and codes of behaviour. Institutional marginalisation referred to the declining role of religion in structures of local and national government, social policy, and education.<sup>68</sup> The importance of an institutional anchor for retaining a Christian ethos is clearly shown by comparing the Approved School system with the Probation Service. The Approved Schools continued to be managed by religious voluntary organisations and thus maintained their religious ethos even in the face of the wider secularisation of society. The Probation Service, on the other hand, was divorced from the Church of England in 1936 and experienced a gradual attenuation of its religious ethos. However, in spite of Brown's often unnuanced argument, it is useful for understanding the role of Christianity in Britain. Even though Brown failed to take attenuation into account, he was right in pointing out that Christianity as a moral value system was at the centre of national life until the 1960s, albeit less so in the 1950s than in the 1930s. It is thus necessary to conceive of a model of secularisation

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<sup>67</sup> Green, *The Passing of Protestant England*, 141, 144, 147, 161-162, 73.

<sup>68</sup> Jeremy Morris, "The Strange Death of Christian Britain: Another Look at the Secularization Debate," *The Historical Journal* 46, no. 4 (2003): 972.

which recognises the central importance of Christianity until the 1960s while also taken into account its gradual decline.

Matthew Grimley has studied the close connection between Protestantism and national identity between 1918 and 1945 calling it ‘the religion of Englishness’. Grimley convincingly showed that Christianity was a fundamental part of how English national identity was constructed through looking at tracts on English national character, wartime propaganda as well as fiction. His emphasis was very much on the ‘soft power’ of the churches made up of what Grimley referred to as their “broader cultural influence”. English national character celebrated the virtues of gentleness, tolerance, modesty, eccentricity and individualism. This conception of national character became strongly prevalent in the 1920s and 1930s because it fulfilled a range of functions. It offered a way of transcending class differences in the creation of national identity and it served as a tool for educating the newly enfranchised people in their duties as citizens.<sup>69</sup> As we shall see, Grimley’s claim is certainly borne out by how Approved Schools workers conceived of citizenship in the 1940s and 1950s although this discourse became less pronounced in the 1960s.

While the importance of attenuation and institutional marginalisation well before 1963 – Brown’s date for the death of Christian Britain – needs to be taken into account, it is nonetheless clear that the 1960s marked a turning-point. It was more or less around 1963 that people began to acknowledge that Britain was no longer a Christian nation. This is also evident from studying the Approved Schools. Sam Brewitt-Taylor has recently made the ingenious argument that the marginalisation of Christianity in Britain, which – like Brown – he dated to 1963, was a self-fulfilling prophecy rather than a consequence of shifts in popular attitudes. Basically, a discourse originating among churchmen emerged in the 1950s that saw Christianity as being in steep decline. This discourse gradually became accepted by most of the clergy, leading to them abdicating their cultural space in addition to the declinist discourse being accepted by society at large.<sup>70</sup> Incidentally, this declinist discourse was not limited to churchmen but was prevalent amongst Approved School workers as well as other advocates of penal welfare throughout the 1950s. Brewitt-

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<sup>69</sup> Grimley, “The Religion of Englishness,” 887, 889.

<sup>70</sup> Sam Brewitt-Taylor, “The Invention of a ‘Secular Society’? Christianity and the Sudden Appearance of Secularization Discourses in the British National Media, 1961–4,” *Twentieth Century British History* 24, no. 3 (2013): 328, 331, 340.

Taylor's argument is convincing to the extent that it is very probable that the defeatist attitude of senior clergy contributed to speeding up the decline of Christianity but it is one factor among many. The most convincing part of Brewitt-Taylor's argument is the clergy's abdication of cultural space. However, like Brown, Brewitt-Taylor did not take into account the actual shifts in codes of conduct and attitudes towards Christianity before the 1960s.

It is generally recognised that the 1950s and 1960s was a time when the collectivist ideology regulating behavioural norms gave way to a more individualistic discourse emphasising freedom of self-expression. As Hugh McLeod has pointed out, rising wages meant that youth had more freedom to spend money on leisure, making the youth work of religious organisations seem less interesting. Furthermore, cultures of leisure centred around consumption embraced a type of hedonism that affirmed the right of the individual to reject the Christian codes of behaviour.<sup>71</sup> The creation of subcultural youth styles was not in itself an invention of the 1950s. David Fowler has dated their inception to the 1920s.<sup>72</sup> However, as Bill Osgerby has pointed out, it was not youth cultures themselves that were new but the way they became national phenomena. This was due to reporting in the mass media and the fact that youth had unprecedented financial opportunities to spend money on leisure.<sup>73</sup>

Matthew Thomson has written a very incisive and well-researched study in which he traced the shift from collectivism to individualism through looking at the discipline of psychology. He convincingly showed how psychology shifted from having emphasised the importance of the community with mental health largely judged through the capacity of adhering to social norms towards stressing the individual's pursuit of self-fulfilment and happiness.<sup>74</sup> This socio-cultural shift has usually been discussed by historians with reference to the interrelated themes of affluence and permissiveness as well as the connection to the secularisation process. These shifts had a huge impact – both directly and indirectly – on penal welfarism.

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<sup>71</sup> Hugh McLeod, *The Religious Crisis of the 1960s* (Oxford: Oxford University Press, 2007), 104-106.

<sup>72</sup> David Fowler, *Youth Culture in Modern Britain, c. 1920-c. 1970: From Ivory Tower to Global Movement: A New History* (Basingstoke: Palgrave Macmillan, 2008).

<sup>73</sup> Bill Osgerby, *Youth in Britain since 1945* (Oxford: Blackwell, 1997), 22-28.

<sup>74</sup> Matthew Thomson, *Psychological Subjects: Identity, Culture, and Health in Twentieth-Century Britain* (Oxford: Oxford University Press, 2006), 250-251.

Directly, it partially shifted the focus of the reformative institutions from teaching moral values towards creating individuals capable of happiness.<sup>75</sup> Indirectly, it undermined the Christian consensus on which much of the success of penal welfarism had been based.

The postwar economic boom together with the efforts of the welfare state to raise standards of living led to growing economic prosperity for a sizable portion of the population. In particular, youth benefited from this period of comparatively high wages and full employment. In the mid-1950s, Britain seemed to have left austerity behind and entered an ‘age of affluence’.<sup>76</sup> Far from leading to celebration across the board, affluence provoked much anxiety among some people. Lawrence Black has delineated the ambivalence of the Labour Party towards affluence and how members feared its corrupting cultural impact in leading to an acquisitive ethic. Black suggested that the unease of socialists towards affluence was partly rooted in the Puritanism of its many non-conformist members.<sup>77</sup> Similarly, Mark Jarvis has noted the strong ambivalence towards affluence that existed within the Conservative Party. The promise of affluence might have won the Tories the election in 1959 but it jarred with the moral convictions of a large part of the party. The ‘affluent society’ was felt to emphasise selfish indulgence and fulfilment over moderation and self-control. This was at odds with the predominantly Christian convictions of the party. The Minister of Education, Sir David Eccles, felt that the affluent society had led to moral bankruptcy.<sup>78</sup>

The points made by Lawrence Black and Mark Jarvis are clearly borne out by contemporary discussions of delinquency and penal welfare. Crime had widely been considered an effect of poverty breeding in the squalid conditions of the slum. The coming of the welfare state with extensive slum clearance and social provisions for eliminating poverty was expected to bring about a natural decrease in crime. However, crime continued to increase statistically in spite of better living conditions which made people search for other explanations. From the mid-1950s affluence

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<sup>75</sup> As already discussed, Abigail Wills delineated this shift through a case study of the Approved School system, “Delinquency, Masculinity, and Citizenship”.

<sup>76</sup> Clarke, *Hope and Glory: Britain 1900-2000*, 248-255.

<sup>77</sup> Lawrence Black, *The Political Culture of the Left in Affluent Britain, 1951-1964: Old Labour, New Britain?* (Basingstoke: Palgrave Macmillan, 2003), 8-9, 14-15.

<sup>78</sup> Mark Jarvis, *Conservative Governments, Morality and Social Change in Affluent Britain, 1957-64* (Manchester: Manchester University Press, 2005), 3-5.

became increasingly common as an explanation for crime across the political spectrum. Many people saw the problem in terms of the new-found spending power of children and adolescents that led unscrupulous businesses to cater to their most immoral urges for sadism and sex. An investigation by the King's Jubilee Trust including John Morris, Lord Justice of Appeals and member of the Privy Council as well as Robert Beloe (1905-1984), the Chief Education Officer for Surrey and future lay secretary to the Archbishop of Canterbury, criticised the unscrupulous commercial world in exactly these terms and conjured up the image of omnipresent moral danger to children because of the reach of the modern mass media. They connected this fall in moral standards to "the weakening of the influence and authority of the Churches".<sup>79</sup>

This type of thinking was not limited to a small range of marginal conservative figures but also figured in government reports. The 1959 Crowther report registered similar concern although phrased in much softer language. It noted, in a purportedly non-judging way, that the "serious decline of the religious attitude to and explanation of life has left a vacuum... yet to be satisfactorily filled". They regretted that contemporary youth derived their self-worth from their status as consumers and emphasised the importance of helping them find "a faith to live by".<sup>80</sup> In 1961, left-wing commentator Tosco R. Fyvel launched a savage indictment of consumer capitalism as responsible for the moral decay of contemporary youth specifically focusing on the noxiousness of Teddy boy subculture. Like many of his contemporaries, Fyvel saw this consumerism as regrettably displacing the traditional value system based around Christianity.<sup>81</sup>

The rise of 'permissiveness' of the 1960s was widely recognised at the time and was connected to shifting social attitudes in favour of tolerance towards premarital sex, homosexuality, abortion, as well as divorce. Homosexuality and abortion were both decriminalised in 1967 and divorce law was significantly liberalised. As a whole it is fair to view the liberalising legislation of the late 1960s as constituting a deregulation of moral conduct. Callum Brown saw the rise of

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<sup>79</sup> King George's Jubilee Trust, *Citizens of To-Morrow: A Study of the Influences Affecting the Upbringing of Young People* (London: Odhams Press, 1955), 49, 42.

<sup>80</sup> Geoffrey Crowther, *15 to 18: A Report of the Central Advisory Council for Education*, vol. 1 (London: Her Majesty's Stationery Office, 1959), 503, 44.

<sup>81</sup> T.R. Fyvel, *Troublemakers: Rebellious Youth in an Affluent Society* (London: Chatto and Windus, 1961), 179.



‘permissiveness’ as the death knell for Christian Britain.<sup>82</sup> The logic of the 1957 Wolfenden report had posited that crime should be separate from sin and that it was not the role of the law to regulate the private behaviour of individuals. This undermined the moral legitimacy of penal welfare, the purpose of which was the inculcation of Christian morality. Matthew Grimley has shown the significant role of the Church of England in the shift towards permissiveness through its support of the recommendation of the Wolfenden Committee that sin and crime should be separate and thus that the law should not concern itself with the private morality of citizens. Behind this lay the recognition of the Church that the traditional value system based on Christianity could no longer represent the nation as a whole. Grimley suggested that the secularisation that clergy reacted to might have been more imagined than real but that their reaction nonetheless contributed to secularisation.<sup>83</sup> This resonates with Brewitt-Taylor’s idea of defeatism amongst clergy promoting secularisation.<sup>84</sup> Thus through undermining its own role in moral regulation, the Church also undermined the moral legitimacy of penal welfare.

The position of this thesis is that Christianity was an integral part of national identity until the early 1960s. This was not because every single person in Britain shared these beliefs – there were most certainly agnostics and atheists – but rather that the people with cultural capital *imagined* the nation as underpinned by a Christian moral fabric and communicated this through such channels as popular print, radio broadcasts, and the education system. It was not – as Callum Brown argued – that people suddenly stopped behaving according to Christian norms but rather that discourse of secularisation became generally accepted in public debate. This thesis accepts Brewitt-Taylor’s argument that the shift in the early 1960s “represented an elite re-imagination of British religiosity”.<sup>85</sup> It is very likely that the behaviours associated with affluence undermined Christianity but equally the attention given by media to the hedonistic behaviour of the young led to anxieties among religious people leading to a declinist discourse. From this perspective the death of Christian Britain does not signify people turning away from Christian values but rather that the elites stopped imagining the nation as a Christian

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<sup>82</sup> Brown, *The Death of Christian Britain*, 13, 8-9.

<sup>83</sup> Matthew Grimley, “Law, Morality and Secularisation: The Church of England and the Wolfenden Report, 1954–1967,” *The Journal of Ecclesiastical History* 60, no. 4 (2009): 727, 740.

<sup>84</sup> Brewitt-Taylor, “The Invention of a ‘Secular Society’?,” 328, 331, 340.

<sup>85</sup> Brewitt-Taylor, “The Invention of a ‘Secular Society’?,” 349.

community. As we shall see, this would have vast implications for the moral legitimacy of penal welfare, underpinned as it was by the idea of the nation as constituting a Christian moral community.

### *Anxieties about crime and the nation*

The 1950s – especially the second half – saw the rise of a great deal of anxieties about the future of the British nation. Jim Tomlinson has convincingly put forth the argument that the so-called economic decline of this decade and beyond was the product of declinist discourses rather than objective reflections of reality.<sup>86</sup> Similarly questions about worries about imperial decline and what it means to be British or English have been prominent.<sup>87</sup> Certainly, anxieties about the status of ‘the white Briton’ have been prominent after Enoch Powell’s Rivers of Blood speech. Anxieties about crime and increasing lawlessness also saw a steep increase in the 1950s nourished by the failure of the welfare state to bring about a statistic reduction in crime rates. What all these declinist anxieties have in common is their situation within a narrative of a broader national ailment. These anxieties would also commonly interact. Anxieties about race and lawlessness merged in the 1970s mainly through the figure of ‘the Black mugger’.<sup>88</sup> However, anxieties about secularisation and its consequence for the moral health of the nation have been given little attention by historians. An exception is Samuel Brewitt-Taylor’s argument about the declinist attitudes of Anglican clergy in the 1950s and 1960s.<sup>89</sup>

A fair amount of scholarly work has focused on broader social reactions towards delinquent behaviour and what they tell us about social anxieties. This has invariably entailed not taking the anxieties at face value as indicative of truth. This scholarship has also looked at the ideological agenda behind ideas of moral decay

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<sup>86</sup> Jim Tomlinson, “Thrice Denied: ‘Declinism’ as a Recurrent Theme in British History in the Long Twentieth Century,” *Twentieth Century British History* 20, no. 2 (2009): 227-251.

<sup>87</sup> Paul Gilroy, *After Empire: Melancholia or Convivial Culture?: Multiculture or Postcolonial Melancholia* (London: Routledge, 2004).

<sup>88</sup> Stuart Hall, Chas Critcher, Tony Jefferson and John Clarke, *Policing the Crisis: Mugging, the State, and Law and Order* (London: Macmillan, 1978).

<sup>89</sup> Brewitt-Taylor, “The Invention of a ‘Secular Society’?.” For a longer discussion of Brewitt-Taylor’s argument, see pages 37-38 of this thesis.

and rising crime rates. In terms of intellectual influence, this scholarship is highly indebted to the radical sociology that cropped up in the late 1960s as well as the work produced by the Centre for Contemporary Cultural Studies in the 1970s. American sociologist Howard Becker's transactional approach saw delinquency as a result of a transaction between society and the offender. Delinquent behaviour needed both an agent committing certain actions as well as a society that labelled these actions deviant.<sup>90</sup> Becker's insights exerted a key influence on the British group of sociologists formed in 1968 under the name of the National Deviancy Conference. This circle of sociologists emphasised the social control aspect of labelling certain behaviours and certain social groups as deviant. To them, a social problem did not constitute merely a fixed condition but a necessary component was also "the perception and definition by certain people that this condition poses a threat which is against their interests". "The concept of crime", they argued, was "meaningful only in terms of certain acts being prohibited by the state, and a problem can only be a problem to somebody".<sup>91</sup>

Stanley Cohen, one of the key members of the group, wrote an enormously influential book entitled *Folk Devils and Moral Panics* (1972) that developed the concept of 'moral panics'. 'Moral panics' denote intense reactions, mostly driven by the mass media, which exaggerate and distort the threat that a group poses against society. This group thus served as a symbol for threats against the values or safety of the community. Looking at the specific situation of the mods and rockers in the 1960s, Cohen saw these 'moral panics' as reactions, invariably rooted in a belief system, against new youth culture, increased sexual freedom, and the growing financial independence of youth. Cohen argued that this led to efforts of control by the police, magistrates and other agencies of social control. The overreactions of the agencies were legitimised by invoking the cherished values of society that these groups subverted.<sup>92</sup>

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<sup>90</sup> Howard Becker, *Outsiders: Studies in the Sociology of Deviance* (New York: The Free Press of Glencoe, 1963).

<sup>91</sup> Stanley Cohen, "Introduction," *Images of Deviance*, ed. Stanley Cohen (Hammondsworth: Penguin Books, 1971), 14, 17.

<sup>92</sup> Stanley Cohen, *Folk Devils and Moral Panics: The Creation of the Mods and Rockers*, (London: MacGibbon and Kee, 1972; 3<sup>rd</sup> ed. London: Routledge, 2011), 26, 36-37, 90-93. Page references are to the 3<sup>rd</sup> edition.

A few years later, cultural theorist Stuart Hall and other members of the Centre for Contemporary Cultural Studies (CCCS) at Birmingham incorporated Cohen's notion of 'moral panics' into their Gramscian-Marxist theory of hegemony arguing that inducing moral panics was "one of the principal forms of ideological consciousness by means of which a 'silent majority' is won over to the support of increasingly coercive measures on the part of the state, and lends its legitimacy to a 'more than usual' exercise of control".<sup>93</sup> Thus inducing anxieties about crime was a deliberate tool of the state in promoting the interests of the capitalist classes. Cohen, however, registered his disagreement with how the CCCS employed his term in the introduction to the second edition to his book.<sup>94</sup>

Both of these strands of thought have had a great deal of influence on the historical literature on social reactions to delinquency. Cohen's idea of moral panics exerted a heavy influence on Geoffrey Pearson's 1983 book *Hooligan: A History of Respectable Fears*. Although Pearson himself was a psychiatric social worker by training rather than an historian, this book remains one of the most influential histories. In *Hooligan*, Pearson claimed that youth delinquency had been a constant feature of British society and that it was anxieties about the phenomenon that varied through time. Pearson identified how these anxieties were nourished by reactionary forces –looking back at a spurious golden age of law and order – when the need arose to curb progressive tendencies.<sup>95</sup> A response to the Thatcherite law and order discourse, Pearson's book constituted a polemic indictment against reaction. A problem with it was that it tended to read the motives of Thatcher's New Right back on earlier periods without paying enough attention to the differences. Anxieties about crime in the 1950s diagnosed deep-seated moral malaise but harsh punishment was seldom offered as the solution. Pearson posited 1959 as a turning-point in Tory philosophy with the publication of the Conservative pamphlet *The Responsible Society* that rejected the notion that "society shares the guilt of its criminals".<sup>96</sup> From then on, Pearson argued, blaming affluence, the welfare state, and working mothers became the dominant message of the Conservative Party. However, first of all, the One Nation Group that produced the pamphlet did not set the agenda for the

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<sup>93</sup> Hall, Critcher, Jefferson and Clarke, *Policing the Crisis*, 221.

<sup>94</sup> Stanley Cohen, *Folk Devils and Moral Panics: The Creation of the Mods and Rockers*, 2<sup>nd</sup> ed. (London: Martin Robinson, 1980), xxiii-xxv.

<sup>95</sup> Geoffrey Pearson, *Hooligan: A History of Respectable Fears* (London: Macmillan, 1983).

<sup>96</sup> The One Nation Group, *The Responsible Society* (Conservative Policy Centre, 1959), 60.

Conservatives. Even though calls for harsh punishment became increasingly common among back benches, the leadership successfully resisted these calls as Mark Jarvis has shown. Secondly, the pamphlet itself did not represent a break with the consensus on penal policy. It argued for reformatory measures and even emphasised the need to improve prison conditions. Even though it asserted absolute personal responsibility, the logic of the pamphlet was embedded in the common wisdom about the need for creating wholesome environments. Thirdly, blaming moral malaise brought about by affluence for increases in crime was far from exclusive to the Conservative Party. As we shall see, members of the Labour Party and socialist intellectuals such as the editor of *Tribune*, Tosco R. Fyvel, adhered to this logic. It was also commonplace in how Approved Schools workers diagnosed social problems. This framework for explaining delinquency was rooted in Christianity and was not the sole property of any political persuasion.

The Gramscian perspective of Stuart Hall was adopted *in toto* by historian Bill Osgerby for making sense of ‘moral panics’ against youths in the 1950s and 60s. Osgerby saw ‘youth’ as a site of ‘class tension’; the ‘rise’ of the affluent working-class teenager, embodying consumer-culture, became a symbol for economic and social changes striking to the heart of the old class structures. Thus, Osgerby argued, ‘youth’ displaced ‘class’ as the most important source of social distinction whereas ‘moral panics’ about youth became a way for the hegemonic powers to police the leisure of young people.<sup>97</sup> The ‘affluent’ and ‘classless’ youth became a potent symbol of shifting social relationships with the spending habit of young people coming to symbolise wider social change. Osgerby’s emphasis on the importance of class struggle is understandable given his Marxist perspective. Certainly, a great deal of condescension – sometimes bordering on contempt – for the working class was evident in reactions towards shifting patterns of youth behaviour. The grievances of Approved Schools workers sometimes took on the air of middle class individuals complaining about the working class. However, it was far from the tool for hegemony that Osgerby suggested. The concerns about Teddy boys were part of

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<sup>97</sup> Bill Osgerby, “‘Well, It’s Saturday Night An’ I Just Got Paid’,” 91-93; “From the Roaring Twenties to the Swinging Sixties: Continuity and Change in British Youth Culture 1929–65,” in *What Difference Did the War Make*, ed. Brian Brivati and Harriet Jones (Leicester: Leicester University Press, 1993), 289-299.

wider anxieties about the moral fabric of society and constituted genuine concerns coming out of a Christian value system.

A pervasive shortcoming with the scholarship outlined above – with the exception of Cohen – is that it invariably situated the articulation of anxieties about crime as part of the efforts of social elites to maintain power or promote their own political agenda. This thesis will instead suggest that the growth of anxieties about crime in the 1950s and 1960s had their roots in unease about the secularisation of morality. There was awareness about rising crime rates throughout the 1940s. However, they were explained by the upheavals that the war caused for family life. However, in the second half of the 1950s, the explanatory model shifted from the unavoidable sacrifices of total war to one of moral decay.

More recently, Kate Bradley has indicated the importance of statistics in generating anxieties about crime looking at the period between 1940 and 1969. Bradley followed Cohen and Pearson in viewing the anxieties themselves as the object of study rather than the behaviour of delinquents. Working from the assumption that “crime statistics” were “the means by which politicians, the justice system, journalists and the public engage with the topic, beyond any personal experience”, Bradley claimed that they “served as a catalyst for changing government policy and aspects of the justice system since the later 1930s”.<sup>98</sup> However, this statistical increase, Bradley argued, was not a result of actual changes in behaviour but rather of how data was collected. This statistical view of crime came to dominate the mass media and constructed delinquency as something that could only be understood by ‘experts’; it was “abstract, detached and theoretical in the main”. This is contrasted to the personalised stories appearing in local narratives from the East End of London. This meant that “fears of ‘juvenile delinquency’ should be regarded as historical phenomena in their own right, rather than necessarily symptomatic of changes in behaviour”.<sup>99</sup>

In attaching such great importance to statistics, Bradley obscured a number of other factors. As she rightly pointed out statistics were increasingly looked for to inform government policy. Jim Tomlinson has shown similar development in

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<sup>98</sup> Kate Bradley, “Juvenile Delinquency and the Public Sphere: Exploring Local and National Discourse in England, c. 1940–69,” *Social History* 37, no. 1 (2012): 21.

<sup>99</sup> Bradley, “Juvenile Delinquency and the Public Sphere,” 20-21, 23, 19, 21, 35.

approaches to the economy.<sup>100</sup> However, statistics are never collected, received, and interpreted in a cultural vacuum. Responses to statistical increases in crime – or for that matter a slump in the economy – will always be negotiated by contemporary anxieties and any change in policy will always be determined by its framework for making sense of the problems. It is the argument of this thesis that anxieties about crime grew from the 1950s onwards because they resonated with contemporary concern about an increasingly normless society.

Although most of the scholarship on delinquency has failed to step outside the theoretical framework that views penal welfare nearly exclusively in terms of social control, this has not stopped it from generating significant insights that could be applied outside of it. Louise A. Jackson has produced a study on how anxieties about permissiveness intersected with the efforts of policing the behaviour of young people through a case study of coffee clubs in Manchester in the 1960s. She delineated the efforts of the police to regulate the sexual behaviour of adolescent girls. Coffee clubs in Manchester had gained a reputation for sexual promiscuity that challenged “gendered moral frameworks”. She viewed the targeting of these venues as a local effort for the “defence of an older imagined social order” in the wake of the permissiveness of the 1960s. Through reading police reports, Jackson successfully demonstrates how police intervention – ostensibly to protect these girls – was rooted in the traditional value system at odds with permissiveness. Inducing moral panics about these clubs in the media, Jackson argued, was a way for the police to gain greater powers of intervention. These efforts, Jackson argued, sought to moralise rather than criminalise.<sup>101</sup> There is little to object to here in terms of the explanation for the reaction of the police. However, the preoccupation with looking at coercive social control limits the possibility of understanding why the police and many others in society felt so strongly about the traditional (Christian) social order and why they were so anxious about permissiveness. This issue has been neglected by historians and it is the aim of this thesis to address this. It should be noted, however, that even though Jackson did not identify the Christian basis for the “imagined social order”, her insights fit very well into a narrative of anxieties about the secularisation of moral behaviour.

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<sup>100</sup> Tomlinson, “Thrice Denied,” 248.

<sup>101</sup> Jackson, “‘The Coffee Club Menace’,” 290-293.

It is clear that the 1950s and 1960s was a time in which anxieties about the British nation were rife. No doubt, unease about immigration from the waning empire was significant. However, anxieties about racial unity were, *at this time*, not nearly as important as disquiet over the secularisation of the moral fabric of the nation. Thus this thesis takes a different position from Chris Waters who located the anxieties about the British nation in terms of racial unease about ‘whiteness’ in the face of immigration from the colonies or former colonies. He argued that the West Indian immigrants or the ‘dark strangers’ – as defined by sociologist Sheila Patterson – served as an ‘Other’ against which true Britishness could be delineated. Waters posited that “a veritable crisis of national self-representation in the 1950s” following the collapse of the sense of national unity that the struggle with fascism had brought with it. Imperial decline, the Suez debacle, the increasing military, political, and economic power of the United States all played a significant role in exacerbating this crisis of national identity. Thus, Waters argued, delineating the ways in which black migrants failed to adhere to British norms became a way of consolidating British norms. This discourse also served to marginalise white people who failed to conform to dominant norms. White homosexual males and heterosexual women seeking sexual relations with black migrants were labelled as deviant. Similarly, Waters argued that the white Teddy boys guilty of racial assault were described by terms steeped in racist discourse. Waters cited a magistrate who condemned Teddy boys for having translated their “dark thoughts into savage acts”. Thus Waters argued “the rhetorical inscription of the “dark stranger” offered a series of terms that also be applied to whites who departed from “in-group” customs”.<sup>102</sup>

Waters was convincing in so far as he unveiled the way normative Britishness could be consolidated in sociological accounts by their opposition to black migrants who failed to adhere to these norms. However, he vastly overstated the significance of this in the 1950s. The idea that the category of blackness was applied to stigmatise whites – such as Teddy boys – for acting like migrants is not borne out by the research undertaken for this thesis. The problem of the Teddy boy was usually framed as coming out of the normlessness of the affluent society and quite often – either implicitly or explicitly – linked to the secularisation of moral

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<sup>102</sup> Chris Waters, ““Dark Strangers” in Our Midst: Discourses of Race and Nation in Britain, 1947-1963,” *The Journal of British Studies* 36, no. 2 (1997): 208, 225, 229-230.



behaviour. Furthermore, the magistrate's condemnation of the "dark thoughts" and "savage acts" of the Teddy boys, were far from self-evident allusions to the supposed savagery of blacks.<sup>103</sup> Similarly, the fact that sociological studies of black communities brought up the fact that white homosexuals sought contacts there is in itself not surprising since at the time, homosexuality was a criminal offense. While the way this was reported might very well be part of a narrative stigmatising black communities as places of vice, it does not follow that the white homosexuals themselves were subject to stigmatisation for associating with black migrants. There is no indication that male homosexuality between 'natives' and 'migrants' was regarded as any more of a problem than homosexuality between white Britons. When it comes to the stigmatisation of heterosexual women associating with blacks, however, Waters was certainly correct. This is borne out by Sonya O. Rose's study dealing with reactions to white women dating American black soldiers during the Second World War.<sup>104</sup>

This is not to say that anxieties about race and crime were completely unrelated. There was a great deal of pessimism in the 1950s about malaise in Britain. Jim Tomlinson has shown how the decline of the empire, the 1956 Suez debacle, and the relative economic decline of Britain in relation to other Western European countries led to a declinist discourse of deep-seated moral malaise in Britain. Declinist narratives thus linked economic performance to politics, social structures, and culture.<sup>105</sup> It is very likely that this mood of declinism also filtered the way in which many people viewed crime and immigration. Bill Schwarz has argued that whiteness went from being "a relatively mediated, understated identification" that was seldom made explicit to become "a more intensely immediate phenomenon" following the massive influx of migrants in the postwar years. Schwarz saw the crisis of whiteness as integral to New Right discourse about the crisis of the social order: "These memories of an ordered past, in the 1960s and 1970s, I argue, were

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<sup>103</sup> Waters, "'Dark Strangers' in Our Midst," 230.

<sup>104</sup> Sonya O. Rose, *Which People's War?: National Identity and Citizenship in Wartime Britain 1939-1945* (Oxford: Oxford University Press, 2003), 75-106.

<sup>105</sup> Tomlinson, "Thrice Denied," 235, 241.

driven by a powerful, if displaced, recollection of forms of authority which had been deeply shaped by the experience of empire”.<sup>106</sup>

Certainly, it is true that anxieties about the Black criminal played a prominent role in law and order discourse.<sup>107</sup> In the 1970s, race had come to play a much larger part in anxieties about national unity than it had done in the 1950s. But as this thesis will show, anxieties about whiteness in the 1970s, though significant was not as important in the formulation of Thatcherite law and order discourse as the emphasis to reinvigorate the moral (Christian) fabric of the nation through restoring personal responsibility. The panacea to the crime problem offered by the Thatcherite was not the restoration of ‘white Britain’ but to reverse the moral decay brought about by the welfare state that was implicitly blamed for secularisation. However, the sense of crisis is omnipresent in all of the discourses outlined above and it seems obvious that the cognitive image of the nation in decline spilled over into many different areas. From this point of view, there is a link between Enoch Powell’s belief that “in 15 or 20 years’ time the black man will have the whip hand over the white man”, that people were becoming increasingly godless, that violence and law-breaking was becoming more and more ubiquitous, and also that there was something fundamentally wrong with the British economy.<sup>108</sup>

From the evidence considered by this thesis, it was anxieties about Christian collapse that foremost informed unease about rising crime and the supposed ‘state of normlessness’. Matthew Grimley has shown the significance of the idea of Britain as a Christian national community possessing a “moral unity” during the interwar period. Appeals to this national community remained powerful, Grimley argued, into the 1950s until the collapse of “moral consensus” in the 1960s. Thus, the idea that society and the state should strive for “a single, broadly agreed, version of virtue, or the good life, was abandoned”.<sup>109</sup> Grimley’s argument is certainly borne out by how crime and penal welfare was discussed before and after the collapse of this idea of

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<sup>106</sup> Bill Schwarz, *Memories of Empire: The White Man’s World* (Oxford: Oxford University Press, 2011), 9-10.

<sup>107</sup> See Hall, Critcher, Jefferson, Clarke, *Policing the Crisis*.

<sup>108</sup> Enoch Powell, Speech delivered at a Conservative Association meeting in Birmingham, April 20 1968, published in *Telegraph*, “Enoch Powell’s ‘Rivers of Blood’ speech,” 6 November 2007, accessed 6 March, 2017, <http://www.telegraph.co.uk/comment/3643823/Enoch-Powells-Rivers-of-Blood-speech.html>.

<sup>109</sup> Matthew Grimley, *Citizenship, Community, and the Church of England: Liberal Anglican Theories of the State between the Wars* (Oxford: Oxford University Press, 2004), 3, 209-210.

‘moral unity’. However, while much has been written on how anxieties about crime inform and interconnect with anxieties about race, no historian has considered how deep-seated disquiet about lawlessness was informed by unease about the secularisation of moral values. Here this thesis cuts new ground.

## Sources and method

The approach adopted in this thesis is to reconstruct the way people thought about personal and social responsibility, how they viewed the role of the state and voluntary agencies in dealing with the problem of bad behaviour, and how these issues were framed in the public sphere. It aims to delineate how penal welfare supporters regarded their efforts as both morally legitimate and a moral duty and to explain how this view became so persuasive. This thesis does not judge the success of penal welfare by looking at how far its institutions were *actually* successful in reforming offenders and preventing recidivism. Nor does it judge penal welfare by evaluating whether, on balance, it was a force for good or an aggregate of oppressive practices. Rather we shall investigate the extent to which the logic of its *raison d’être* – namely that it was the role of the state and the law to uphold the moral fabric of the nation through reformatory measures – was accepted by those in a position to frame the issue in the public sphere.

This thesis steers clear of methods and theories that view penal welfare as an oppressive tool of the establishment or an instrument of the reproduction of social dominance whether along class, race, or gender lines. This is not tantamount to disparaging works that have utilised this approach. They have brought much valuable insight as we saw in the historiographical review above. However, they have also suffered from a certain one-sidedness that shows the danger of setting out with preconceived theories on how, for instance, power structures and social control operate in society. Proceeding from such a method, the empirical evidence is collected and interpreted within a theoretical framework that is taken for granted. Most often this has tended to be the frameworks of Michel Foucault and/or the radical sociologists and cultural theorists of the 1970s. For instance, as we have seen,

Bill Osgerby assumed that the purpose of moral regulation was to police class boundaries whereas Pamela Cox and Abigail Wills saw it as policing gender.<sup>110</sup> Thus they picked up on the aspects of the sources that confirmed their point of view and concluded that their specific focus – whether policing class or gender boundaries – constituted the *raison d'être* of penal welfare. Here we have a situation in which the theoretical framework serves to obscure as well as enlighten. Certainly the moral regulation implicit in penal welfare was an exercise in social control underpinned by unequal power relations. However, it was infinitely more than that. Penal welfare supporters and workers in its institutions were motivated by a strong religious belief – not just in the moral legitimacy of what they were doing – but in their moral duty to do so. In advocating and practicing penal welfare, the gender and class bias of these mostly middle and upper class people often shone through. Certainly, their world view included assumptions about class and gender that impinged on their goals but the most central aspect was its Christianity. This thesis eschews the dogmatic understanding invented by the radicals of the 1970s aiming instead to reconstruct empirically the way penal welfare supporters and later its enemies made sense of the world. Approaching the subject in this way makes it clear that upholding the moral fabric of the Christian nation was at the centre of penal welfare.

While this thesis is suspicious of the inflexible theoretical approaches delineated above, this does not mean that it will offer a merely empirical and descriptive account of penal welfare. Empirical investigation can tell us that penal welfare possessed almost undisputed moral legitimacy in 1950 and that this legitimacy was in tatters in 1978. It can also be used to delineate this gradual shift on a year by year basis. It cannot, however, tell us why it happened. When it comes to explaining the reasons for discursive shifts and why change occurred, we necessarily move into theoretical territory. Of course all models of causation has – implicitly or explicitly – a theoretical basis. The question is thus what kind of framework is most useful for understanding the persuasiveness of penal welfare at one time and the lack thereof at another. Here Gerard Hauser's concept of "the rhetorical public sphere" can be of great use. One of the key assumptions embedded in this concept is that the persuasiveness of an argument is not rooted in its rationality but rather how well it

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<sup>110</sup> Osgerby, "Well, It's Saturday Night An' I Just Got Paid"; Cox, *Gender, Justice and Welfare*; Wills, "Delinquency, Masculinity, and Citizenship".

addresses “relevant needs and commitments”.<sup>111</sup> In a context, where Christianity was central to how morality was conceived and the need for state intervention in the welfare of citizens – in one form or another – was virtually self-evident, the logic of penal welfare became hugely persuasive since it resonated with ubiquitous concerns. In other words, it was not that the people involved in penal welfare consciously promoted their vision of moral regulation in order to purposely control people – whether the working class or women. Rather they had a particular (Christian) vision of what constituted proper behaviour and the ideal society rooted in middle and upper class experience with sometimes diverging ideals for men and women.

Hauser’s model also provides a framework for understanding the shift in Christian thought on welfare provisions. Christianity is flexible enough to accommodate various visions of the good society. In the Victorian era, poverty relief was often viewed as stunting individual moral growth and undermining Christian virtues. But in the context of the twentieth century, another strand of Christian thought acquired greater persuasive force. The need for a physically and morally healthy population fit for the age of total war, competition with advanced industrial economies, together with the necessity to combat the appeal of communism and fascism meant that the political and intellectual elites became more susceptible to welfarist policies. There was a shift away from seeing the individual citizen as completely responsible for his own circumstances and actions towards stressing the responsibility of society to create an environment in which physically and morally healthy citizens could flourish. The Social Christianity of William Temple thus became much more in tune with the “relevant needs and commitments” of society than the Christian thought of the previous century.<sup>112</sup>

This thesis mostly looks to the historiography on the role of Christianity in twentieth-century Britain to supply the contextual framework for understanding the changing fortunes of penal welfare. This does not mean, however, that the accounts of these historians will be passively accepted. They are, like all historical scholarship, the products of theoretical assumptions – whether implicit or explicit. For instance, Callum Brown’s privileging of the discursive over the institutional was

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<sup>111</sup> Gerard A. Hauser, *Vernacular Voices: The Rhetoric of Publics and Public Spheres* (Columbia: University of South Carolina Press, 1999), 61.

<sup>112</sup> Hauser, *Vernacular Voices*, 61.

rooted in tacit assumptions about the relationship between ideology and material reality.<sup>113</sup> By the same token, Alan D. Gilbert's definition of secularisation – as the process whereby religious explanations for understanding the world gave way to scientific ones – came out of theoretical assumption about what religion is.<sup>114</sup> It is neither possible nor desirable to remove theoretical assumptions from the process of creating historical narratives. Rather a central aspect of the *métier d'historien* is to test theoretical frameworks against empirical evidence, judge how well they hold up, and determine whether they illuminate or obscure the understanding of the issue. Thus, this thesis will use penal welfare as a way of testing the historical narratives of secularisation in Britain.

Since this thesis locates the death of penal welfare as an indirect consequence of the death of Christian Britain, the question necessarily arises whether penal welfare should be viewed as a passive victim of external circumstances. Here the theoretical framework of the 'new political history' is useful. Lawrence Black has summarised it as viewing "politics not as a barometer of social change and popular opinion, not as simply responding and trying to attune to an *a priori* social context, but as integral to the making and understanding of these".<sup>115</sup> Even though Black and other political historians have applied these insights to explain the fortunes (or misfortunes) of British political parties, they have the potential to illuminate the persuasive power of the penal welfare approach. The penal welfare supporters always had to struggle to formulate a credible framework for making sense of the causes of and solutions to crime and affirm its moral legitimacy. In the period of the construction of the New Jerusalem and collectivism, its emphasis on reclaiming offenders and removing criminogenic environments made both practical and moral sense. When poverty gave way to affluence and Christian unity to pluralism, the penal welfarists faced an uphill struggle. But this does not mean that the death of penal welfare was necessarily inevitable. Rather, its collapse was a consequence of active efforts of various groups – both on the Left and the Right – to frame penal welfare as morally illegitimate while its supporters failed to create new legitimising frameworks.

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<sup>113</sup> Brown, *The Death of Christian Britain*, 12.

<sup>114</sup> Gilbert, *The Making of Post-Christian Britain*, 9-10

<sup>115</sup> Black, *The Political Culture of the Left*, 4.

The sources supplying the empirical foundation of this thesis are invariably – with the notable exception of the records of the Wiltshire Combined Probation Area – published material. The selection of almost exclusively published sources fits with the purpose of this thesis to delineate how societal vs. individual responsibility and the role of the state and voluntary agencies in reclaiming citizens were framed in the public sphere. The choice of focusing (almost) exclusively on published material also came about by necessity. Most of the records from penal welfare institutions are subject to a 100-year restriction period. Applying to agencies for special permission is a time consuming exercise with – for this author at any rate, a low success ratio. This is one of the difficulties confronting historians studying the recent past in many areas – for instance diplomacy and politics – and it imposes formidable limitations. However, this challenge is commonplace to historians in many fields whether it is the medievalist or classicist struggling with the sparseness of surviving material or the scholar attempting to gain access to privately held papers. In other words, negotiating and overcoming such challenges are part and parcel of the profession of the historian. Sometimes the availability (or lack thereof) of sources restricts the questions we can ask. Although some sources lend themselves to being read against the grain, it would be fruitless, for instance, to turn to the *Approved Schools Gazette* to learn about the personal experiences of pupils or to gain a good understanding of daily life in the schools. Here this issue is solved by focusing nearly exclusively on debates in the public sphere. The focus that comes out of the limitations in source material can often be highly productive. In this case, it has allowed an in-depth understanding of the imagined *raison d'être* of penal welfare.

If one's goal is to delineate oppressive structure and show the negative impacts of penal welfare on individuals then the way forward is to look at sources that provide insights into the lived experience of individuals. Such studies have been done very well by Pamela Cox and Heather Shore – for the first of half of the twentieth and nineteenth centuries respectively – but it would be nearly impossible to apply this approach to the second half of the twentieth century due to data protection.<sup>116</sup> It would not be easy to explore the experiences of individual delinquents except through oral history. This would be a very different study with a

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<sup>116</sup> Cox, *Gender, Justice and Welfare*; Heather Shore, *Artful Dodgers: Youth and Crime in Early Nineteenth-Century London* (Woodbridge: The Boydell Press, 1999).

different methodological framework. Such approaches are, however, unable to explain why penal welfare possessed such strong persuasive power and moral legitimacy – unless we accept the simplistic notion that it is reducible to a conscious effort of social control by those in power. Instead we have to look at the material that provides insight into how penal welfare discourse was legitimised and how and why its assumptions were taken for granted. This has not been done before but rather historians have preferred to focus on uncovering oppressive structures. Thus this thesis draws heavily on the published material originating from the Approved Schools and the Probation Service as well as evidence of how these issues were framed in wider society.

The main sources for the first two chapters are the journals that served as the respective organs of the Association of Approved Schools headmasters and headmistresses and the National Association of Probation Officers – *Approved Schools Gazette* and *Probation*. These journals contain opinion pieces, debates, reports from conferences, obituaries for deceased staff among other things often – but by no means exclusively – written by the professionals themselves although they also reprinted relevant articles on penal reform from other places. They both welcomed contributions from magistrates, psychologists, psychiatrists. Both these journals are invaluable sources for understanding how these professionals framed issues such as citizenship, personal and societal responsibility, and the role of religion in providing moral values.

For the monthly *Approved Schools Gazette*, the most important contributors were the headmasters and they were the ones that most consistently set out the moral purpose of the Approved Schools. The position of editor of the journal was invariably held by a headmaster. In 1950, the price for an odd copy of the journal was one shilling and threepence whereas a yearly subscription cost ten shillings. It was owned by the Association for Approved Schools Headmasters and Headmistresses and the leadership of this organisation obviously enjoyed privileged access to the journal. Recurring segments in most issues were the “President’s monthly notes” and the “Vice-President’s jottings”. However, it also had room for correspondence where sometimes, though not often, critical voices were allowed space. As the organ for the Association for Headmasters and Headmistresses, it is very likely that the *Gazette* had a wide readership among this group. Although it has



not been possible to obtain circulation figures for the *Gazette*, advertisement for textiles, bedding, and school supplies occurred regularly in the journal indicating that businesses expected to reach a wide audience of schools. On the other hand, the contributions from managers, psychologists, and social workers show that its readership extended beyond this circle. The *Gazette* was also a forum for debate and opinion for people interested in reformatory work with delinquent children.

The journal gives significant insights into the anxieties of those involved in running Approved Schools in the face of wider societal secularisation. They did not agree about everything but there was a telling agreement that the purpose of Approved Schools work lay in making Christian citizens and that this was ensured by their status as voluntary organisations. The journal had both regular contributors and one-off participants. Certain things were debated but what is the most interesting is that the interdependence of Christianity and citizenship was taken for granted. Some would also communicate the ethos of Approved Schools to wider society.<sup>117</sup> As with any other source, the nature of its production contains biases. The control of the editorship by some of the most influential figures of the Association of headmasters and headmistresses could mean that they presented the image of the Approved Schools that they preferred. However, they did allow contributions that opposed the Christian ethos of the system. Furthermore, the editorship was always held by a headmaster who was elected by the members of the Association. It is therefore fair to assume that *Approved Schools Gazette* gives us an accurate picture of how the workers of these schools viewed their moral duty in reclaiming citizens.

A limitation of this source, however, is that it does not tell us how general attitudes towards creating Christian citizens fed into the everyday administration of a school and the staff's interaction with and attitudes towards the individual children in their care. Their delineation of bad behaviour tends to very abstract. Furthermore, that the image of the Approved Schools as a moral sanctuary was not always translated into practice is clear from the scandals of the 1950s and 1960s. In 1947 resentment towards a headmaster spilled over into violence resulting in the murder of the school gardener – the real target was the headmaster. There was also the 1967

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<sup>117</sup> C.A. Joyce, *By Courtesy of the Criminal: The Human Approach to Treatment of Crime* (London: George G. Harrap & co. Ltd, 1955); R.H. Ward, *The Hidden Boy: The Work of C.A. Joyce as Headmaster of an Approved School* (London: Cassel, 1962).

Court Lees scandal in which a disgruntled teacher sent pictures to newspapers of the bruised buttocks of pupils subjected to corporal discipline. However, the absence of records of schools has a limited impact on the research conducted here since the main focus is not on how the Schools *actually* operated in practice but how the headmasters imagined them. Nonetheless, it would have been vastly useful to look at the records of the schools themselves, to see how they framed ‘bad behaviour’ more concretely and how far the making of Christian citizens impinged on the day-to-day interaction between staff and pupils. It would have allowed us to trace more concretely how the shift from character training demanding conformity towards more individualist attitudes affected practices. That being said we do get hints about this in the *Gazette* but always through people putting forward their own approach. Due to data protection, every attempt undertaken during the research of this thesis to access the records of individual schools have met with failure.

The merits of the journal *Probation* as a source are analogous to those of the *Approved Schools Gazette*. A quarterly journal, it contained opinion pieces, articles, and printed speeches from the annual conferences of the Association. There was a wide range of contributors including magistrates, psychologists, psychiatrists, clergy but most importantly senior probation officers. Owned by the National Association of Probation Officers, the editorship of the journal was vested in the General Secretary of the organisation. Handpicked by the Earl of Feversham, H.E. Norman was Secretary from 1930 until 1943. After Norman’s retirement, Miss Elizabeth M. Hughes became Acting Secretary and later Secretary, holding the position until her unexpected death in 1948. The very first of page of the next issue of *Probation* following her death had the headline “Called to higher service”, and she was celebrated for her “real friendliness for all her fellows, based upon a lively faith” with the author noting that she had been “enthusiastic member of the Salvation Army and helped in Sunday School work”.<sup>118</sup> Frank Dawtry (1902-1968) was General Secretary, and thus editor of *Probation*, from 1948 until 1967. In the 1920s, he had been secretary to the Wakefield Discharged Prisoners’ Aid Society and in 1946 he

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<sup>118</sup> C.E. Garland, “Elizabeth M. Hughes,” *Probation*, January-February 1948, 173.

became Secretary for the National Council for the Abolition of the Death Penalty.<sup>119</sup> He was originally a Methodist but later became a Quaker.<sup>120</sup>

Subscription to the journal was included in the membership fee of NAPO of which the vast majority of probation officers were members. It was also possible for those – as NAPO put it – “interested in the right treatment of delinquency and the use, development and understanding of probation” to sign up for an associate membership at a reduced rate. In 1954, associate membership cost 10s. 6d. per year and also included the right to attend conferences.<sup>121</sup> Until the mid-1950s, the names of newly joined members would be printed in the journal and the ratio of associate members to ordinary members was not negligible. In November 1945, the journal listed fifty-three newly joined probation officers and thirty-six associate members, several of whom were magistrates.<sup>122</sup> Thus, the vast majority of probation officers and a significant amount of other people interested in penal welfare received a copy of *Probation* in their mail box four times a year.

The journal gives us good insights into the ethos of the Probation Service and how it shifted over time in becoming less Christian. Similarly, to the *Approved Schools Gazette*, there is the issue of the selection of material in the journal and whether it reflected the ideas held by rank-and-file officers or merely the leadership. Until 1947, both the journal and NAPO itself were strongly dependent of the financial support of the Clarke Hall Fellowship – an organisation with a firmly Christian ethos. There is also no denying that the message became less Christian roughly around the time when the Association was able to stand on its own feet.

The annual lectures of the Clarke Hall Fellowship will also be considered in some depth throughout this thesis. The Fellowship had been founded in the memory of William Clarke Hall – a Metropolitan London magistrate with a great zeal for penal welfare – shortly after his premature death in 1932. Its ranks were mainly made up of social elites including Archbishop of York, William Temple, and the Earl of Feversham, Charles Duncombe. Although the odd lecture may have made it

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<sup>119</sup> Kenneth Thompson, “Dawtry, Frank Dalmeny (1902–1968),” in *Oxford Dictionary of National Biography* (Oxford University Press, 2004-), accessed 10 March, 2017, doi:10.1093/ref:odnb/32755.

<sup>120</sup> Mike Nellis, “Humanising justice: the English Probation Service up to 1972,” in *Handbook of Probation*, ed. Loraine Gelsthorpe and Rod Morgan (Abingdon: Routledge, 2011), 38.

<sup>121</sup> *Probation*, July 1954, 46.

<sup>122</sup> “Elections to membership,” *Probation*, November 1945, 153.

into some academic's bibliography, no one has looked at the body of lectures as a whole for what they say about the role of a strongly Christian voluntary organisation with an interest in penal welfare. Although the significant financial dependence of the National Association of Probation Officers on the Fellowship alone makes it merit consideration, the organisation was also exceptionally influential. It had strong ties to the Home Office – which distributed 10, 000 printed copies of each lecture in the late 1930s. It was very common for an incumbent Home Secretary or Lord Chancellor to chair the lectures. Furthermore, the lecturers themselves were often highly influential people. Among their ranks, we find the Archbishop of York, the director of the Tavistock clinic, a former Home Secretary, and the headmaster of Eton. Furthermore, the lectures are also a highly useful source for studying anxieties about increasing godlessness. After the goals of the Fellowship had been achieved with the passing of the 1948 Criminal Justice Act, a large portion of the lectures became imbued with the same declinist discourse of secularisation and moral decay that permeated the Approved Schools.

However, the Christian ethos can also be seen in the attitudes of probation officers towards their clients which gradually disappeared in the 1950s and 1960s. Although, this author has encountered difficulties similar to those with Approved Schools in obtaining access to sources, it has been possible to look at documents from the towns Chippenham and Devizes in the Wiltshire Combined Probation Area from 1948 to 1970. The reports to the case committee in which individual probation officers reported on the progress of their clients give invaluable insight into how these rank-and-file officers viewed good and bad behaviour and how far their views were framed by religious discourse. Thus we have the opportunity to compare these perspectives to those who communicated the ethos of probation in the public sphere. This possibility was unfortunately not available for the Approved Schools.

Chippenham and Devizes are rural areas with small populations and the make-up of offenders reflected this. There are no instances of gang violence but rather the crimes are things such as poaching, petty theft, child neglect and sexual offenses. The number of probation officers was very small. Attempts to gain access to the documents of urban Probation Areas such as Doncaster and West Yorkshire were unsuccessful due to data protection. Even though a rural region is bound to show different patterns of offending from urban centres, Wiltshire nonetheless

constitutes a useful case study to trace shifting attitudes towards offending in individual officers. Shifting attitudes over time reinforces the conclusion drawn from reading *Probation*.

Chapter 3 and 4 focus on the broader public discourse and therefore relies on material that was either part of general debates or informed them indirectly. The sources thus range from Parliamentary debates, government and church reports, sociological books, political pamphlets, political speeches, and election manifestos. *Hansard* is used to investigate how penal welfare and morality were discussed in Parliament and how this changed throughout the period. Here, it is possible to compare and contrast the leadership of the two sides of the political spectrum as well as more marginal voices that were, nonetheless, important in showing cracks in the veneer of consensus. This will allow insights into how ideas about codes of behaviour and good citizenship varied according to ideological proclivities and how these changed under the pressure from affluence, permissiveness, as well as the collapse of belief in the imagined entity 'Christian Britain'. These chapters will also use sociological books and articles that influenced public debates – either directly or indirectly. Books such as Tosco R. Fyvel's *Insecure Offenders* (1961) and *Citizens of To-Morrow* (1955) by the King's Jubilee Trust can – both in what they share in common and what separates them – yield valuable insights into how moral decay was conceptualised from varied ideological perspectives. Commissioned Home Office reports, such as the Crowther report or the Newsom report, can also, in their less polemical language, yield valuable insights. The Wolfenden report and reports of the Church of England recommending the decriminalisation of male homosexuality allow us to trace the emergence of a debate about whether it was the role of the state and the law to uphold the moral fabric of the nation which began to undermine the moral legitimacy of penal welfare.

Articulation of the belief in the moral legitimacy of penal welfare cannot always be taken at face value. For instance, in the case of the Conservative authors of *The Responsible Society*, it may have been tactical, since rejecting penal welfare would have been very controversial. Certainly, some of its members would later go on to articulate sharp critiques of penal welfare in the 1960s. In the end, it is often difficult to know what politicians really thought. Pressure for from constituencies was also an issue. Although this was more the case for the 1960s than the 1940s

when crime had not yet become an important electoral issue. Therefore, one can assume that people expressing happiness about the 1948 Criminal Justice Act were either sincere or conforming to the prevailing ideological climate. Other than getting a reputation for humanitarianism there was little to be gained. However, here individual belief is not as important as what overt subscription to conventional wisdom says about the framework for understanding these issues. In other words, the fact that Members of Parliament articulated certain beliefs at certain times – whether they meant what they said or not – is telling for what it says about the discursive framework in which they operated.

When it comes to investigating the impact of the collapse of consensus on penal welfarism, this thesis will rely on *Hansard*, academic and popular books as well as newspaper and journal articles. Academic texts will be used to show how sociologists and cultural theorists on the Left rejected state-run penal welfare on ideological grounds. For the punitive agenda adopted by the Thatcherite New Right, this thesis will use Parliamentary debates, elections manifestos, political speeches, as well as books that are imbued with New Right ideology. This will allow a deep understanding of how the responses of both the New Left and the New Right grew out of radically reconfigured notions of citizenship. Together, this will support the argument that penal welfarism collapsed because the conception of citizenship that underpinned it had become out of tune with how it was constructed in a post-Christian context.

The different types of sources used to investigate the New Left and the New Right respectively are direct consequences of the different circumstances of these movements. The New Left did not have control of a Parliamentary political party, and intellectuals were greatly overrepresented. The Thatcherite New Right – a convenient short-hand description even if Thatcher was not the self-evident representative before Keith Joseph's ill-advised 1974 speech – on the other hand, included senior Tory politicians and would from 1975 onward control the leadership of the Party. Thus, for the New Left, the focus is on scholarly publication that articulated New Left thinking on penal welfare. Stuart Hall and the National Deviancy Conference are prominent here. For the New Right, the focus is on speeches by the senior political figures, election manifestos, and pamphlets.

## Chapter structure

This thesis consists of two parts with four core chapters. The first part is made up of case studies of two institutions of penal welfare – the Approved Schools system and the Probation Service – and serves to illuminate various aspects of penal welfare in two separate institutions. Comparing the Approved Schools system to the Probation Service enables some important insights especially regarding the importance of voluntary organisations for preserving the religious element in the face of a wider social process of secularisation. The second part also consists of two chapters and serves to delineate the shifting public discourse on penal welfare from the 1950s until the 1980s.

The first chapter constitutes a case study of the Approved School system from its inception in the 1933 until its abolition in the 1969. It focuses on the deeply Christian nature of its ethos and investigates how the personnel working or otherwise involved in these schools viewed citizenship and how they conceived of their own role in the reformation of delinquents. It maps how these workers viewed juvenile and youth delinquency as a symptom of a wider social malaise growing out of affluence and Christian decline. Chapter 2 consists of three separate case studies of groups within or involved with the Probation Service – the National Association of Probation Officers, the Clarke Hall Fellowship, and the probation officers in Wiltshire. Together, they explore the tension and accommodation between the scientific and religious approach to reformation, anxieties about secularisation similar to those in the Approved Schools, and the long-term consequences of the marginalisation of voluntary religious organisations within the Service. Both of these chapters are structured thematically through subsections dealing with relevant themes. Each individual theme is explored chronologically within the subsection. Furthermore, where possible, the order of the subsections have been arranged to make sense chronologically. Chapter 1 and 2 are the most focused of the thesis and provide the empirical core for understanding the Christian ethos of penal welfare and how those involved in it viewed wider social shifts.

Part II, on the other hand, shifts the focus away from the ethos of penal welfare to its wider ideological context. While this part also consists of two chapters

it moves away from parallel narratives towards a chronological organisation – chapter 3 deals with the 1950s and 1960s whereas chapter 4 deals with the 1970s and 1980s. Taken together these two chapters tell the story of the shifting attitudes to penal welfare from the inception of the postwar settlement until its collapse. It shows that the shifting ideas of welfare provisions and the end of the idea of Britain as a moral unity radically revamped the environment in which penal welfare had thrived. Chapter 3 begins with a more generalised delineation of the challenges in the 1950s and 1960s to Christian behavioural norms and continues with a consideration of the impact of these on penal welfare discourse. It thematically delineates how the consensus about codes of behaviour and ideals of citizenship started to be undermined by rival ideas brought about by affluence, permissiveness, the secularisation of values, and finally the collapse of belief in the imagined entity ‘Christian Britain’. It depicts the shift away from the collectivist emphasis on the community towards individualist self-expression. It also deals with the implications of the suggestions by the Wolfenden report and the Church of England Moral Welfare Council that crime and sin should not be coterminous which meant that the state should abdicate its right to regulate the moral behaviour of its citizens. The fourth chapter deals with the aftermath of Christian collapse and how it eventually led to the end of penal welfarism. It focuses on disparate discourses of the New Left and the Thatcherite New Right respectively while showing how they were both products, in their own ways, of the turn towards individualism in a post-Christian and post-consensus Britain. It delineates how they both rejected penal welfarism for different reasons and how this created a climate in which it was very difficult for it to survive.

Together the four core chapters of this thesis all contribute to tell one story – namely how penal welfare went from possessing self-evident moral legitimacy rooted in Christian discourse to having its legitimacy crumbling in a new climate of individualism and secularisation and how it became increasingly out of tune with the times, attacked both by the Left and the Right.



## Chapter 1

### **‘Our training is based entirely on the Christian religion’ – The Approved School System and the reclaiming of Christian citizens**

The Approved Schools had their origin in the efforts of voluntary religious organisations of the nineteenth-century and their ethos continued to reflect this origin until the abolition of the system in 1969. The system came about through the 1933 Children and Young Persons Act that merged the reformatories (for delinquents) and the industrial schools (for neglected children). The schools were managed by voluntary organisations but were dependent on the Home Office for finance and the certificate of approval. The number of pupils in an Approved School varied but ranged from around thirty to 150. Generally children between the ages of eight and seventeen could be committed to a school with separate schools for boys and girls. They were divided into four categories: Senior Approved Schools (aged 15-17), Intermediate Approved Schools (aged 13-15), Junior Approved Schools (aged 10 ½ - 13), and Primary Approved Schools (aged 8-10 ½). The overwhelming majority were there for theft or breaking and entering although some were there for being beyond parental control or in need of care and protection. Less than one per cent was there for causing bodily harm.<sup>1</sup>

The schools saw their role as inculcating Christian faith and codes of behaviour based on Christian values in the children and youth living under their roof. In the collectivist era of the 1930s and onward, their role was defined – both by themselves and by the Home Office – as reclaiming citizens. The aim of this chapter is to show that both the role occupied by Approved Schools within the welfare state and their collective ethos – together with their conception of citizenship – were firmly rooted in Christianity. Furthermore, the abolition of the Approved School system was in itself a consequence of Britain ceasing to be imagined as Christian – how this thesis defines Brown’s concept of the death of Christian Britain.

Christianity underpinned the Approved School system in two ways. First of all, they were run by voluntary – often denominational – organisations rooted in philanthropic Christianity. The majority of the straight-out denominational schools

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<sup>1</sup> John Gittins, *Approved Schools Boys* (London: Her Majesty’s Stationary Office, 1952), 36, 47.

were Catholic. Examples included St. Benedict in Reading – a senior school housing 100 boys – and St. Swithin’s Nautical School – housing 82 senior boys – both of which were managed by the Brothers of the Christian Schools.<sup>2</sup> However, even though the Catholic schools outnumbered the schools run directly by a Protestant organisation, this should not be taken to mean that Catholicism dominated the system. Virtually all philanthropic organisations at this time had a firmly religious ethos. For instance, the National Children’s Home – which had been founded by Methodist minister Thomas Bowman Stephenson in 1869 – ran four junior boys’ schools. Reverend Cecil Walpole was General Secretary of the organisation between 1934 and 1957. Of the four schools, two of them had a clergyman as chairman of the body of managers. Furthermore, a large number of Protestant organisations ran their own schools. The Church of England’s London Police Court Mission managed the Cotswold school in Wiltshire which housed 152 intermediate boys. Langham Oaks in Essex was run by the Society of Friends – or Quakers – housing sixty-five junior boys. Starthwaite school in Kendal was run by the non-conformist Christian Service Union and housed sixty primary boys<sup>3</sup>. The religious – or philanthropic – organisation had control of the board of managers that ran the school and the managers were in charge of appointing the headmaster. Unsurprisingly, the headmasters would therefore almost invariably share their strong religious convictions. Furthermore the managers held the legal status of *loco parentis* to the children meaning they had full parental rights and were in charge of the discharge of the child. Secondly, the schools imagined their *raison d’être* as providing moral training to delinquents that had lacked this in their previous environment – mostly due to inadequate parenting. Their idea of upright behaviour was strongly based on the assumption – either implicit or explicit – that Christianity was the true basis for all morality. The collapse of ‘Christian Britain’ undermined the position of religious voluntary organisations within the mixed economy of welfare and the legitimacy of the practice of moral reformation.

There has not been much historical work done on the Approved Schools system. The only historian that has studied Approved Schools in the postwar period is Abigail Wills. Her PhD thesis led to an acclaimed article *in Past & Present* that

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<sup>2</sup> Home Office, *Directory of Remand Homes, Approved Schools and Probation Hostels and Homes in England and Wales 1952* (London: Her Majesty’s Stationary Office, 1952) 19-20.

<sup>3</sup> *Directory of Approved Schools*, 22-39.

rightly identified the reclamation of citizens as the fundamental purpose of the schools. However, Wills failed to acknowledge that these workers defined the contents of the historically very flexible category of citizenship wholly along Christian lines. Instead, she focused on their efforts to turn effeminate boys into men looking especially at reactions towards individuals who transgressed gender norms.<sup>4</sup> Ignoring the religious aspect of penal reform is all the more problematic given that the High Beach Probation Home that Wills used as her case study was run by the Church of England's Police Court Mission. Furthermore, in spite of High Beech being a Probation Home rather than an Approved School, Wills argued that they "operated along the same lines" and that the "various narratives contained within its [High Beech's] written records can be seen writ large in the pages of the *Approved Schools Gazette*".<sup>5</sup> This is problematic on two levels. First of all a Probation Home was not the same as an Approved School. As we have seen the Approved Schools had a much greater degree of independence from the state to pursue their Christian agenda. Secondly, the dominant message of the *Gazette* was not about making 'men' but about making Christians. Wills relied mainly on attitudes towards homosexuality between boys to argue her thesis. However, as will be shown later, the main anxiety about homosexuality expressed in the *Gazette* was not that it subverted normative ideals of masculinity –although this may have played a part – but that it was against religious doctrine.

The importance of religion for child reclamation was not limited to Approved Schools but rather constituted common knowledge. The 1945 Home Office pamphlet entitled *Making Citizens: A Review of the Aims, Methods and Achievements of the Approved Schools in England and Wales* celebrated their religious ethos – the "deep religious conviction that such [delinquent] children were not incorrigible, but might, with help and guidance, become in time good citizens".<sup>6</sup>

Their [the staff's] own attitudes towards their work is religious, and they would say that if they had succeeded in revealing to a child something of the love of God they would have no fear that his values would thereafter

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<sup>4</sup> Abigail Wills, "Delinquency, Masculinity, and Citizenship in England 1950-1970," *Past & Present* 187 (2005): 157-185.

<sup>5</sup> Wills, "Delinquency, Masculinity, and Citizenship," 160.

<sup>6</sup> M. Simmons, *Making Citizens: A Review of the Aims, Methods and Achievements of the Approved Schools in England and Wales* (London: Her Majesty's Stationery Office, 1945), 8.

be derived only from men. All Approved Schools give their children guidance in the practice of their religion; many have chapels fashioned by themselves, where the values implied in their daily living are openly declared.<sup>7</sup>

Thus, the emphasis on religion was not only central to how they imagined their vocation but also to how they were presented to the public. The power of religion in bringing about moral reformation was cast as absolutely central. Norfolk businessman Charles Jewson addressing an audience of Approved Schools workers pointed out that: “It is hopeless to regard religion as an extra, even a desirable extra or even a useful aid to your work. Either religion must be at the very centre of your work – not necessarily appearing on the surface but nevertheless ruling the direction of your work – or else it is a meaningless waste of time”.<sup>8</sup> Doubtlessly the vast majority of Approved Schools headmasters would readily agree to these sentiments. The point about religion lying at the centre of their work even when it did not appear at the surface echoed the implicit religious ethos running through the *Approved Schools Gazette* even when Christianity was not explicitly mentioned.

This chapter is almost completely reliant on *Approved Schools Gazette* as a primary source. As discussed in the introduction chapter, it is very difficult to access the records of individual schools due to data protection. However, the *Approved Schools Gazette* gives us a very clear picture of the ethos of the Approved Schools system as articulated by headmasters, mainly, but also by managers, magistrates, and other people interested in penal welfare.<sup>9</sup> The journal will be supplemented with the few published books written by Approved Schools headmasters. These include John Gittins’s *Approved Schools Boys* (1952) and C.A. Joyce’s *By Courtesy of the Criminal* (1955). The most significant limitation of these sources is that it is mostly silent on delinquent girls and their schools. It is not possible to compensate for this bias. The type of study done by Pamela Cox on schools for delinquent girls is not possible for the second half of the century.<sup>10</sup> However, it should be remembered that

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<sup>7</sup> Simmons, *Making Citizens*, 55-56.

<sup>8</sup> C.B. Jewson, “Religious and moral aspects of welfare work,” *Approved Schools Gazette*, October 1950, 217.

<sup>9</sup> For a longer discussion about the *Approved Schools Gazette* as a source, see pages 56-58 of this thesis.

<sup>10</sup> Pamela Cox, *Gender, Justice and Welfare: Bad Girls in Britain, 1900-1950* (Basingstoke: Palgrave Macmillan, 2003).

the Approved Schools system was mainly geared towards reforming boys. In 1952, the system had the total capacity to receive 8, 877 boys while it could only accommodate 1, 619 girls.<sup>11</sup> This means that there was less than one girl for every five boys in Approved Schools.

A key issue for investigation is the reaction of the Approved Schools staff towards social shifts taking place in the 1950s and 1960s. These include the coming of affluence, the shift away from collectivism towards individualism, as well as the general shift in society towards more permissive attitudes. On the surface this reaction was completely negative taking the form of lamenting moral decay. They adopted a declinist narrative of secularisation that mirrored the one embraced by the members of the influential Clarke Hall Fellowship (the latter will be dealt with in chapter 2). It was part of the pessimism that Sam Brewitt-Taylor has identified as characteristic of the Anglican leadership of the 1950s.<sup>12</sup> Nonetheless, this chapter will make the argument that the Approved Schools headmasters made considerable efforts to adapt to this new framework while still preserving their underlying Christian ethos. With this in mind, Wills' claim that the Approved Schools abandoned their holistic approach towards reforming individuals moving away from imposing values towards focusing on individual happiness will be challenged.<sup>13</sup> Rather, they shifted their strategy attempting to make Christian values attractive to the delinquents rather than imposing them through character training. Far from abandoning moral regulation, they attempted to reassert it through new strategies.

The Approved Schools jealously guarded their status as voluntary organisations holding that this entailed a dedication that could not be replicated by the state. In the 1960s, this would bring them into conflict with the aims of modernisers to rationalise child welfare provisions by restructuring the system and aligning the schools with the Child Care services of the local authorities. After the Second World War, the case work paradigm had become increasingly influential. This too constituted a threat to the *raison d'être* of the Approved Schools in that it took a holistic approach to treating the dysfunctional family rather than just the child.

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<sup>11</sup> *Directory of Approved Schools*, 14-51.

<sup>12</sup> Sam Brewitt-Taylor, "The Invention of a 'Secular Society'? Christianity and the Sudden Appearance of Secularization Discourses in the British National Media, 1961-4," *Twentieth Century British History* 24, no. 3 (2013): 327-350.

<sup>13</sup> Wills, "Delinquency, Masculinity, and Citizenship in England 1950-1970," 185.

Approved Schools saw themselves as offering an ideal Christian community – in contrast to the noxious environment that had made the child delinquent – in which the child could be reformed into a morally upstanding citizen. In the end the Approved Schools system became the casualty of shifting paradigms of welfare provisions.

The self-evident place of Christian training was undermined in the 1950s. The Crowther report noted the decline of religious attitudes and recognised the need for something to fill the void.<sup>14</sup> Tellingly, the authors did not explicitly state that this should be Christian morality although, implicitly, there was no doubt that that was what they wished. More important still was the publishing in 1957 of the conclusions of the Wolfenden committee. Their report argued that homosexuality and prostitution should be decriminalised when conducted in private. It did not deny the inherent sinfulness of such behaviour but it argued that crime should be separate from sin and that it was not the role of the state to regulate private morality. This entailed an explicit argument for moral deregulation and thus questioned the legitimacy of penal welfare as it was exercised by Approved Schools. It went against the very *raison d'être* of the Approved Schools who viewed their primary function as instilling morality and functioned as part of the system of penal reform. Unsurprisingly, voices in the *Approved Schools Gazette* reacted negatively to the findings of the Wolfenden committee.

Thus, it was not just that their discursive ethos became increasingly out of tune with the times but they also became out of tune with new modes of welfare. The idea of professionalisation gained traction at the expense of the emphasis on the importance of vocation. As Frank Prochaska has rightly recognised, this professionalisation of welfare should be viewed as part of the process of secularisation.<sup>15</sup> Also, the focus became more and more on dealing with the child's environment rather than engaging in moral re-education. This too marked a departure from the workers' Christian conception of penal welfare. In the end, the demise of the Approved Schools system was intimately linked to processes of secularisation

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<sup>14</sup> Geoffrey Crowther, *15 to 18: A Report of the Central Advisory Council for Education* (London: Her Majesty's Stationery Office, 1959), 503.

<sup>15</sup> Frank Prochaska, *Christianity and Social Service in Modern Britain: The Disinherited Spirit* (Oxford: Oxford University Press, 2006).

that gathered momentum in the 1950s and 1960s. Both discursive and institutional secularisation of welfare served to undermine the position of the schools.

## I. Making Christian citizens

### *Citizenship, the community, and the Approved School*

The *raison d'être* of the Approved Schools was to reform delinquent boys and girls into good citizens. Ideal citizenship was conceived of as adhering to the right codes of behaviour and proper values which were, in turn, rooted in a normative Christian discourse. The notion of religion as the self-evident vehicle for reforming delinquents was either explicitly or implicitly present in virtually every article dealing with reformation in the *Approved Schools Gazette* until the 1960s. Writing in the *Approved Schools Gazette* in 1954, psychologist Catherine McCallum celebrated the Schools for inculcating “[p]ersonal responsibility and effort, self-control and self-reliance, kindness, obedience, duty, respect for others” in their children emphasising that these were “characteristics of the mature adult and good citizen”.<sup>16</sup> It was small wonder that the editor of the *Gazette* chose to publish this contribution. It perfectly embodied the Christian value system that they espoused and saw as their chief function to communicate.

Ultimately, moral training was about securing the health of the national community. E.T. Davies, Chaplain of Sedbury Park Approved School emphasised the need to teach children that “every community rests on a moral basis, and that a general absence of moral attitudes would wreck any community”.<sup>17</sup> This type of sentiment was perfectly in tune with the government. In the Home Office pamphlet *Making Citizens*, Approved Schools were presented as ideal societies teaching children to become part of a community rather than selfish individuals living together. Eventually the “pull of the community” would become “stronger than the

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<sup>16</sup> Catherine McCallum, “Why approved Schools succeed,” *Approved Schools Gazette*, May 1954, 57.

<sup>17</sup> E.T. Davies. “Religious education in the junior Approved School,” *Approved Schools Gazette*, April 1951, 15.

promptings of selfish desires”.<sup>18</sup> It was unsurprising that such ideas should be so strongly articulated shortly following World War II in which a myth of the British people sacrificing their personal self-interest and pulling together for the sake of common good had been given increased potency.<sup>19</sup> This was a strongly collectivist language rooted in the marriage between evangelical Christianity and state welfarism that characterised what James Vernon has called ‘the short life of social democracy’.<sup>20</sup>

Since the reclamation of bad citizens was of fundamental importance for the future of the nation, Approved Schools headmasters often described their efforts in patriotic language. The address of the President of the Association in 1932 appealed to their identity as “loyal citizens” and “specialists concerned with child reclamations”.<sup>21</sup> The two were inseparably intertwined. Twenty years later, this language was still very much alive. J.R. Alexander, headmaster of the Mobberley school in Cheshire between 1936 and 1961, appealed to their duty to the nation in a prayer-like manner: “May we be given the power and the patience to continue to unravel the tangled threads, of twisted youthful characters, knowing that it is the Youth of today which is the Nation’s tomorrow”. It was clear that serving the nation and serving God were viewed as equivalent: “I wonder, I seriously wonder, if our parish priests, and our local congregations, do realise what a wonderful opportunity they have of doing good in the name of Christ”.<sup>22</sup> It should be noted that Mobberley was managed by the Manchester City Council.<sup>23</sup> The religious ethos extended throughout the Approved Schools system.

While the religious ethos of the 1950s Probation Service was rarely articulated and mostly left implicit, the people involved in Approved Schools regularly made the importance of Christianity for reforming delinquents explicit. In

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<sup>18</sup> Simmons, *Making Citizens*, 28-30.

<sup>19</sup> For a good study on wartime propaganda of unity, see Sonya O. Rose. *Which People's War?: National Identity and Citizenship in Wartime Britain 1939-1945* (Oxford: Oxford University Press, 2003).

<sup>20</sup> James Vernon, “The Local, the Imperial, and the Global: Repositioning Twentieth-Century Britain and the Brief Life of Social Democracy,” *Twentieth Century British History* 21, no. 03 (2010): 404-418. Vernon did not, however, reflect on the role of Christianity during ‘the brief life of social democracy’.

<sup>21</sup> “The President’s Address,” *Approved Schools Gazette*, July 1932, 3.

<sup>22</sup> J.R. Alexander, “Address given at the 15th annual general meeting,” *Approved Schools Gazette*, June 1953, 63, 59.

<sup>23</sup> *Directory of Approved Schools*, 23.



1950, H. Hamer, the President of the Association for Approved Schools Headmasters and Headmistresses and headmaster of the Fylde Farm school in Blackpool assumed that “[a]ll Heads are aware of the part that this religious training can play in helping us in fitting our charges for a happy and useful life”.<sup>24</sup> While this assumption would be turned on its head in the 1960s, it was regarded as self-evident in the 1950s. In 1958, the Vice President of the Association and headmaster of the Essex Home School, R. Coultard, expressed the conventional wisdom of his profession arguing that “one of the main factors leading to crime and violence among young people is lack of religious training, with consequent failure to understand moral principle. Rarely does a young person associated with the Church get into serious trouble”.<sup>25</sup> This notion was ubiquitous in the *Gazette*. It was also widely held assumption in society in general. In the 1958 film, *Violent Playground* depicting the work of the Juvenile Liaison scheme, the moral guidance of the priest was what came closest to averting the downward spiral into evil by the delinquent Teddy boy Johnny Murphy. The film specifically aimed to promote a social message and deal with the problem of delinquency in a realistic and nuanced way. The importance that it placed on religious guidance in a film aimed at wide audience showed how its positive role was a common assumption.

### *The social scientific paradigm for religious training*

The central importance of religion did not mean that Approved Schools staff rejected more social scientific frameworks for understanding delinquency. As we saw in the introduction, it was common to place religion as the most important factor in social scientific studies. Notable examples are those conducted by Alexander Paterson and Mary Barnett.<sup>26</sup> Thus the narrative of the secularisation of penal welfare as coterminous with the displacement of missionary zeal by scientific know-how needs to be questioned. A contributor to the *Gazette* writing in 1946 amply summed up the

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<sup>24</sup> “The President’s Notes,” *Approved Schools Gazette*, August 1950, 146.

<sup>25</sup> R. Coultard, “Vice President’s jottings,” *Approved Schools Gazette*, November 1958, 236.

<sup>26</sup> Alexander Paterson, *Across the Bridges: Or Life by the South London River Side* (London: Edward Arnold, 1911); Mary G Barnett, *Young Delinquents: A Study of Reformatory and Industrial Schools* (London: Methuen, 1913); for a discussion of these books, see pages 11-14 of this thesis.

way Approved Schools staff viewed this issue by rejecting what she saw as the false dichotomy between morality and religion on the one hand and science on the other: “Trained men and women of the younger generation use the only sound method – a combination of knowledge and religion”.<sup>27</sup> The Approved Schools’ Christian way of thinking about the world was not at odds with more modern ways rooted in social science. Rather, they discussed delinquency in a language that drew on both social science – primarily sociology and psychology – and Christianity.

The reliance on social science was also evident when Approved Schools defended their value against other conflicting approaches. In the 1950s the concept of family case work became increasingly influential. This meant that a social worker – often a probation officer – worked with a maladjusted or delinquent child in their family environment. The idea here was to ameliorate the situation of the malfunctioning family and thus improve the child’s behaviour rather than focusing solely on the moral reformation of the child. Obviously, this went against the principles of the Approved Schools system. Here the emphasis on the noxious social environment damaging the child’s moral health that was so severe that it could not be overcome was their main line of defence. Reverend John Waterhouse defended the superiority of the Approved School approach:

Sometimes a radical change and a removal far distant from an unhappy environment is the only course to be taken. This is especially so in dealing with many cases of delinquency where the low moral standards of parents have over the years permeated the whole outlook of the family. Here, only a spiritual rebirth can effect the essential change that must come about if the children are to remain under the direct influence of their parents.... Family case work may be able to do a lot for a home and standards of living may be raised, but seldom can social work effect that change of heart and mind which radically alters values and ideals.<sup>28</sup>

This was to remain the main justification for the existence of Approved Schools up until the abolition of the system. It was based on a sociological conception of environment that saw a morally wholesome social atmosphere as the key to bringing

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<sup>27</sup> Louise Morgan, “The children who lose their way,” *Approved Schools Gazette*, November 1946, 237.

<sup>28</sup> John Waterhouse, “Keeping families together,” *Approved Schools Gazette*, May 1954, 65.

about reformation. It is very telling that Waterhouse, a religious minister, considered “a spiritual rebirth” of the parents unrealistic. Rather Christian training needed to be administered through social scientific methods.

In a radio broadcast that was subsequently transcribed in the *Gazette* in 1950, Cyril Alfred Joyce (1900-1976), headmaster of the Cotswold school run by the Police Court Mission, blamed an environment lacking in “moral training” for engendering delinquent behaviour. It was an environment in which proper morality had not been espoused by the people the boys loved and wished to please. This produced boys who did not see anything wrong with stealing or being dishonest. A key aspect of their moral re-training was to place God before them as someone they could love and serve.<sup>29</sup> Joyce had been brought up in a very religious household and dreamt of becoming a minister as a child. Instead, he trained as a schoolteacher and a meeting with Alexander Paterson led to him being appointed assistant housemaster in a Borstal institution. He worked in the Prison Service until 1941 when he was asked by the Police Court Mission to become headmaster for their new Approved School in Wiltshire. Joyce stayed in this position until 1961. He subsequently became a Public Relations Officer for the Police Court Mission.<sup>30</sup> It is fair to say that no Approved Schools headmaster had been as active in communicating the ethos of the Schools to the public as Joyce. He made regular appearances on the radio and television. For instance, between 1953 and 1960, he was invited annually to give the week’s talks for the BBC religious programme *Lift Up Your Hearts*.<sup>31</sup> Reaching an audience of three million in the 1950s, it consisted of five-minute long sermon-like talks broadcasted in the morning Monday to Saturday.<sup>32</sup>

Contributing to the *Gazette*, psychologist Catherine McCallum expressed herself along the same lines: “[w]hen a boy has learnt to exert himself and conform to accepted standards in order to gain the approval of a respected adult he is well on the way to rehabilitation”. It was necessary for the Approved Schools teacher to

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<sup>29</sup> Cyril Alfred Joyce, “Aims and obstacles: text of a broadcast talk by C.A. Joyce,” *Approved Schools Gazette*, October 1950, 250.

<sup>30</sup> R.H. Ward, *The Hidden Boy: The Work of C.A. Joyce as Headmaster of an Approved School* (London: Cassel, 1962), 1-4, 19.

<sup>31</sup> BBC, “BBC Genome Project,” accessed 20 March, 2017, <http://genome.ch.bbc.co.uk>.

<sup>32</sup> Alan Argent, *Elsie Chamberlain: The Independent Life of a Woman Minister* (Abingdon: Routledge, 2014), 109.

provide an example of virtuous behaviour to attract “the boy’s natural emulation”.<sup>33</sup> This was also the fundamental *raison d’être* of the Probation Service at this time which shall be discussed in the next chapter. Thus Joyce along with other Approved School workers drew on contemporary psychological ideas about the desire of children for the approval of their parents and sociological environmentalism to explain how lack of Christianity produced delinquents.

Similarly, when the President of the Association for Approved School Headmasters and Headmistresses gave his address at the annual general meeting in 1953, he delineated the causes of delinquency along lines strongly indebted to psychological discourse: “Delinquency is *one* of the results of an inability to derive satisfaction from present spiritual and social relationships. Those needs, and those relationships, are dependent upon a social structure, which by its very nature, evolves as a result of man’s progress in scientific knowledge of things material and scientific”.<sup>34</sup> He pointed out that the rate of scientific discovery made it difficult for to keep pace spiritually. This was a relatively common observation among religious people that identified a sense of disorientation in the nuclear age when science was looked to for all the answers.<sup>35</sup> He emphasised the duty of the staff of each school to “ensure that they [the children in Approved Schools] are made aware that there is a deep inner satisfaction, and an abiding sense of security, to be found in things spiritual”.<sup>36</sup> Thus, the needs of individuals were delineated according to psychological ideas but it was assumed that they could only be satisfied by religion.

In keeping with psychological and sociological frameworks of explanations, Approved Schools workers almost invariably placed the blame for delinquency in the defective home. This included neglectful parents, material deprivation, and noxious housing but as the welfare state took form the causes became increasingly located in the failure of the homes to provide a wholesome moral environment and a good standard of conduct. Here the irreligiousness of parents was often the butt of criticism even among parents who were otherwise satisfactory. Headmaster Joyce used his radio broadcast to give a message to parents:

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<sup>33</sup> McCallum, “Why approved Schools succeed,” 58-59.

<sup>34</sup> Alexander, “Address,” 58-59.

<sup>35</sup> See for instance, Lord Feversham, *Basic Human Needs in a Scientific Age: The Eighteenth Clarke Hall Lecture* (London: The Clarke Hall Fellowship, 1958).

<sup>36</sup> Alexander, “Address,” 59.

Will you forgive me if I say one word to you parents who are so careful about your children, (and don't ask them if they want warm beds, dry feet and regular meals). Will you make equally firm and sound decisions about the matter of their moral and spiritual welfare!; because most of our boys wouldn't be in the school at all if it hadn't been for a lack of that sort of thing beforehand.<sup>37</sup>

The moral welfare of children was thus seen as equally important as physical welfare. By implication that justified the role of the state in removing children from their parents for failing to cater to their spiritual needs – just as it could for failure to meet their physical requirements. The inadequacy of parents was a recurring theme in the *Gazette*. Reverend John Waterhouse stated that “it is one of the laments of the Approved School Manager that so many youngsters have to return to the family environment which was such a large factor in producing their original delinquency”.<sup>38</sup> This type of environmental positivism which harked back to the early twentieth century – it is evident in the writings of Mary Barnett and Alexander Paterson discussed in the introduction – could thus be used to justify the function of the Approved Schools.

Approved Schools imagined their role as working towards the moral welfare of their charges – and by extension the moral welfare of the future nation. It was regarded as self-evident that religion was an absolutely necessary prerequisite for citizenship. The assumption that moral health was as important as physical health was implicit in their attitudes. Thus, they did not regard the right of the state to take children out of their homes – when parents had failed to provide a sound moral environment – as problematic in any way. As Joyce made clear, providing a wholesome spiritual atmosphere was as essential a parental duty as looking after children's physical welfare. If they failed to do so, it was the duty of the welfare state to intervene. In that respect, they were imbued with a palpably social democratic ethos that imagined a very prominent role for the state in ensuring the health, safety, well-being, as well as the moral welfare of the citizens of the nation.

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<sup>37</sup> Joyce, “Aims and obstacles,” 251.

<sup>38</sup> Waterhouse, “Keeping families together,” 65.

### *Christian character training*

Thus the purpose of the Approved Schools was to instil certain qualities associated with British national character which included self-control, restraint, conformity to social norms, personal responsibility, hard work, dutifulness, and obedience. The method of the Approved Schools for achieving these qualities was character training. As the current President of the Association for Approved Schools Headmasters and Headmistresses reminded his audience in 1932, “the specific purpose of our work is “Character Training,” and that in this study, requiring exceptional skill and wide experience, should be placed first and foremost “Education”” going on to define education as “the art of developing and cultivating the physical, the intellectual, and moral faculties”.<sup>39</sup> Character training in the Approved Schools aimed to establish an acceptable standard of conduct in the delinquent – something which had been lacking in the child’s home conditions. Psychologist Catherine McCallum’s celebration of the work done in the Schools adequately summed up the approach and purpose of character training:

The child has at last [when committed to an Approved School] a standard in relation to which he can begin to orientate himself within the framework of the social code. A boy may never love his teachers but he will readily emulate a leader who can give him satisfactory outlets for his energies be they physical, mental or emotional. He should, therefore, have plenty to do whether he wants it or not, because physical activity is a great relief in times of mental stress. He should have frequent repetitive work, so that the rudiments of pattern and order can be impressed on him; any pattern impressed is better than his own confusion. He should have drilling in groups either on the physical level or on the mental level, for instance, multiplication tables and spelling, because even rudimentary conformity will give stability at this stage of development and he feels better as one of a crowd. And above all he should learn to obey.<sup>40</sup>

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<sup>39</sup> “The President’s address,” *Approved Schools Gazette*, July 1932, 6-7.

<sup>40</sup> McCallum, “Why approved Schools succeed,” 58.

This passage adequately summarises the key assumptions of character training. First of all, it was essential for children to have proper role models that would embody a virtuous way of life. As shown above the lack thereof in the child's home environment was viewed as a primary reason for his delinquency. Incidentally, this type of thinking also underlay the ethos of the Probation Service. Secondly, it was assumed that boys needed help finding legitimate outlets for their energy that would otherwise express itself in delinquency. This explains the heavy emphasis that character training placed on physical exercise. Albeit framed in heavily psychological language, McCallum also recycled the Christian assumption that the devil will find work for idle hands and that diligence was integral to uprightness. However, the most interesting aspect of the passage was the emphasis on conformity and obedience aiming to make the individual part of the collective. The article certainly corroborates Matthew Thomson's point about the collectivist nature of British psychology in the immediate postwar period.<sup>41</sup> It showed a significant degree of discomfort with the decline of deference in the postwar years while it perfectly encapsulated the widely held belief that outward conformity to codes of behaviour and obedience to authority would bring about a change of heart.

The Christian nature of this kind of character training was mostly left implicit in McCallum's article – although she did notice that her approach corresponded to the teachings of most religions.<sup>42</sup> This kind of implicit acknowledgement of the importance of religion was common. However, explicit references were equally prevalent. E.F. Couzens, a superintendent in a Remand Home – a place where juveniles could be held for evaluation prior to consideration of their cases or awaiting transfer to an Approved School – in Cardiff expressed himself along similar lines while explicitly emphasising the Christian nature of character training. He pointed out that it was necessary “to understand each individual boy” but that this did “not mean softly pandering to the whims of the idle, and the tantrums of the wayward”. Rather, he argued:

Successful work with boys, good or bad depends on the cultivation of the right atmosphere of firm, friendly discipline, coupled with good, honest

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<sup>41</sup> Matthew Thomson, *Psychological Subjects: Identity, Culture, and Health in Twentieth-Century Britain* (Oxford: Oxford University Press, 2006), 250-251.

<sup>42</sup> McCallum, “Why approved Schools succeed,” 57.

productive work and play. [...] Boys are never happier nor easier to handle than when actively and fully engaged in the daily routines of a well-run residential establishment. They like firm, reasonable discipline; they like to be useful; and they crave to be appreciated. How quickly and easily children, even the truculent young imitation thug, responds to orderly, properly balanced Christian living, is something which never quite ceases to be astonishing.<sup>43</sup>

The idea that moral reformation would come about by useful work and eschewing idleness was a prominent part of Christian discourse. It was also strongly implied that ‘productive’ use of leisure was an essential part of virtuous living. Couzens unambiguously viewed this as a Christian way of life and had no doubt in its power to morally transform offenders.

When the recently retired C.A. Joyce was interviewed by BBC broadcaster R.H. Ward for a book published in 1962, Joyce made clear what he saw as the purpose of Approved Schools:

It’s sometimes forgotten that the general idea behind approved schools is that a boy who is sent to one of them is in need of moral training. That’s their primary function, and the educational and other work done is really subsidiary to it. A lot of people think boys are sent to these schools to learn a trade, but that isn’t so; they’re sent for moral training – put part of that training must involve work, academic or otherwise.<sup>44</sup>

Thus there was no doubt to Joyce as to the fundamental purpose of the Approved Schools. Joyce had developed his thoughts about the importance of religion 7 years earlier in a book entitled *By Courtesy of the Criminal*: “If you were to ask me on what our training is based I should have no hesitation at all in saying that it is based entirely on the Christian religion”. He also made it clear that “the only real power behind reformatory work is a religion of some sort” and that “every penal establishment of any sort should have its own residential chaplain”.<sup>45</sup> Joyce was not

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<sup>43</sup> E.F. Couzens, “Crime and the remand home,” *Approved Schools Gazette*, March 1953, 353.

<sup>44</sup> Ward, *The Hidden Bo*, 9.

<sup>45</sup> C.A. Joyce, *By Courtesy of the Criminal: The Human Approach to Treatment of Crime* (London: George G. Harrap & co. ltd, 1955).



a regular contributor to the *Gazette* but, nonetheless, his approach to delinquency expressed the exact same Christian ethos.

Naturally, character training also included more directly religious elements as well. Each day began and ended with prayer and it was not uncommon for Schools to take the children to the local church or chapels on Sundays.<sup>46</sup> Furthermore, the Schools cultivated relationships with other religious organisations. Dennis Davies, a member of the evangelical Christian organisation the Children's Special Service Mission also known as the Scripture Union, represented his organisation in Approved Schools and boasted in the *Gazette* that he had been warmly welcomed by many headmasters to do work in the Schools. He emphasised the power of Scripture to make delinquents understand "that a poor start, can, by the grace of God, be overcome" which he argued "cannot but put a strong sense of determination in their hearts to look up for Divine strength".<sup>47</sup> Thus character training entailed both religious exhortation as well as learning to conform to normative codes of behaviour.

Although criticism of the religious basis of the Approved School approach was rarely printed in the *Gazette* in the 1950s, it was not unheard of. In the 1951 February issue, psychologist Letitia Fairfield criticised the belief that morality and religion were inextricably interlinked: "a more rational conception of morality, would base it only on the shifting sands of human relationships, the knowledge and love of God being regarded as superfluous "extras" in Education".<sup>48</sup> In the June 1954 issue, the journal's editor, P.J. Gaughan, brought attention to an article published in *Child Care* under the pseudonym Viator criticised the Approved Schools for not having "a convincing statement of the over-riding purpose and philosophy". Gaughan briefly answered that the principles of the Schools were the responsibility of the Managers and were in most cases based on religion or philanthropy.<sup>49</sup> This did not satisfy Viator who submitted an opinion piece to the *Gazette* which Gaughan published hoping it would stimulate his colleagues to respond.<sup>50</sup> Viator did not find the philosophy "implicit in the religious inspiration of the managers, schools and

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<sup>46</sup> Alexander, "Address," 59.

<sup>47</sup> Dennis Davies "The Bible and the Delinquent Child," *Approved Schools Gazette*, August 1955, 156.

<sup>48</sup> Letitia Fairfield "Juvenile Delinquency: Cause and Cure," *Approved Schools Gazette*, February 1951, 382.

<sup>49</sup> P.J. Gaughan, "Editor's miscellany," *Approved Schools Gazette*, June 1954, 81.

<sup>50</sup> P.J. Gaughan, "Editor's miscellany," *Approved Schools Gazette*, July 1954, 116.

teachers” convincing and argued that it needed to be made explicit in order to rid itself of “trite clichés” and “meaningless guff”. It led people to “hide behind a remote, idealistic and almost meaningless phrase about spiritual integration”. This implicitly rejected that Christianity was enough as an underlying philosophy for reformation. He went on to imply that the suitability of Christianity should be done away with;

Let us set us a few Aunt Sallys and knock them down, and if we don’t find the perfect wording in the process we shall at least have cleared our own minds and got a little nearer to defining our goal. [...] Just to get things going I will propose the first Aunt Sally by saying that the purpose of the Approved Schools is to produce Christian citizens.<sup>51</sup>

This was an unbelievably provocative statement that implicitly rejected the fundamental ethos on which Approved Schools were founded. However, there were no responses to Viator’s article. Whether the failure in responding indicated laziness, insecurity, or complacency is impossible to know for certain. However, it seems abundantly clear that Approved Schools headmasters never doubted the centrality of Christianity in character training. Furthermore, the passage above also made it clear that outsiders – even when they disapproved – recognised the *raison d’être* of the schools as making Christian citizens.

### *The place of the law in moral regulation along Christian lines*

The Approved Schools system was underpinned by the notion that it should be within the purview of the law to regulate the moral behaviour of private individuals through legislation. Indeed, the authority of the schools to impose moral training came from the fact that the sins the individuals had committed were illegal and that the legal system had sent them to the Approved School for reformation. The recommendation of the Wolfenden report in 1957 that homosexual acts between men and prostitution should be decriminalised – since the state should not regulate private

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<sup>51</sup> Viator, “Our purpose,” *Approved Schools Gazette*, July 1954, 135.

morality – was therefore very problematic. Thus it called the legitimacy of moral regulation into question. In chapter 3, we will deal in greater detail with the implication of the Wolfenden report for penal welfare. For now, we shall limit ourselves to reactions within the Approved Schools system.

For many people involved in Approved Schools, the idea of decriminalisation was threatening not just because it called into question the sinfulness of homosexuality but also because it undermined the role of the law in regulating morality. Writing in the *Approved Schools Gazette*, Judge Walter Raeburn (1897-1972), the son of German-Jewish immigrants, rejected the idea that homosexuality should be decriminalised. It was not harmless, he argued, but “literally corrupting alike to the individual and to his social surroundings”.<sup>52</sup> Far from a marginal figure, Raeburn was the president of the Surrey Branch of the National Association of Probation Officers and one of the managers of Mayford Approved School in London. He had joined the Labour Party in 1923 and co-founded the Society of Labour Lawyers in 1949. He was also on committees concerned with the welfare of discharged prisoners.<sup>53</sup>

Similarly, the literary editor of the *Gazette*, P.J. Gaughan, saw legalisation as a threat to society and repeatedly made this clear from the beginning of the committee’s investigation in 1954. Gaughan was the headmaster of the Catholic Junior School St. George’s in Formby, near Liverpool. It was run by the Liverpool Catholic Children’s Protection Society and was certified to house 138 boys. Already in 1954, Gaughan strongly argued against moral deregulation:

While Christian charity demands that we are sorry for the sinner, a great wrong is done to the cause of morality by attempts to justify the sin itself or to suggest that the instincts must be allowed to rule rather than the will and the reason. Such a policy of appeasement, which ignores the Old Law condemnation of this sin as one of the four that cry to heaven for vengeance, can only undermine the society in which it flourishes.<sup>54</sup>

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<sup>52</sup> Walter Raeburn, “Sexual diversion,” *Approved Schools Gazette*, April 1954, 12.

<sup>53</sup> *Who Was Who*, s.v. “Raeburn, Walter Augustus Leopold,” accessed 9 March, 2017, <http://www.ukwhoswho.com/view/article/oupww/whowaswho/U158743>.

<sup>54</sup> P.J. Gaughan, “Editor’s miscellany,” *Approved Schools Gazette*, June 1954, 82.

This was a clear assertion that Christian notions of sin should be allowed to dictate the law. The next year, he approvingly quoted a magistrate who had argued that the law had some effect in curbing “unnatural vice” and emphasised that “the invert has to live his life and glorify God with the nature he has”.<sup>55</sup> Again, this explicitly reaffirmed the assumption that the law should be used to regulate moral behaviour.

In the January 1956 issue, Gaughan was happy to note that a panel of twelve doctors had restated “the traditional view that homosexuality is loathsome” and that “all suggestions for reformation are by moral and religious exhortation”.<sup>56</sup> When the Wolfenden came out with its recommendation in 1957, Gaughan argued that the idea of decriminalising homosexuality was tantamount to condoning “unnatural vice”. He approvingly quoted Lord Denning’s intervention in the debate:

Standards and morals are the concern of the law, and that whether done in private or in public. A great part of our legal system is concerned with laying down the right standards of behaviour, what people should or should not do. And for a great many people and for those who have no religion and no conscience the law is the only standard.... It is impossible to draw a hard and fast line between crime and sin.... I would say that without religion there can be no morality and without morality there can be no law.<sup>57</sup>

Thus Gaughan was pleased when Home Secretary R. A. Butler informed Parliament that he would not implement the recommendations of the Wolfenden committee since homosexual groups “may tend to draw in and corrupt those who are bisexual by nature and capable of living normal lives, but are led by curiosity, weakness, or, in some cases, purely mercenary motives, into homosexual society”.<sup>58</sup> Gaughan congratulated Butler on the decision: “The fact that he does not intend to legalise private un-natural sin between consenting adults because it might cause scandal to the weak by appearing to condone the sin is a matter of congratulation. Those of us who work in approved schools know how quickly this contagion can spread among

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<sup>55</sup> P.J. Gaughan, “Sins of Sodom,” *Approved Schools Gazette*, November 1955, 250.

<sup>56</sup> P.J. Gaughan, “Editor’s miscellany,” *Approved Schools Gazette*, January 1956, 325.

<sup>57</sup> P.J. Gaughan, “Editor’s miscellany,” *Approved Schools Gazette*, October 1957, 236. Ellipsis in original.

<sup>58</sup> *Hansard*. HC Deb 26 November 1958 vol. 596 c. 369.

the boys”.<sup>59</sup> Even after the government’s decision not to follow the recommendations of the Wolfenden report, Gaughan was clearly rattled by its implications. In 1961, four years after the publication of the report, Gaughan was still preoccupied with the issue questioning the idea that it was possible to “divide morality into different sections”. Again, he approvingly quoted Lord Devlin who had argued “that all morality is a unity and that all breaches of the moral law harm society”.<sup>60</sup> It is thus clear that the long-term editor of the *Gazette* felt strongly about this issue. Gaughan’s strong feelings cannot be reduced to the response of a religious conservative reacting against permissiveness. This probably played a part but the separation of crime and sin also undermined a fundamental part of the Approved School ethos. The Approved Schools had a holistic approach that sought not only to root out criminal behaviour in its pupils but also to affect a complete moral reformation. If anything the focus was on the latter rather than the former. Since the function of the Approved School within the penal welfare state was contingent on the legitimacy of moral regulation, the type of thinking represented by the Wolfenden report could be construed as undermining its whole purpose.

This does not mean that the reactions of people involved in Approved Schools against the Wolfenden report were necessarily negative. C.A. Joyce, for instance, celebrated the report as “genuine, sincere and helpful” but regretted that it had been presented as implying that homosexuality had ceased to be sinful. Joyce’s challenge as a headmaster was to teach boys that it was something that “decent people don’t do”.<sup>61</sup>

Michael Forsyth Grant, a governor of an Approved School, published an article in which he supported the recommendation. He did not question the sinfulness of homosexuality but rather pointed out that heterosexual sins such as adultery and fornication were not illegal. Since these sins were much more damaging to the community leading to wrecked marriages and illegitimate children, the law against homosexuality represented “a complete lack in fundamental justice”. In this, he basically recycled the arguments used by the leadership of the Church of England. He mocked the pretensions of opponents to represent religion when the leadership of

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<sup>59</sup> P.J. Gaughan, “President’s notes,” *Approved Schools Gazette*, December 1958, 270.

<sup>60</sup> P.J. Gaughan, “Modern vandals,” *Approved Schools Gazette*, April 1961, 3.

<sup>61</sup> Ward, *The Hidden Boy*, 78-79.

the established Church had supported it; should we, he asked, “accept Lord Justice Denning as the High Priest of Religion in this country in preference to the Archbishop of Canterbury”. He cast the opponents of the recommendation as reactionary: “Surely in this age of democracy we are not to be dissuaded from accepting this report by a few backwoodsmen of the Old Testament”.<sup>62</sup> However, even though he supported the recommendations of the Wolfenden report, he still accepted the importance of religious authority for legislation.

### *Moral decay in declinist narratives of secularisation*

In the 1950s, it became increasingly common for Approved Schools workers to identify a far-reaching moral decay taking place throughout society and resulting in more badly behaved children and youth. Thus, the blame for delinquency was now apportioned not just to the parents but also to the ‘immoral’ society. The main cause for moral decay was attributed to secularisation in a way that indicated a great deal of anxiety about the future of Christianity in Britain. The rise of affluence together with increasing consumerism was identified as the main culprit. J.R. Alexander, the President of the Association for Headmasters and Headmistresses of Approved Schools and headmaster of the Mobberley School, used his address and the annual general meeting in 1953 to articulate these concerns:

The radio, the cinema, the comics, television, school meals, free transport, no unemployment, full wage packets going into their homes, often from mother as well as father, ample and often far too much pocket-money, the chip shop, the milk bar, the amusement arcade, recreational centres, youth clubs and cigarettes, and the modern cult of freedom; all these have, of necessity, produced a different type of boy and girl.<sup>63</sup>

The mass media was widely seen among socially conservative voices to be promoting a hedonistic and immoral approach to spending money, use of leisure, and

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<sup>62</sup> Michael Forsyth Grant, “Wolfenden report,” *Approved Schools Gazette*, December 1957, 324-325.

<sup>63</sup> Alexander, “Address,” 60.

sex among other things. Basically, it was seen as undermining the Christian value system. The cult of freedom decried here did not refer to democratic rights or freedom from oppression but rather freedom not to conform to social norms. An equally serious consequence of the preoccupation with freedom was the resentment of authority and lack of obedience:

[W]e live in the age where there is a constant challenge to, and resentment of, authority. We are living in an age when the foreman and the manager are the butt of every Workers' Playtime comedian, we are living in the age when the worker considers himself superior to his foreman and even superior to his boss. [...] Our boys and girls, in the main, come from the districts in which that feeling is the strongest, and where respect for others is considered as a sign of weakness, and where to resent and challenge authority is accepted as the thing to be done.<sup>64</sup>

Thus the collapse of older standards of deference was viewed as contributing to increasing immorality and Alexander's statements betrayed more than a little contempt for the working class. It is hard not to read this as the attack of a middle class figure on the perceived breakdown of class boundaries.

For Alexander, it was the job of the Approved Schools to counteract this lack of deference characteristic of the working class through character training:

One of our first jobs in the boys' schools is often the need to break down the supercilious pose of superiority, and the arrogant attitude of insolence, without the removal of which, we cannot make a start with our training, and which in itself is a barrier to the boy achieving a real sense of oneness with the community and with the staff.<sup>65</sup>

Here Alexander showed an attitude that can only be labelled reactionary – he aimed to root out what he saw as the less agreeable aspects of working class culture. Of course, Alexander's statement was also highly contradictory. At the same time as it posited the Approved School as a counterforce to the 'immoral' community, it also adopted the goal of teaching delinquents to conform to the values of the community.

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<sup>64</sup> Alexander, "Address," 60-61.

<sup>65</sup> Alexander, "Address," 61.

This type of overtly classist position was not very common in the *Approved Schools Gazette*. However, the conception of the Approved Schools as counteracting the increasing normlessness and moral decay of society at large became ubiquitous in the 1950s. While not approaching the issue from a classist position, E.F. Couzens similarly saw the growing normlessness of society as foremost cause of delinquency:

The work of reclamation is arduous and difficult. Never before has [sic] parental control and discipline been so lax, nor the social conscience so blind and indulgent towards petty dishonesty and deception. Can there be any wonder that we are continually faced with the troubles, often the tragedies, of juvenile delinquency when so many of our youngsters are born and bred in an environment of adult delinquency?<sup>66</sup>

Like for Alexander, a key cause of delinquency was that society had itself become immoral. Furthermore, the restoration of discipline and the imposition of Christian values were seen as the only solution to the problem – the two were intimately connected in their minds. This adequately sums up one of the dilemmas of the Approved Schools in the age of affluence – how to make delinquents conform to the assumed Christian values of society when it became increasingly clear that those values had less and less significance.

Most of the time, the causal connection between delinquency and lack of religion was strongly implied rather than explicit. Certain examples of moral decay were identified and a key part of the solution almost invariably lay in restoring the Christian faith. Sometimes, the connection was made explicit. In 1958, the General-Secretary argued, in no ambiguous terms, that “three generations of secularism and moral apathy have produced some children who are selfish, hedonistic, anti-social and uncontrolled”.<sup>67</sup> He explicitly made clear that this went against the British national character:

As a nation, we forget far too easily. We forget that our traditions, our love of justice and fair play, our social conscience, our tolerance and most of our national virtues are the outcome of a thousand years of Christian teaching. We forget that until late in the nineteenth century

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<sup>66</sup> Couzens, “Crime and the remand home,” 352-353.

<sup>67</sup> “General Secretary’s Notes”, *Approved Schools Gazette*, October 1958, 201.



practically all schools and colleges were founded and maintained by religious organisations or individuals, and that moral and religious training was the unquestioned basis of all learning.<sup>68</sup>

Statements like this say more about the mental climate of the 1950s than they do about the state of Christianity during the preceding decades. Brewitt-Taylor has identified the 1950s as witnessing the birth of a discourse framing Britain as a nation in religious decline. Yet the presence of this discourse among Approved Schools staff seems to contradict Brewitt-Taylor's argument that the discourse of Christian decline was confined to a small cohort of Church of England figures only gradually gaining wider acceptance in the early 1960s.<sup>69</sup> At any rate, it was as much rooted in declinism as in actual decline. As Callum Brown has shown church attendance was actually rising in the 1950s.<sup>70</sup>

C.A. Joyce argued in his book *By Courtesy of the Criminal* that “people go wrong because they haven't any background of moral training to stop them”. Reflecting on the challenges of the Approved Schools, he pointed out that it was “not easy to give moral training to some one who has probably had a sort of anti-moral training for many years”.

There are thousands of boys and girls to-day who are being brought up without any moral training at all, and who, therefore, come to believe that ‘I want’ and ‘I take’ are the same verb; but before we go on to blame these children entirely hadn't we better admit that they are being brought up in a society that is much less honest than it was before?<sup>71</sup>

However, Joyce was much less negative about the state of contemporary youth than many of the others quoted above: “I do want to make it very, very clear that I am not despondent about the youth of to-day. I think that *at root* they are as good as they were, but they do need a background of security and moral training”.<sup>72</sup>

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<sup>68</sup> “General Secretary's Notes”, 200-201.

<sup>69</sup> Brewitt-Taylor, “The Invention of a ‘Secular Society’?”, 335-350.

<sup>70</sup> Callum G. Brown, *The Death of Christian Britain: Understanding Secularisation, 1800–2000*, 2<sup>nd</sup> ed. (London: Routledge, 2009), 170-175.

<sup>71</sup> Joyce, *By Courtesy of the Criminal*, 35-36.

<sup>72</sup> Joyce, *By Courtesy of the Criminal*, 40.

Approved Schools staff increasingly came to imagine the schools as havens of virtue in an otherwise immoral society: one headmaster noticed that “it seems so cruel after giving these lads a two-year glimpse [the time spent in the School] of a purposeful existence to expose them mercilessly to the effect of the popular press and mass “entertainment.””<sup>73</sup> This remained the way Approved Schools headmasters conceived of their role in an ‘immoral’ society until the abolition of the Schools. In 1967, Peter Gardner, headmaster of the Kibble School, defended the value of Approved Schools despite poor success rates.

In terms of what the Approved Schools system has to offer, I believe that today, we are more efficient than at any time in our history. I say this in spite of the fact that for various reasons the qualitative change in our clients has produced pupils with progressively poorer prognoses. But this is not the reason that success rates are so poor. This is due to the kind of society we adults have created and to which the boys return. With today’s method and yesterday’s pupils we would have achieved much greater success.<sup>74</sup>

It was thus not the shortcoming of the Schools themselves that caused high levels of recidivism but rather the shortcomings of the moral climate of society. Here it is impossible not to notice the precarious position of the Schools. Their place in the penal welfare system was directly dependant on the Home Office yet their way of viewing their world and the goals they conceived for the individuals in their care were increasingly in opposition to the policies promoted at the political level.

In 1968, the incumbent president of the Association for Approved Schools Headmasters and Headmistresses, John Gittins (1910-1996), made the oppositional standpoint on the role of the Approved School abundantly clear at a time when the relationship between the Home Office and the Approved Schools system had soured beyond repair:

I think that on behalf of our children, on behalf of the rejected, we need to make a stand to bring out very clearly that what an Approved School is doing is not in essence dealing with a special problem but is holding a

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<sup>73</sup> G.N, “Reflections of a Headmaster,” *Approved Schools Gazette*, August 1957, 188.

<sup>74</sup> Peter Gardner, “Counselling and youth involvement,” *Approved Schools Gazette*, April 1967, 3.

mirror up to society. You have in an Approved School the consequences of an industrial and a non-caring society. You have the result of materialism, of lack of concern for one's neighbour, of the fragmentation of the community. And people don't want to look at those. They hope that therapeutic agencies will somehow or another cure the ills that society is throwing up. It is our function to show society what its problems are – and we have got them – and that they are problems of *values*. It is our function to exhibit in this context the values that are worthwhile, the values which are an inspiration and an example to the educational and to the social services, and in no sense to see ourselves or our children as second class citizens.<sup>75</sup>

Having earned an MA in Education, Gittins had obtained a lectureship in Education and Psychology at Exeter in 1937. In 1941, Gittins had been asked by the Home Office to head the new classificatory Approved School at Aycliffe, a position he held until his retirement in 1970.<sup>76</sup> Gittins' article was published after the decision had already been made to abolish the Approved School system but before it had been carried out. It is thus of special value for the historian because it overtly stated attitudes that would not have been so freely spoken before when it was necessary to keep a good relationship with the Home Office. It is hard to miss the heavily Christian language in Gittins' encouragement for people to speak up – Christ-like – for the oppressed. The statement that the key function of the Schools was to show society the consequences of its moral decay rather than actually curing delinquency was a savage indictment of society, the people in power, as well as the current direction of penal welfare. It lamented the materialism of the affluent society and the consequences of individualism at the expense of collectivism – something which successive postwar governments had promoted for electoral gain.

There was thus a remarkable consistency in the way senior Approved Schools figures responded to changes in society. As society became less Christian, they gradually shifted their attention away from making delinquents conform towards the values of society to offering a Christian alternative to the normlessness

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<sup>75</sup> John Gittins, "Approved Schools and the future," *Approved Schools Gazette*, May 1968, 77.

<sup>76</sup> Haydn Davies Jones, "Obituary: John Gittins," *Independent*, 7 November, 1996, accessed 9 March, 2017, <http://www.independent.co.uk/news/people/obituary-john-gittins-1351117.html>.

of contemporary society. Lawrence Black has shown that the failure of the Labour Party to come to terms with affluence made them out of tune with the populace and contributed to their successive electoral defeats in the 1950s.<sup>77</sup> Here a parallel can be drawn with the Approved Schools. They too failed to come to terms with affluence with the result that their vision of penal welfare became increasingly at odds with that of the Home Office and the rest of society.

### *New approaches and the end of character training*

This might give the impression of the Approved Schools as Conservative – not to say reactionary – institutions failing to adapt to the times and rendering themselves increasingly anachronistic in post-1963 Britain. As was seen above, there was some truth to this but it is far from the complete picture. The Approved Schools actually showed a remarkable ability to adapt their Christian message to the more individualist climate of the late 1950s and 1960s. They readily turned away from emphasising the conformity and obedience inherent in character training towards more democratic ways of communicating Christianity.

Some even questioned the sincerity of earlier collective expressions of piety. Judge Walter Raeburn noted the obvious irreligiousness of contemporary society but expressed doubt whether people had been more pious in the past:

It may be that the age of mechanisation, treading on the heels of the age of industrialisation, has swept and garnished the house for the reception of the seven devils particularly worse than its previous occupants. Or it may be that the indiscipline associated with personal liberty has exposed the illusion of piety which arose out of the one-time practice of religion on substantially uniform lines. It may, in fact, be doubted whether people today really are exceptionally irreligious. What is obvious is that they are irreligious.<sup>78</sup>

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<sup>77</sup> Lawrence Black, *The Political Culture of the Left in Affluent Britain, 1951-1964: Old Labour, New Britain?* (Basingstoke: Palgrave Macmillan, 2003).

<sup>78</sup> Walter Raeburn, "Spiritual hunger," *Approved Schools Gazette*, December 1957, 307.

This showed a significant amount of scepticism about nostalgia towards past piety. Raeburn criticised the stress on “corporate worship” rather than private belief. He mockingly dismissed the old approach of “imposing worship under discipline” that was an integral part of character training:

In this way, it is sometimes thought, an attitude of mind can be induced in which there is a disposition to turn to religion for guidance and comfort in the difficulties of life. This disposition, taking the place of scepticism and rebelliousness, overrides the intruding critical faculties. It becomes the unquestioning respect for authority.<sup>79</sup>

Thus, Raeburn did not believe that worship under compulsion would inspire faith but rather stressed the need for interactive sermons in which the boys could ask questions: “It will not matter so much how little his words [the preacher’s] may have convinced. The fact that it has started the boys thinking will justify even the worst of sermons”.<sup>80</sup> The purpose was to convince the boys of their spiritual need for religion. This was a significant step away from the emphasis on obedience and conformity associated with character training. It showed a firm willingness to modernise the practices of the Approved Schools adapting them to an increasingly democratised society. It recognised that values could not merely be communicated by a top-down approach. In short, Raeburn’s approach to religious education corresponded to wider social shifts away from collectivism and conformity towards individualism.

Even accepting that society was undergoing a process of far-reaching moral decay did not stop Approved Schools headmasters from modernising their practices and adapting to social change. From the mid-1960s virtually all references to character training were gone having been replaced by more democratic approaches. In 1967, headmaster Peter Gardner recognised the moral decay that was taking place in society: “Children today are more hostile, aggressive, selfish, rebellious, self-centred and utterly preoccupied with the attainment of their immediate desires and impulses without any regard to the consequences of their acts than ever before”. While this rhetoric may appear indistinguishable from right-wing reactionary discourse, there was nothing old-fashioned in how he suggested Approved Schools

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<sup>79</sup> Raeburn, “Spiritual hunger,” 308.

<sup>80</sup> Raeburn, “Spiritual hunger,” 310.

approach this problem. He recognised the limitations of previous approaches to reformation: “We have been obsessed with the training of pupils”. Rather, the Schools should focus on treatment which, he argued, would be achieved through group counselling. This, he boasted had been introduced at his school at Kibble were the sessions were “permissive and non-directive”. The focus was on teaching the children “to value each other’s point of view and try to reach the compromise relationship which is socially acceptable to our culture and to theirs, and the one which results in fewer anti-social delinquents and criminal activities by our clients”. It was about helping the boy “to learn by participating in the taking of right decisions about the school, the family and himself, by involving him all the time”.<sup>81</sup> Thus, the obedience demanded by character training had given way to a more democratic approach. The boys were no longer considered passive recipients. This shows that it was possible to adopt a socially conservative approach to moral decay while still adapting to the more modern social climate.

The relatively sudden realisation in the early 1960s – Callum Brown dated it to 1963 – that Christianity was no longer the dominant cultural framework in Britain severely undermined the confidence of some Approved School workers in the future of reformatory treatment within the Schools.<sup>82</sup> In 1964, when D.C. Gibson addressed the issue of religion in Approved Schools in light of secularisation, he set the tone at the very beginning of his speech stating: “I am not going to make the mistake that Christians often make by suggesting to you that all of you necessarily believe in the Christian ideal or the Christian philosophy of life. Many of you may be agnostics and many complete unbelievers”. This was not an insignificant statement. As shown above, it had previously been assumed that all headmasters accepted the Christian ideal. Gibson articulated many of the anxieties about what the collapse of Christian Britain meant for penal welfare. Secularisation, he argued, meant that Approved Schools teachers and social workers lacked a shared sense of direction. They had a shared conception of what was evil – things like inadequate housing and unemployment – but not what was good. While physicians all agreed on what constituted good health, people working with delinquents lacked a common approach to “the ideal state for the human being” and “what the final end” of penal

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<sup>81</sup> Peter Gardner, “Counselling and youth involvement,” *Approved Schools Gazette*, April 1967, 3-5, 9.

<sup>82</sup> Brown, *The Death of Christian Britain*, 9.

reform should be. He emphasised that: “What we need is not more psychology and sociology but more philosophy”. The Christian philosophy of life offered this through its central tenet of Redemption. He emphasised the moral responsibility of his fellow headmasters to decide where they stood vis-à-vis the role of religion in Approved Schools. He also stressed the need for Christians and non-Christians to discuss “the fundamental issues about life, about the meaning of goodness and about man’s ultimate destiny” and to “work out a common philosophy of delinquency”.<sup>83</sup> Although, he ostensibly argued for an open exchange of ideas between Christians and humanists, the questions he suggested they discuss were heavily framed within Christian discourse. In one way, Gibson’s speech represented a muddled and confused attempt to come to terms with the realisation that Christianity was no longer the undisputed framework for moral values. However, in another way, it was prescient of the crisis of penal welfare that would eventually follow the collapse of Christian Britain. He was absolutely right about the importance of Christianity for providing a common purpose for penal reform

In some cases, the collapse of belief in Christian Britain led to far-reaching rethinking of what it meant to be Christian and the place of Christianity within society. Writing in 1964, Reverend Stuart Bamforth was acutely aware of the crisis of Christianity that had taken place. At a time of debate about the relevance of religion in society, in general, and in Approved Schools, in particular, Bamforth offered his own interpretation. Surprisingly, he met the criticism that the profession of Christian faith on Sundays made no difference in upholding moral standards and that these standards, at any rate, varied according to the preacher by conceding that the claim was true. However, he argued that the critics had fundamentally misunderstood what religion was. Religion was not about “rigidly adhering to a series of rules and regulations” nor was it “a matter of professing high standards of conduct on a Sunday and trying to live up to them during the rest of the week”. Rather religion was “a sustained and loving encounter between persons, between the Person of the Godman, Jesus of Nazareth, and every individual human being”. This was not something which it was possible to opt out of. At a time when Christianity was losing its significance, Bamforth reclaimed its perpetual relevance by redefining its meaning. Thus the importance of religion in Approved Schools was self-evident:

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<sup>83</sup> D.C. Gibson, “Religion in Approved Schools,” *Approved Schools Gazette*, June, 1964, 107-110.

“It is the foundation stone of life there as it is in every community”. The author made clear two practical implications for this “true definition of religion”. First of all, the religious task of the Approved School was to introduce the boy to God and then retreat into the background. Rather than imposing religious observance, it was essential to “let a boy say his own prayers in his own way”. Religion was an individual “response to a friend” that should not be forced. Secondly, “the teaching and exhortative sermon” should play less of a role but should rather introduce the “heroes and heroines of the Faith” thus presenting the church as “a delightful society of saintly folk”.<sup>84</sup> Bamforth’s intervention in the debate about the role of Christianity shows that it was no longer self-evident, even among the clergy, to regard Christianity as the guardian of moral values. Rather, he presented an interpretation of Christianity more in line with the individualism that was gaining momentum. More importantly, even though Bamforth probably did not realise it, his intervention constituted a challenge to the legitimacy of the Approved School as an instrument of moral regulation.

An underlying ambivalence towards individualist self-expression and hostility towards materialism remained a feature of the Approved Schools system up until its dissolution. A contributor writing in 1972 under the signature I.B. was, like countless other Approved Schools writers, in no doubt that society was in a state of moral decay:

All the reliable indices of disruption and disintegration of society as we know it are present. There is conflict and violence, the sapping of stability and security by a questioning of control system and institutions. We teeter on the shifting sands of acquisitiveness, affluence, and materialism, helplessly seeking the firm footmarks of effective social motives. [...] It is easy to over-dramatise, but given great social fluidity, a state of near normlessness, a pendulum swing towards permissiveness, a drive towards self expression [sic] and hedonism without the constraints of obligation towards others, the potency of media that can

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<sup>84</sup> Stuart M. Bamforth, “Religion in the Approved School,” *Approved Schools Gazette*, May 1964, 56-58.



sell attitudes as easily as they peddle commodities, then growing up today can be no simple matter.<sup>85</sup>

Even though Christianity was not mentioned, I.B.'s language was drawn from the negative Christian responses to social change. The way individualism had overshadowed collectivism was lamented as was the increasing tendency to question authority. In this respect, there can be no doubt that the value system of Approved Schools were significantly out of tune with the times.

However, the article was not focused on lamenting this moral malaise but about suggesting a constructive response to be undertaken by Approved Schools. He suggested two programmes for helping pupils – target therapy and resocialisation. Target therapy quite simply consisted of using psychological and psychiatric techniques and expertise to help disturbed and maladjusted children. However, the resocialisation aspect of treatment was heavily imbued with the author's moral values: "Integration back into family and community with assimilated values and attitudes are the goal. The child here learns to make his way in the world as he finds it, to affirm his own moral stances enroute [sic], and is able to extract some degree of fulfilment from this process". The techniques that he suggested to achieve that were a long way from the older approach of imposing values. Rather he suggested a more democratic framework: "Experience is weighed and hammered out together. Judgements are examined and made jointly. Values are rated, tolerance is assumed; affluence, the media, the daily fabric of living are all evaluated thread by thread. The community lives and breathes and grows". Although not mentioning Christian morality, it was clear that he imagined the Approved School as re-educating citizens to participate in a Christian community: "Through the interchanges of communal living he must be able to perceive the element of personal responsibility evoked in any social contract. The basis of true moral and social attitudes – which in the end can only rest on the idea of service – must repeatedly be exposed by precept and fellowship".<sup>86</sup> Thus, in spite of this emphasis on participation, the framework for the value system was, implicitly, not open to debate. The fundamental aim of allowing individuals to choose their own moral path was so that they would eventually choose to subordinate their own desires to that of the community. This was an underlying

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<sup>85</sup> I.B., "Two programmes," *Approved Schools Gazette*, April 1972, 11-12.

<sup>86</sup> I.B., "Two programmes," 13-15.

contradiction that the Approved Schools never really managed to come to terms with.

Abigail Wills was thus right that the focus became less on conformity and more on the individual's happiness as time progressed. However, she was wrong to suggest that this meant the rejection of the holistic view of bringing about a total moral reformation to merely helping the individual to be better adjusted. The fundamental goal of producing Christian citizens remained the same whereas the approaches to achieving this changed. However, the ability of the Schools to adapt to the shift away from collectivism towards individualism indicates that this cannot be taken as the cause of them becoming increasingly out of tune with the times. Rather it was the collapse of Christian Britain that placed them inexorably at odds with the direction of penal welfare.

## **II. 'Happy partnership'?: Christian voluntarism and the welfare state**

### *Religious voluntary management in Christian Britain*

The main reason for the extraordinarily strong Christian ethos of the Approved Schools was the fact that they were, in the vast majority of cases, run either by denominational organisations or by private philanthropic trusts invariably inspired by Christian zeal. Most straight-out denominational schools were Catholic but many schools were run by non-conformist philanthropic organisations. The main distinction was between Catholic and Protestant Schools.<sup>87</sup> However, the differences between denominations were seldom mentioned in the *Approved Schools Gazette*. Rather, all the contributors emphasised their generally Christian purpose. The Managers of each School were the representatives of the organisation and were appointed without state interference. The headmasters, on the other hand, were appointed by the Managers albeit pending the approval of the Home Secretary. Unsurprisingly, the headmasters were invariably strong advocates of this voluntary

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<sup>87</sup> *Directory of Approved Schools*, 13-56.

system. It was held that the zeal that voluntary efforts brought to penal welfare was something that could not be replicated by the state. This logic was deeply rooted in Christian discourse.

The voluntary managers, apart from their power to resign their certificate, have no financial interests or obligations to the [Approved] School. Their reason for devoting, as so many of them do, so much time and effort to the School springs from their keen sense of social responsibility. This kind of service, freely given, has a value which cannot be reproduced by any committee nominated by the public authority, and if ever changes are contemplated this fact needs to be given due weight.<sup>88</sup>

The emphasis on ‘freely given’ service was related to the idea that the efficacy of Approved Schools stemmed from the religious zeal of their workers. This was often referred to in terms of vocation. Defining vocation as working for God, Reverend John Waterhouse pointed out that “[s]ocial work is worthy of them who are prepared to give and give and give again what God has given them, people more conscious of their duties than their rights” and made clear that fulfilling this “vocation must mean sacrifice”. He exhorted the Approved School workers to “regard our work for the children as an act of faith”.<sup>89</sup> The importance of vocation was often voiced most clearly in obituaries. At the death of the headmaster of St. Joseph’s, Brother Finn Barr, he was referred to as the greatest man ever to have worked within the Approved School system: “Greatest because his devotion to his work was inspired by his deep religious convictions and was unhampered by any thought, or hope of, earthly reward”.<sup>90</sup>

However, in spite of voluntary management, the Approved School system was deeply embedded in the welfare state. The way the system was run was a prime example of what William Beveridge referred to as “the mixed economy of welfare” in which the state and voluntary organisation worked side by side. Before the Children and Young Persons Act in 1969, the Schools depended on the Home

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<sup>88</sup> “An address to magistrates on juvenile delinquency and approved schools,” *Approved Schools Gazette*, February 1946, 325.

<sup>89</sup> Reverend John Waterhouse, “Child care as a vocation,” *Approved Schools Gazette*, October 1956, 251-252.

<sup>90</sup> John Keogh “Obituary of Brother Finn Barr,” *Approved Schools Gazette*, March 1951, 409.

Secretary for their certificate of approval, were financed by the Home Office, and were regularly inspected by Inspectors of the Children's Branch of the Home Office. However, they also possessed a great degree of independence. The Managers – representing the owners of the school – were a self-perpetuating body free from outside interference. They held the status of *loco parentis* meaning they had the legal rights and responsibilities belonging by law to parents towards the children in their care. In the case of schools run by a voluntary religious organisation this meant that the managers were representatives of this denominational body. Together with schools run by private philanthropic organisations – invariably rooted in a Christian ethos – the denominational establishments made up the majority of the schools. Here we can see the explanation for the strong emphasis on Christianity by the headmasters – who were directly appointed by the Managers – and the deep-seated sense of responsibility for the moral welfare of the children which were discussed in previous sections. *Loco parentis* meant that they had the same duties as parents to bring up their children as good Christians. That the state supported – until the death of Christian Britain – this arrangement gives us a firm indication of the high regard for voluntary action.

Nonetheless, the history of the first seven decades of the twentieth century inexorably projects a picture in which the welfare functions of the voluntary sphere were gradually displaced by the state.<sup>91</sup> A common enough narrative by historians looking at secularisation is that a significant reason for Christian decline was that the state usurped its charitable function.<sup>92</sup> As the state gradually encroached upon the activities of the voluntary sector, their existence were eventually rendered superfluous. While there may be truth in this, it is not borne out in the case of the Approved Schools system. They survived the establishment of a full-fledged welfare state. Here was an example of the state cherishing the religious zeal of the voluntary service. They retained their position up until the collapse of Christian Britain.

Geoffrey Finlayson has preferred to look at the relationship between voluntary efforts and the state as one of mutually constitutive components in a

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<sup>91</sup> Jose Harris, "Political Thought and the Welfare State 1870-1940: An Intellectual Framework for British Social Policy," *Past and Present* 135, no.1 (1992): 116-141.

<sup>92</sup> See Jeffrey Cox, *The English Churches in a Secular Society: Lambeth, 1870-1930* (Oxford: Oxford University Press, 1982), 266, 272-273 and Prochaska, *Christianity and Social Service in Modern Britain*.

‘mixed economy of welfare’ in which the ‘frontier’ between the two were continually shifting (here Finlayson borrowed Beveridge’s terminology). While the emphasis shifted in favour of the state, the trend “was neither steady nor smooth; it was subject to checks and restraints”.<sup>93</sup> However, it should be remembered that the state was by no means hostile to voluntary action. William Beveridge – the man often considered the architect of the postwar British welfare state – published a tract on the place of voluntary action within the welfare state in 1948. He argued that; “It [the welfare state] should in every field of its growing activity use where it can, without destroying their freedom and their spirit, the voluntary agencies for social advance, born of social conscience and of philanthropy. This is one of the marks of a free society”. This came out of Beveridge’s conviction that the “making of a good society depends not on the State but on the citizens”. Here he acknowledged the central role that religious organisations had played although he regretted that “Now this religious force for good is less influential in society”.<sup>94</sup> Thus, it was clear in Beveridge’s mind that the voluntary and religious elements of the welfare state should be preserved wherever possible. It thus seems that Beveridge’s views were in harmony with those expressed by Approved Schools staff namely that the sense of vocation and social responsibility that religiously motivated organisations brought to penal welfare possessed something that could not “be reproduced by any committee nominated by the public authority”.<sup>95</sup>

However, it should be remembered, as Finlayson has pointed out, that in cases in which the visions of welfare diverged between the state and voluntary organisations, the state always came out on top. In some cases such as voluntary hospitals and insurance, there were diverging visions.<sup>96</sup> However, this was not the case with the Approved Schools system. Here the visions of creating good citizens through Christian reformation were shared by both the state and the voluntary organisations. The 1940s and 1950s give the impression of the voluntary system in Approved Schools being unchallenged. In 1946, the Labour Home Secretary, James Chuter Ede, sent a Christmas greeting to the Approved Schools managers and staff

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<sup>93</sup> Geoffrey Finlayson, “A Moving Frontier: Voluntarism and the State in British social welfare 1911-1949,” *Twentieth Century British History* 1, no. 2 (1990): 185.

<sup>94</sup> William Beveridge, *Voluntary Action: A Report on the Methods of Social Advance* (London: George Allen and Unwin Ltd, 1948), 318, 320, 322.

<sup>95</sup> “An address to magistrates,” 325.

<sup>96</sup> Finlayson, “A Moving Frontier,” 199.

which was published in the December issue of *Approved Schools Gazette*. Emphasising the shared responsibility of the schools and the state in turning delinquents into “useful members of the community”, Ede emphasised the need for “sympathy and understanding, patience and enthusiasm, perseverance and hard work, and, above all, for a high sense of vocation” which he framed as the essential qualities for those involved in child reclamation. In adopting this language, Ede reaffirmed the *raison d’être* of the voluntary element within penal welfare. The possession of these qualities was regularly used to defend the continued existence of the voluntary efforts. He ended his letter with an unambiguous affirmation of the partnership between voluntary efforts and the state expressing his confidence “that we shall go forward together”.<sup>97</sup>

There were few signs that people running Approved Schools were insecure about the future of voluntary management before the mid-1960s. However, besides the casual references to the virtues of voluntary management that occurred relatively frequently, there was one article in January 1948 that seemed to contain a warning against the dangers of the state encroaching upon services of voluntary organisations. Written by Abel S.J. Chambert, a French academic, it juxtaposed the effective English schools with those of the ‘unsuccessful’ French ones attributing the hostility towards voluntary management by religious organisations in France as the main cause of failure: “The French Government as a whole is sectarian, and deals with some distrust, not to say worse, [sic] all that it has not created. Therefore it loathes to give money to private bodies, though controlled by its Inspectors”. The French state wanted to run Approved Schools, Chambert argued, even though they were not qualified: “the rulers intend to replace private courageous self sacrifice [sic] and charity by the cold administrative hearts of public servants... better men than these are required to train young delinquents, and only those with a special calling can do the work properly”. The indifference, or even hostility, towards religion was held as the cause of failure: “the ideal set before the children has only human grounds and does not raise them high enough to make them turn over a new leaf... There we have the explanation why so many boys leaving French Approved Schools are morally worse than when they entered them”. The author concluded with an exhortation “to

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<sup>97</sup> Chuter Ede, “Christmas greeting,” *Approved Schools Gazette*, December 1946, 257.

imitate what is being done over the English Channel”.<sup>98</sup> Undoubtedly, Chambert had his own agenda of advocating greater involvement of religious organisations in the work of the French welfare state but what concerns us here is why the editors of the *Approved Schools Gazette* chose to publish and, most probably translate, this article. The answer lies in the fact that it perfectly articulated the imagined *raison d’être* of the voluntary English schools. The timing of publication – occurring six months before the passing of the Criminal Justice Act – was also highly significant. This much-anticipated Act would radically change the Criminal Justice system and it is very likely that the agenda of the *Approved Schools Gazette* was to warn against the consequences of marginalising the voluntary element in welfare. However, whether the publication of this article was a merely a self-congratulatory celebration of the English system or expressed some anxieties, the fundamental importance of the voluntary system remained clear.

The idea that the voluntary religious organisation provided something that could not be replicated remained commonplace and the Home Office showed no desire to interfere with it. During a conference for Approved Schools staff and managers on 1 June 1954, Home Secretary David Maxwell Fyfe paid tribute to “the devotion of those engaged in the work, whether as managers or staff, to the welfare of children who have gone astray or fallen into misfortune” and added that he looked “forward to a continuation of the close association, which has lasted for a hundred years, between the Home Office and the schools”.<sup>99</sup> On 3 July 1957, Pat Hornsby Smith, a junior minister at the Home Office, addressed the annual meeting for managers of Approved Schools. She expressed how much the Home Office valued the partnership with voluntary societies.

Here in happy partnership, under what I hope you feel is a benevolent State central administration, have been welded together the great work of the various denominations, the public spirited achievements of national bodies interested in the young, and the responsible and conscientious work of many local authorities and voluntary bodies who have given their services to this great work. The voluntary effort, and the public

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<sup>98</sup> Abel S.J. Chambert, “The treatment of delinquency in French Approved Schools,” *Approved Schools Gazette*, January 1948, 301-304.

<sup>99</sup> David Maxwell Fyfe, “Conference Addresses,” *Approved Schools Gazette*, August 1954, 162.

conscience, which pioneered this work over a century ago, is still with us – and long may it be so. If ever the day comes when the State officials supersede the great voluntary bodies of this country, then the Welfare Services will be both thinner and poorer. So evident is the voluntary effort in this service, that 94 out of 119 schools are under voluntary management – the remaining 25 being managed by local authorities.<sup>100</sup>

Here Hornsby Smith echoed the sentiments of the Approved Schools workers. Home Secretary Henry Brooke expressed his approval for voluntary efforts in a speech subsequently published in the *Gazette*: “I thoroughly believe in voluntary effort exerted in close association with official services”.<sup>101</sup> The attitudes of these senior politicians were in perfect harmony with the celebration of the English system as opposed to the French expressed in the article dealt with above. Taken together with Beveridge’s report as well as Ede’s Christmas letter to the Schools, these speeches indicated a pervasive fashion of thinking about the role of the voluntary religious element in welfare. State officials took the immense value of the religious element for granted while recognising that it needed to come out of the zeal of private individuals rather than the state. This would seem to fly in the face of Frank Prochaska’s claim about the state usurping the role of religious voluntary action.

The voluntary Christian element of the Approved Schools system survived the massive restructuring of the welfare state following the war intact. It seems clear that Approved Schools workers and state officials were agreed that nobody was better placed to inculcate sound moral values in delinquents than those driven by religious zeal. That the voluntary system was preserved with so much independence was unusual. It bears testimony to how central Christianity was to moral values. The demise of the Approved Schools system was rather the result of the collapse of Christian Britain in the early 1960s than the result of a long-term process of the state absorbing the role of voluntary organisations.

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<sup>100</sup> Pat Hornsby Smith, “Association meeting addresses,” *Approved Schools Gazette*, September 1957, 212-213.

<sup>101</sup> Henry Brooke, “Conference on juvenile delinquency,” *Approved Schools Gazette*, February 1963, 501.



*Permissive legislation and the end of voluntary management*

In the end, it was the collapse of Christian Britain and the permissive legislation that followed that spelt the end for the Approved School system. The 1969 Children and Young Persons Act abolished the extensive powers that the voluntary bodies of managers had over Approved Schools. They were deprived of their status as *loco parentis* to the children and the number of voluntary managers that could serve on a school board was strongly circumscribed. Thus in some ways, this Act symbolised the collapse of the centrality of Christianity in penal welfare. The whole direction of the permissive legislation pushed through under Roy Jenkins' tenure as Home Secretary – and continued after James Callaghan took over – was to deregulate moral behaviour. The legalisation of abortion, the decriminalisation of male homosexuality in 1967, and the relaxation of divorce law were all part of Jenkins' agenda to end state interference in the sphere of individual freedom. In the place of a 'moral society', Jenkins posited the notion of 'the civilised society' and from the Home Secretary's legislative track-record it was clear that this meant – to large extent – the end of Christian moral regulation. Furthermore, when the discursive importance of Christianity collapsed in the 1960s, the argument for vesting so much power in the religious voluntary managers obviously became more difficult to justify. The special aptitude of the religious organisation for inculcating religious values would obviously matter much less in a context in which these values were not regarded as self-evident. This left them increasingly vulnerable to Jenkins' permissive campaign. It thus makes sense to view the provisions of the 1969 Children and Young Persons Act concerned with marginalising the voluntary religious element as part of the permissive legislation of the 1960s.

The 1969 Act was far from only concerned with the status of Approved Schools. It aimed to decriminalise children further emphasising welfare over punishment. It also aimed to create a more integrated Child Care service run by the local authorities which included custodial treatment in the Approved Schools. That the overall responsibility for the Approved Schools would be transferred away from the Home Office to the local authorities was a long time coming but this did not necessarily entail the marginalisation of the voluntary managers. The 1965 Home

Office White Paper *The Child, the Family and the Young Offender* produced during Frank Soskice's tenure as Home Secretary pointed out the desirability of incorporating the Schools into the local child care services while strongly emphasising the necessity of safeguarding "the invaluable voluntary effort now given to the administration of the schools". It went at great length to explicitly emphasise that, regardless of any changes, "Arrangements would, however, be made for retaining the voluntary help at present devoted to their management and in particular for preserving the special character of schools provided by religious bodies and other national foundations".<sup>102</sup> Thus not only was the desirability of preserving voluntary agents validated but the authors explicitly vowed to preserve the moral training – implicit in the phrase "special character of schools" – of the institutions. This White Paper was meant to invite discussion rather than suggesting concrete legislation and was very vague on the particulars. However, a second White Paper entitled *Children in Trouble* that came out in April 1968 – and that was meant as the basis for legislation – constituted nothing less than a veiled assault on the Christian character of the Approved Schools.

As stated above, the 1969 Act – following the recommendations of the 1967 White Paper – deprived the managers of their status as *loco parentis* making the local authority primarily responsible for the care of the children and their treatment. It also restricted the number of managers from a religious organisation that could sit on the board, in most cases, to one-third. This completely undermined the ability of the managers to impose moral training. Their direct influence over the treatment of children was revoked and their authority in the running of the schools was strongly undercut. Indeed, the language used was far from welcoming the voluntary agents as equal partners: "If in any instance a voluntary school cannot find an agreed role and status within the system, it will be open to the managers to surrender the certificate of approval, and the existing financial arrangements for the repayment of grants and loans will apply".<sup>103</sup> This was a far cry from the 1965 White Paper's eagerness of preserve the voluntary element. Here the balance of power was squarely placed in favour of the local authority with only a marginal role for the voluntary organisations.

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<sup>102</sup> Home Office, *The Child, the Family and the Young Offender* (London: Her Majesty's Stationary Office: London, 1965), 12-13, 8.

<sup>103</sup> Home Office, *Children in Trouble* (London: Her Majesty's Stationary Office, 1967), 15.

It is likely that the Court Lees scandal did much to convince Jenkins of the desirability to radically reform the Approved School system. The origins of the scandal was that a disgruntled teacher, Ivor Cook, had sent photographs of severely bruised buttocks of four boys together with allegations of brutality on the part of his school – which remained unnamed – to the *Daily Mail*. The *Daily Mail* published a front page article about the photographs on 5 May together with the case history of the boys although without publishing the actual pictures. Although the newspaper refused to give away their source, the Home Office could easily identify the school based on the case history and already on 6 May, the Home Office Inspector visited for a preliminary investigation. On 15 May, Roy Jenkins charged high-ranking judge Edward Brian Gibbins to conduct an investigation. The report found that there was proof of excessive brutality on four occasions, that teachers had regularly neglected to report use of the cane in the Punishment Book as required, that an unauthorised type of cane had been used, and that boys had been forced to remove their shirts from their trousers before caning in contravention of regulations. Gibbins did not place any blame on the managers since “they relied upon the information contained in the Punishment Book or given to them by the headmaster”.<sup>104</sup> Nonetheless, Jenkins was not content with dismissing the headmaster and his deputy but subsequently revoked the certificate of the managers to run the school.

Even though Jenkins acted completely within his authority as Home Secretary, this supposedly heavy-handed action caused an uproar among Approved School headmasters who accused Jenkins of demoralising the schools through his unfair actions. An anonymous Approved Schools headmaster published an article in *The Times* on 24 August – subsequently reprinted in the *Gazette* – where he argued that many of the orders from the Home Office “seem unforgivably stupid” and questioned whether Home Office Inspectors were “of the right calibre to advise approved school heads”. He emphasised that “we feel hugely underappreciated and underpaid” given the difficulty of creating “the sort of atmosphere where wayward, wicked, and often maltreated and unloved young men can learn better things by living in a decent moral climate”.<sup>105</sup> There was a strong feeling of disappointment

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<sup>104</sup> Edward Brian Gibbins, *Administration of Punishment at Court Lees Approved School: Report of Inquiry* (London: Her Majesty’s Stationary Office, 1967), 5, 23-24.

<sup>105</sup> An Approved Schools Headmaster, “Approved Schools troubled by conflicts of aims,” *Approved Schools Gazette*, September 1967, 287, 284. Previously published in *Times*, 24 August 1967.

that the Home Office no longer sympathised with the *raison d'être* of the schools. Another contributor expressed his displeasure with “the harsh action of Mr. Jenkins” blaming the Home Secretary for sapping the morale of the schools. He also expressed disquiet about how Jenkins’ “uncharitable parliamentary criticisms” would discourage future voluntary participation.<sup>106</sup> In Parliament the Opposition accused the Home Secretary of behaving unfairly to the schools.<sup>107</sup> In defending his actions, Jenkins was not satisfied to merely justify his actions in that particular case but also turned to criticise the voluntary system as a whole:

Despite this complete and longstanding dependence on public funds, the managers were a self-perpetuating, self-elected body with no public authority holding any rights of nomination. This is one of the anomalies of the present approved school system and it is something that I want to put right as soon as I can.<sup>108</sup>

Jenkins never dealt with the underlying reasons for why this anomaly existed in the first place – namely that the religious managers were thought to be in a better position than the state to inculcate Christian morality. This was, no doubt, a clever political move since a fair amount of politicians highly valued the Christian element in penal welfare. Instead, he made it solely an issue of accountability.

Debates in the House of Lords indicate that there were anxieties about the future of the voluntary system. Earl Jellicoe, a Tory peer, expressed misgivings about how Jenkins had handled the Court Lees matter: “The Home Secretary’s handling of this matter is important for the approved school system as a whole. It is important if we are to preserve the voluntary principle in these affairs. One will not attract good managers or good volunteers to-morrow if to-day’s managers are slighted and spurned”. He emphasised the need for continuing “to tap the good will and keenness of the volunteer”.

In this field one needs professionals and one needs professional training, but often an ounce of knowledgeable enthusiasm may be worth pounds of professionalism. Therefore, I hope the noble Lord can confirm that

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<sup>106</sup> Frank Ebert, “Cause for concern,” *Approved Schools Gazette*, March 1968, 580, 577.

<sup>107</sup> *Hansard*. HC Deb 16 November 1967 vol. 754 c. 699.

<sup>108</sup> *Hansard*. HC Deb 16 November 1967 vol. 754 c. 707.

whatever system is finally hatched out, the new managers will retain a good measure of autonomy.<sup>109</sup>

The religious implications for keeping the voluntary element in penal welfare were less and less articulated after the collapse of Christian Britain but it was nonetheless clear that this was what was at stake. Jellicoe's intervention led Labour peer Lord Stonham to explicitly reject the notion that "the Government intend to abolish voluntary participation in the provision and management of residential child care establishments. On the contrary, we intend to preserve and develop the present partnership between voluntary and public effort". However, he also pointed out that "the Court Lees type of management is an anachronism; indeed, it is surprising that a system has so long survived under which children may be compulsorily removed from their parents and entrusted to the care of committees of private individuals".<sup>110</sup> It was thus clear that the suitability of people driven by religious zeal was no longer self-evident. It was, above all, the collapse of Christian Britain that had made this type of management 'anachronistic'. Furthermore, Jellicoe's misgivings about the future voluntary managers were not enough for him to oppose the bill. It is telling that nobody – either in the House of Commons or the House of Lords – expressed any doubt about the necessity of changing the system of voluntary management.

Several pieces published in *Approved Schools Gazette* anticipating – and later reacting to – the 1969 White Paper clearly indicate the centrality of the voluntary question. Gaughan, the editor of the *Gazette*, pointed out that "[t]he political aspect that is going to cause most dissent is the role of voluntary managers".<sup>111</sup> After the publication of the White Paper, A.J. Rees questioned whether the "voluntary managers" would "really have any effective share in the reorganised child care service".<sup>112</sup> There was a great deal of scepticism about the changes that would be done to the voluntary system. They recognised the loss of *loco parentis* and the power to decide the time of release as key functions that would now be lost. Though the contributors to the *Gazette* were generally positive about the suggestions of *Children in Trouble*, there was a clear sense that something had been lost through the marginalisation of the managers. It seemed, however, that they viewed it as

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<sup>109</sup> *Hansard*. HL Deb 25 October 1967 vol. 285 cc. 1665, 1656.

<sup>110</sup> *Hansard*. HL Deb 25 October 1967 vol. 285 cc. 1680-1681.

<sup>111</sup> P.J. Gaughan, "Idle thoughts," *Approved Schools Gazette*, November 1967, 391.

<sup>112</sup> A.J. Rees, "Whiter-than-white white papers," *Approved Schools Gazette*, June 1968, 145.

meaningless to fight it. This was clear in the response to White Paper issued by the technical subcommittee of the Association for Approved Schools headmaster and headmistresses chaired by its president John Gittins: “On the vexed question of voluntary versus local authority management we shall say little. The writing is on the wall and we cannot ignore it”. It did, however, put forward a cautious defence of *loco parentis*. “The neglected child needs someone who will accept the demands he makes, face the decisions (with the consequent risks) concerning his treatment, and exert parental authority when it is needed... There is a personal element in this situation and a constantly changing elected committee cannot provide it”.<sup>113</sup> Even though the language of inculcating values had gone, it was implicit in the *loco parentis* approach – something that could not be replicated by a public authority.

Writing in the *Gazette*, John Gittins made the negative implications of the marginalisation of the managers even more explicit. While he declared himself generally pleased with the suggestion of the White Paper, he argued that it “does less than justice to voluntary managers” and pointed out that it “diminished and weakened” the voluntary principles in contradiction to the Home Secretary’s earlier promise. It was clear that he did not have high hopes for the future of voluntary management:

The problem which is exercising most people in the approved schools service is the question of voluntary management. One hears valiant efforts being made by groups of managers to get together so that they may constitute themselves as set of “assisted voluntary homes.” One cannot imagine that they will be very successful since this is contrary to the whole spirit of the White Paper.<sup>114</sup>

Gittins also brought attention to what he saw as the far-reaching implication of depriving the managers of their status as *loco parentis* to the children. He dealt with the issue in a quite cryptic way that nonetheless tells us much about his attitudes towards the *raison d’être* of the voluntary ideal. This passage is therefore worth quoting at length.

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<sup>113</sup> John Gittins et al., *Approved Schools 1969: A Study of Development* (Association of Headmasters, Headmistresses and Matrons of Approved Schools, 1969), 17.

<sup>114</sup> John Gittins, “Children in Trouble,” *Approved Schools Gazette*, June 1967, 126.

Approved School managers will no longer be in *loco parentum* [sic] to the children. The consequences of this are far-reaching and more in principle than in practice. If one accepts the basic assumption that a community can have any standards it likes and the casualties of the system are to be thrown to the repair services, then the only standards available to the therapist are those of adjustment to society. I happen to think exactly the opposite way round. I believe that life is worth living and that the exploration of its values is the purpose of society. When society has no values then life, quite literally, is not worth living. The most fragile members of the community exhibit this most clearly and these are the children that come to us. The dilemma is that one has to deal with them in a value system without imposing on them one's personal standards. But this is not the same thing as saying that one has no standards.<sup>115</sup>

Implicit in this line of argument was the underlying assumption that only the managers, as part of a voluntary, often denominational, organisation, could imbue a school with the purpose to communicate proper values, something that could not be entrusted to a local authority. They were the ones who could be entrusted to inculcate moral values in an 'immoral' society. It was a veiled indictment of more modern approaches to penal welfare that saw values as relative to social norms and thus imagined rehabilitation as learning to adjust to these. Rather, he asserted that societal norms should come out of an absolute value system. I.B. offered a similar critique of the new modes of penal welfare in 1972: "There is no scientific formula to encompass all the richness that good parenting gives to children. In a nihilistic age we must cling to the values that are a product of our own experience and transmit our convictions into plans that will facilitate the sort of future we earnestly desire for our children".<sup>116</sup> Implicitly, these authors communicated the message that Approved Schools should teach the absolute values even if they were at odds with the rest of society.

It thus seems evident that the Approved Schools system was a casualty of the collapse of Christian Britain and the permissive reforms of the 1960s. This decade

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<sup>115</sup> Gittins, "Children in Trouble," 127.

<sup>116</sup> I.B., "Two programmes," 15.

saw the decriminalisation of abortion and homosexuality and the liberalisation of divorce law. This symbolised a break with the past and rejected Christian morality as a basis for legislation. Instead, Home Secretary Jenkins offered the notion of ‘the civilised society’ in which the state should interfere as little as possible with the freedom of the individual. The abdication of the right to regulate individual morality undermined the basis of the Approved School system. In this context, it is difficult to imagine the continued existence of an institutions whose fundamental *raison d’être* was the imposition of Christian values on delinquents. Headmasters realised the implications of depriving the managers of their status as *loco parentis* and, in some cases, issued some cautious defences. However, in a post-Christian Britain, the justification for letting private individuals wield such extensive power was simply untenable. Thus Jenkins was right to speak about the system of voluntary managers as an ‘anomaly’ but it had only become so in the de-Christianised context of the 1960s.<sup>117</sup> In the 1940s and 1950s, the arrangement between the managers and the state was widely regarded as a ‘happy partnership’ in which the voluntary element offered something that could not be replicated by the state. This was not regarded as an anomaly but rather as a useful component in ‘the mixed economy of welfare’.

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It is thus clear that Christianity was at the centre of how Approved Schools viewed their role in reforming delinquent children and youth. Even so, the role of religion in creating upstanding citizens was understood through a social scientific framework drawing primarily on sociology and psychology. They considered their work a vital patriotic duty since it was the moral integrity of the nation’s future citizens – and by extension the nation itself – that was at stake. Essentially, the Approved Schools viewed themselves as catering to the moral welfare of the children in their custody. It was regarded as self-evident that religion was the only true source for morality. Extensive powers were vested in the Approved Schools through the governing body of managers who were *loco parentis* to the children. That the Home Office

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<sup>117</sup> *Hansard*. HC Deb 16 November 1967 vol. 754 c. 707.



countenanced this arrangement indicated their acceptance of the fitness of religious bodies to engage in moral reformation on behalf of the state. This source of support eroded with the collapse of Christian Britain. In a post-Christian context, the justification for the powerful influence held by voluntary organisations could no longer rely on a set of self-evident assumptions about religion and moral reformation. While the Approved Schools could adapt their religious approach to the increasing emphasis on individualism, they were unyielding in their hostility to the affluent society. In the late 1950s and 1960s there was a strong sense that their values were becoming increasingly at odds with society at large. Thus they had gone from being agents imposing normative values to offering a sanctuary of virtue in a normless society. This dissonance between the aims of the Approved Schools and the Home Office necessarily placed the system in a precarious position. The end of the Approved Schools system was a consequence of the state's shift towards permissiveness in the second half of the 1960s. The religious ethos of the schools were rooted in the system of voluntary managers and the abolition of the system should be viewed as part of the permissive campaign that saw the decriminalisation of homosexuality, legalisation of abortion, and the liberalisation of divorce law. In a context in which the state had abdicated the right to regulate the morality of its citizens, there was no place for an institution whose *raison d'être* was moral reformation along Christian lines.

The demise of the Approved Schools system was thus the result of the collapse of Christian Britain. The schools' holistic approach to moral reformation was ill-equipped to survive the secularisation of penal welfare that took place in the 1960s. As Abigail Wills has rightly pointed out, the permissive turn led to a shift away from moral reformation towards individual self-fulfilment. However, as we have seen, Wills' suggestion that the schools conformed to this cultural trajectory is vastly misleading. In fact, several headmasters expressed their unwillingness to toe the Home Office line. The trajectory of the Approved Schools system offers a sharp contrast to that of the Probation Service. Unlike the former, the latter managed the transition away from moral regulation towards individual adjustment and comfortably found a place for itself within a secular framework of penal welfare. The different path taken by the Probation Service offers a very interesting point of comparison to that of the Approved Schools since this institution also had religious

origins and maintained a strong religious ethos. Thus, it is to the role of the Probation Service within penal welfare that we will now turn.

## Chapter 2

### The Probation Service and the attenuation of its religious ethos

Like the Approved School system, the Probation Service traced its origins to the voluntary efforts of religious organisations. In the case of the latter, the main voluntary player was the Police Court Mission which was a branch of the Church of England Temperance Society. In the late 1870s, police court missionaries would intercede with magistrates on behalf of offenders deemed worthy of leniency to ensure their release. The involvement of the Anglican Church at this time should be viewed in the context of the increasing involvement of religious organisations in social services and welfare in the second half of the nineteenth century.<sup>1</sup> Although it was expected that the offender would remain in close contact with the missionary who would guide him towards more virtuous living, there were no legal obligations in place. The suitability of the missionary for his role was rooted in his piety, clean living, and, above all, religious zeal. The Probation Service was established in 1907 through the Probation Act. This Act formalised the practices that had already developed between magistrates and missionaries but also created the legal framework for releasing offenders on condition of being supervised by a probation officer. It also vested control of the Service in the Home Office which was responsible for appointing the probation officers. This did not mean a marginalisation of the voluntary effort since the Home Office chose to rely heavily on the police court missionaries. This is unsurprising since the incipient welfare state of the early twentieth century invariably preferred to manage a 'mixed economy of welfare' in which it worked with voluntary organisations rather than replacing them. Thus the so-called 'dual system' was born in 1907 under which the majority of probation officers were simultaneously employees of both the Police Court Mission and the Home Office with both institutions contributing to their salary. Needless to say, the Probation Service of the early decades of the twentieth century was imbued with a strong religious ethos.

However, in contrast to the case with the Approved Schools, the voluntary element in probation did not survive to become integrated into the postwar welfare

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<sup>1</sup> Jeffrey Cox, *The English Churches in a Secular Society: Lambeth, 1870-1930* (Oxford: Oxford University Press, 1982), 272-273.

state. In 1936, the Home Office decided to abolish the ‘dual system’ thus ending its special relationship with the Church of England. Thenceforth all probation officers were to work exclusively for the Home Office. Although, this had slight consequences in the short-term – it still left the same body of probation officers intact – the long-term consequences of the Church of England no longer having any say in the recruitment process meant that the religiousness of candidates would matter less. This is testimony to the importance of institutional Christianity and challenges Callum Brown’s notion of the discursive as the master category.<sup>2</sup>

The historical narratives of probation written by academics have all recognised the central importance of the Christianity in the foundation of the institution as well as its early history but have invariably held that it was gradually displaced by scientific discourses. They have tended to see the rise of the scientific – most prominently psychological – framework for explaining and attempting to cure delinquency as a rival to the Christian one.<sup>3</sup> The narrative of this chapter, however, locates secularisation as a combination of the decline of voluntary organisations together with wider social secularisation.

William McWilliams argued that the missionaries’ “ideal of saving the offenders’ soul through divine grace” was “supplanted by the diagnostic vision based upon a form of science [psychology]”.<sup>4</sup> McWilliams saw the triumph of science over religion as inevitable in that the missionaries recognised that there were situations in which divine grace could not be achieved due to the stumbling block of drink or a noxious environment. Thus, the missionaries “had no ultimate defence left against the determinist ontology of the diagnosticians”.<sup>5</sup> McWilliams’ understanding of the relationship between science and religion was exceptionally reductionist. The supposed opposition between the two was not based on evidence from the interaction

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<sup>2</sup> Callum G. Brown, *The Death of Christian Britain: Understanding Secularisation, 1800–2000*, 2<sup>nd</sup> ed. (London: Routledge, 2009), 12.

<sup>3</sup> Maurice Vanstone, *Supervising Offenders in the Community: A History of Probation Theory and Practice* (Aldershot: Ashgate Publishing Limited, 2004), Raymond Gard, *Probation and Rehabilitation in England and Wales, 1876-1962* (London: Bloomsbury, 2014), William McWilliams, “The English Probation System and the Diagnostic Ideal,” *The Howard Journal of Criminal Justice* 25, no. 4 (1986): 241-260; “The Mission to the English Police Courts 1876–1936,” *The Howard Journal of Criminal Justice* 22, no. 1-3 (1983): 129-147; “The Mission Transformed: Professionalisation of Probation between the Wars,” *The Howard Journal of Criminal Justice* 24, no. 4 (1985): 257-274.

<sup>4</sup> McWilliams “The Mission Transformed,” 257.

<sup>5</sup> McWilliams, “The Mission to the English Police Courts 1876–1936,” 142.

between ‘missionaries’ and ‘scientific probation officers’ but rather came out of an uncritical acceptance of a certain historical narrative about the battle between science and religion. As such, it was based on an essentialist conception of science and religion as mutually exclusive. While there are historical events and periods where it certainly makes sense to look at the two in terms of conflict – the conflict between clergy and scientists following Darwin’s publication of *The Origins of the Species* is a case in point – it cannot be applied indiscriminately to any time and place.<sup>6</sup> It is the argument of this chapter that it is not a useful way of looking at the discursive changes within the Probation Service. Furthermore, while McWilliams convincingly delineated the shifting methods of the Service, he was less convincing in arguing for changing goals. There is no reason why the objective of scientific treatment could not be moral reform and much of the evidence indicates that this was indeed the case. As we saw in the chapter on Approved Schools, an irreligious environment was often framed as a key sociological determinant for delinquency. In fact, scientific knowledge is, on its own, unable to provide legitimacy for moral regulation or furnish it with concrete aims which must come from a value system rooted either in religion or a secular ideology. This chapter will thus judge secularisation according to how far religiosity was viewed as key to efforts of moral regulation.

Maurice Vanstone has offered a much more nuanced picture of the interplay between science and religion within the Probation Service. He rightly noticed that “probation remained embroiled in a hybrid discourse of the religious and the scientific up until the 1950s”. Nonetheless, Vanstone argued that by the end of the 1930s, psychology had become dominant even though moral judgements based on Christian discourse were still prevalent. On the other hand, Vanstone claimed, religion had also “infiltrated psychological discourse” which explained the emphasis placed by scientists on religious ideals.<sup>7</sup> Even though Vanstone’s understanding of the relationship between science and religion was infinitely more sophisticated than that of McWilliams, we are still left with a similar notion of two distinct and competing discourses. In fact, the religious allusions by scientists were not due to infiltration but to the deeply entrenched position of Christianity in Britain. Matthew

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<sup>6</sup> Frank M. Turner “The Victorian Conflict between Science and Religion: A Professional Dimension,” *Isis* 69, no. 3 (1978): 356-376.

<sup>7</sup> Vanstone, *Supervising Offenders*, 21, 83, 87, 82-83.

Thomson, for instance, has shown the strong reliance on Christian morality for psychology.<sup>8</sup>

It should be noted that all histories of probation have been written by criminologists – some of them (Gard and McWilliams) with a background as probation officers. They have done a good job delineating the various strands of ideas existing within probation. However, they have tended to see these ideas as existing in a vacuum away from wider historical issues. The shifting emphasis between psychology and religion has not been placed within the wider context of the changing role of Christianity in the twentieth century nor have they situated the decision of the Home Office to make the Probation Service wholly public within the broader trajectory of increasing state involvement in welfare provision. Furthermore, they have failed to understand the denominational issue at stake. In a highly religious nation with various competing denominations, the primacy of *one* religious organisation – albeit the established Church – in probation work was, to many, objectionable in itself. Here there is useful work to do for the historian.

This chapter aims to redress some of the biases inherent in criminologist narratives of probation. While it will be recognised that the religious element diminished rapidly after the 1930s, it will be argued that this was not a result of the displacement of religion by science but rather it was due to institutional marginalisation (of the religious voluntary element) and the attenuation of religious influence in society as a whole. Simon Green has convincingly shown the extent to which England was gradually secularised between 1920 and 1960. He especially pinpointed the increasing laxity in observing the Sabbath, new attitudes towards alcohol consumption and gambling, and the lessening importance of notions of self-restraint among other things as responsible for dislodging Christianity from the centre of national life. The permissiveness usually attributed to the 1960s, Green claimed, actually had its roots in the 1940s.<sup>9</sup> Green's insights offer us an opportunity to move away from the dominant teleological narratives that have seen the divorce of the Probation Service from the Church of England's Police Court Mission as a deliberate effort to secularise penal welfare. The agents behind the 1936 divorce

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<sup>8</sup> Mathew Thomson, *Psychological Subjects: Identity, Culture, and Health in Twentieth-Century Britain* (Oxford: Oxford University Press, 2006), 250-251.

<sup>9</sup> S.J.D Green, *The Passing of Protestant England: Secularisation and Social Change, c. 1920–1960* (Cambridge: Cambridge University Press, 2012), 141, 144, 147, 161-62, 173.

never intended to undermine the religious elements. As we shall see, they believed that it was possible for the religious element to survive within a fully public service. While this belief proved naively optimistic in hindsight, it made sense in the context of the mid-1930s.

McWilliams assumed – without the slightest evidence – that the high opinion expressed of missionary zeal in the recommendations of the Home Office report and its keenness to preserve the religious spirit were prompted by pragmatic considerations “not to antagonise the missionary officers”.<sup>10</sup> This implied that the authors were somehow insincere. McWilliams’ conclusion came out of his unfounded belief that the aim of 1936 report was to assert the scientific basis of probation over the religious one.<sup>11</sup> As we shall see, the authors of this report did not regard the striving for a more professional Probation Service as incompatible with preserving religious zeal.

The prominent role played by Charles Duncombe (1906-1963), 3<sup>rd</sup> Earl of Feversham and one of the authors of the 1936 report, within penal welfare during the first half of the twentieth century illustrates that the goal of professionalisation was not incompatible with voluntary religious efforts and that the latter could be used to support the former. Feversham had succeeded to his earldom as a nine-year-old boy when his father was killed at the Somme in 1916 leaving behind an Estate worth £63, 000.<sup>12</sup> He had spent two years as a probation officer in South Africa in the 1920s working under an assumed name. It was Feversham who met the expenses of NAPO’s journal *Probation* when it was launched in 1929.<sup>13</sup> He served as president of NAPO between 1931 and his death in 1963. He was also a co-founder of the influential Clarke Hall Fellowship whose main purpose was to promote probation and penal welfare. A devout Anglican, he was the patron of twelve livings in the Church of England. He was also an advocate of psychiatric investigations for anti-social behaviour.<sup>14</sup> He was president of the National Association for Mental Health

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<sup>10</sup> McWilliams “The Mission Transformed,” 271.

<sup>11</sup> McWilliams, “The Mission to the English Police Courts 1876–1936,” 129.

<sup>12</sup> Christ Church, Oxford, “Lieutenant-Colonel Charles William Reginald Duncombe 2nd Earl of Feversham,” accessed 20 March, 2017, <http://www.chch.ox.ac.uk/fallen-alumni/lieutenant-colonel-charles-william-reginald-duncombe-2nd-earl-feversham>.

<sup>13</sup> Dorothy Bochel, “A brief history of N.A.P.O.,” *Probation*, December 1962, 53.

<sup>14</sup> Hemsley Archive, “The Earl of Feversham, D.S.O., T.D. 1906-1963,” accessed 20 March, 2017, <http://www.hemsleyarchive.org.uk/info/HA07395.pdf>.

from its foundation in 1946 until his death and chaired the Feversham committee in 1939 to coordinate the works of voluntary organisations in mental health.<sup>15</sup> Throughout the pages of *Probation*, it becomes clear that Feversham was the central figure in the liaison between the Clarke Hall Fellowship and NAPO. As a patron of NAPO, Feversham was a firm advocate of the professionalisation of the Probation Service yet, as we shall see, he believed that religion was essential to social work.

This has implications for how we understand the desire of the National Association of Probation Officers to sever the formal links between the Service and the Church of England. Since its foundation in 1912, this had been the viewpoint of NAPO. It has rightly been recognised that NAPO strived for the professionalisation of the Service in a way that brought it into conflict with the Mission.<sup>16</sup> However, professionalisation was never meant to compromise the religious element. Feversham wrote in the first issue of *Probation*:

In the past there has existed a fruitless divergence of opinion between members of certain religious societies and the members of the N.A.P.O. The new officials of the N.A.P.O. (of which I am one) have only one aim, which is for probation officers to cease internally bleeding probation, but rather to unite in what I should like to term the National Christian Association of Probation Officers.<sup>17</sup>

George Mair and Lol Burke saw this as an example of the desire of NAPO not to alienate religious organisations.<sup>18</sup> This is part of the tendency that occurs in much of the criminologist scholarship to view such expressions as insincere. However, as we shall see, Feversham continued to emphasise the importance of religiosity in probation until his death in 1963. Other prominent members of NAPO, such as William Clarke Hall, were equally devoted to the religious element.

Nonetheless, the marginalisation of the institutional religious element was to weaken the Christian element in the long run. In the 1936 annual report of the London Police Court Mission, it was stated that “We fear that if probation becomes a

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<sup>15</sup> “Obituary,” *Royal Society of Health Journal*, September 1963, 254.

<sup>16</sup> Gard, *Probation and Rehabilitation*, 161-162.

<sup>17</sup> Lord Feversham, “Foreword,” *Probation*, July 1929, 4.

<sup>18</sup> George Mair and Lol Burke, *Redemption, Rehabilitation and Risk Management: A History of Probation* (London: Routledge, 2012), 59.



public official service the missionary spirit will gradually disappear to the great loss of the whole system".<sup>19</sup> This indicated that they did not regard the report itself as an assault on Christianity within probation but rather it expressed anxieties that it would lead to the loss of religious zeal in the long run. These were the same anxieties that preoccupied Approved School headmasters in the late 1960s when their system of voluntary management came under attack.<sup>20</sup>

Although the Probation Service offers a clear example of the moving boundaries of welfare shifting towards the state, this is not the complete picture. Probation Homes and Hostels could still be run by religious organisations. In 1952, the Church of England – in most cases through the Police Court Mission – was responsible for a number of Probation Hostels and Homes for both boys and girls. Residence in such places was sometimes a condition of a suspended sentence. It was mostly reserved for youth between the ages of 15 and 19. The Church of England ran six Probation Hostels for boys with a combined capacity to house 117 individuals. It also ran one hostel for girls with a capacity for 16 people. In addition, it ran two Probation Homes for boys with a combined capacity to house 65 youth. The Catholic Church and the Salvation Army also ran a number of Homes and Hostels.<sup>21</sup>

Furthermore, the National Association of Probation Officers maintained close connections with the Clarke Hall Fellowship. The Clarke Hall Fellowship was a voluntary group with a strongly Christian ethos – the founding trustees included Archbishop William Temple and the Earl of Feversham who was also President of NAPO, as well as the former Home Secretary Herbert Samuel. The Clarke Hall Fellowship was deeply influential with both the Home Office and the Ministry of Justice. They distributed pamphlets and organised lectures to raise awareness about penal welfare and probation. NAPO was also strongly dependent on financial aid from the Fellowship until 1947. The journal *Probation* – the organ of NAPO – was shared between NAPO and the Clarke Hall Fellowship between February 1942 and June 1947. There is thus reason to regard the place of the voluntary element in probation as partly outlasting – albeit in strongly marginalised form – the 1936 divorce between the Home Office and the Police Court Mission. In the 1950s, when

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<sup>19</sup> 44<sup>th</sup> Annual Report of the London Police Court Mission, 1936, 4.

<sup>20</sup> See 91-98 of this thesis.

<sup>21</sup> Home Office, *Directory of Remand Homes, Approved Schools and Probation Hostels and Homes in England and Wales 1952* (London: Her Majesty's Stationary Office, 1952), 57-72.

the goals of a welfare-oriented justice system had been achieved, the Clarke Hall Fellowship became increasingly pessimistic about the moral development of Britain echoing the declinist attitudes that were so prevalent within the Approved Schools.

The Probation Service was an instrument of moral regulation and their practices often entailed a great deal of invasiveness in the lives of families of delinquents. Long after the so-called transition from a religious to a scientific ethos, the purpose of the institutions was to help delinquents conform to societal norms. This also included offenses that would later be decriminalised with the advent of the permissive society such as homosexuality and abortion.<sup>22</sup> However, criminologists have often failed to understand the degree to which these normative values were regarded as self-evident from the point of view of the penal reformers because they were embedded within the dominant Christian discourse. Inspired by the work of criminologist David Garland and historian Michael Ignatieff, Vanstone saw the history of the Probation Service as “an integral part of the story of psychology’s dominance in the processes of social control” arguing that the status of probation has depended on demonstrating its capacity to understand and change criminal behaviour. Thus probation was committed “to humanitarian but normative values”. He pointed out that even the humanitarian agenda of the Howard Association in the early twentieth century was circumscribed by their “ideological position” locating the cause of crime in irreligion and thus – quite logically – positing the promotion of religiosity as the solution.<sup>23</sup> These are important observations but they fail to explain this state of affairs. Before the late 1960s, there was virtually no understanding of how penal welfare fulfilled the function of regulating moral values. However, this blindness is interesting in itself since it indicates the extent to which the normative values promoted were regarded as self-evident. It will be the argument of this chapter that while psychology may have provided the dominant tool set for penal reform, it was Christianity that legitimised it both through imbuing it with a moral purpose and providing it with a self-evident set of norms.

Like Vanstone, McWilliams regarded the tacit value system as a fundamental flaw in the diagnostic ideal prevalent between the 1930s and 1960s since “the moral

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<sup>22</sup> For a study of probation officers supervising homosexual offenders see John Lunan, “Probation Officers, Social Enquiry Reports, and Importuning in the 1960s,” *The Historical Journal* 56, no. 3 (2013): 781-800.

<sup>23</sup> Vanstone, *Supervising Offenders*. 27, 33.

goal of treatment” cannot be “verified and shown to be true empirically”. In contrast to most treatment of disease, he argued, “the moral goal in social work is *not* so readily agreed”.<sup>24</sup> McWilliams was certainly right in pointing out the shortcomings of the scientific pretensions of the Probation Service. However, McWilliams did not consider how these pretensions were rooted in a period when moral goals were underpinned by significant social agreement. McWilliams wrote in 1986 which was after the collapse of Christian Britain and after massive critiques of the assumptions of penal welfare had been launched from the New Left by the National Deviancy Conference and the Birmingham Centre for Contemporary Cultural Studies (these will be dealt with in the final chapter). The probation officers from 1930s to 1960s – the period he dealt with – would have struggled to understand McWilliam’s emphasis on the importance of debating “the moral bases of *any* professional social work intervention in people’s lives”.<sup>25</sup> For them, the moral legitimacy of intervention was regarded as self-evident. There cannot be any doubt that looking at it from the context of the immediate postwar period, this certainty was an immense source of strength. It was not for nothing that the legitimacy of the Probation Service began to crumble around the same time as the idea of a uniform value system. The existence – probably more imagined than real – of a common value system was a great source of self-confidence for probation officers in their work and for the conviction of the state in their usefulness. It was also what underpinned the moral legitimacy of penal welfare in general.

This chapter is divided into three sections. The first part looks at the National Association of Probation Officers and will investigate the co-existence of scientific and religious discourse. It will argue that professionalisation and the adoption of a scientific tool-set were never meant to marginalise religion. Rather, the marginalisation of religion was an unintended consequence of the restructuring of the Probation Service along wholly public lines with the resulting marginalisation of the voluntary religious element. The main source for this section will be the 1936 Departmental committee report and journal *Probation* but some books on probation by members of NAPO will also be looked at. The second part looks at the Clarke Hall Fellowship to show the continuing importance of voluntary support for NAPO

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<sup>24</sup> McWilliams, “The English Probation System and the Diagnostic Ideal,” 242, 245. Emphasis in original.

<sup>25</sup> McWilliams, “The English Probation System and the Diagnostic Ideal,” 257. Emphasis in original.

and also to trace their entanglement in the 1950s in the same declinist discourse that existed in the Approved Schools. The third part is a case study of the probation officer working in Chippenham and Devizes in Wiltshire from 1948 to 1970. It looks at their reports to the county's Combined Probation Case Committee. Here special attention will be paid to moral regulation and the co-existence of religious and psychological approaches.

## **I. The National Association of Probation Officers**

### *The separation of the Probation Service from the Church of England in 1936*

As we saw above, histories of probation have widely attributed the increasing pressure in the 1920s and 1930s to divorce the Probation Service from the Police Court Mission as part of a broader move towards the secularisation of the institution. By the same token, the decision of the Home Office to act on this pressure as recommended by the 1936 report has been seen as representing the creation of a secularised service based on scientific skills rather than religious zeal.<sup>26</sup> This has a certain superficial logic to it but it is ultimately misleading. In actual fact, neither the pressure in the 1920s and 1930s nor the final decision to cut the ties with the Mission was the result of the desire to marginalise the religious element. Rather, there was complete consensus that the religious element was inseparable from the work of the probation officer.

The recognition by social scientists of the centrality of religion had long roots. The 1913 study by Mary Barnett discussed in the introduction clearly indicated that religious zeal and scientific knowledge could easily be merged. She analysed the causes and solutions to delinquency exclusively along sociological and psychological lines but saw the moral influence of religion as a fundamental

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<sup>26</sup> McWilliams, "The Mission to the English Police Courts 1876–1936," 129 and "The Mission Transformed," 271; Mair and Burke, *Redemption, Rehabilitation and Risk Management*, 59.

environmental factor for breeding good behaviour.<sup>27</sup> Both clergy and medical professionals could still talk about ‘moral infection’ or ‘moral sickness’ in the 1930s indicating that the scientific and religious discourses were far from oppositional.<sup>28</sup> Rather the consensus within the Service seemed to have been that the key to good probation work was the combination of technical knowledge and a sense of mission. As the Earl of Feversham put it in 1962: “Pure knowledge alone has no power to help; neither has untrained zeal. Probation requires both – training and dedication”.<sup>29</sup> Even though, the balance between the two could differ according to personal opinion, the fundamental assumption was that both were needed. When people argued that the Probation Service needed more scientific knowledge, this was never meant to come at the expense of vocational zeal. The religious aspect of probation also served as a strongly legitimising factor both for the fitness of the officer as well as the overall moral purpose of the institution. As we shall see in the next chapter, the moral righteousness of reformatory justice drew immense strength from its Christian ethos which offered a strong instrument for undermining those wishing to retain a punitive justice system.

William Clarke Hall, a London magistrate and sometime Secretary for NAPO, wrote extensively on probation and argued for the divorce between the Mission and the Service. His main motivation was that he found the denominational barrier completely unjustifiable and harmful. In his 1926 book, he argued that the fact that the Police Court Mission required their officers to be “communicating members of the Church of England” was grossly unjust. For Clarke Hall, it constituted the “annex[ation of the Probation Service] to their own particular Church to be used for their propaganda”. He relied on the argument that the state should not favour a particular religious denomination: “If a probation officer’s duty involves the inculcation of the dogmatic beliefs of those who appoint him, no part of his salary should be paid by the State”. He took great pains to make clear that this was not an assault on centrality of Christianity in probation work: “No one who is not animated by the spirit of the teaching of Christ is fitted for probation work, nor do I think that

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<sup>27</sup> Mary G Barnett, *Young Delinquents: A Study of Reformatory and Industrial Schools* (London: Methuen, 1913). See 7-9 of this thesis.

<sup>28</sup> G.K.A Bell, “Religious Influences and Crime,” *Probation*, July 1932, 178; Dr. Burns, “The Psychology of the Criminal,” *Probation*, April 1930, 38-39; William Temple, *The Ethics of Penal Action: The First Clarke Hall Lecture* (London: Clarke Hall Fellowship, 1934), 31.

<sup>29</sup> Lord Feversham, “The Golden Jubilee,” *Probation*, June 1962, 20.

anyone who is not so animated would be likely to undertake it". Thus religiousness should be an informal prerequisite for undertaking probation work but there should be no formal test. As indicated above, Clarke Hall found it unthinkable that someone lacking a religious sense of vocation would want to take up the profession. In fact, the exceptional religious zeal required for probation work was a reason for separation from the Church of England: "No nobler work can be done by any man that that which is afforded by the position of a probation officer, for it is the complete and practical realization of the whole teaching of the Gospels, but to many eager to undertake this duty the sectarian test is an insuperable barrier". It was of fundamental importance that "all persons of whatever religious denomination who are animated with a true desire to help those in trouble" should have "equal opportunities of becoming probation officers". In fact Clarke Hall made clear that this did not come out of a lack of "appreciation of the value of religion but rather out of an "intense realization of its importance".<sup>30</sup>

As Secretary of NAPO in 1931, Clarke Hall continued – together with the rest of the leadership – in emphasising the centrality of Christianity even though the organisation was in favour of separation from the Mission:

I agree myself wholeheartedly with your President [the Earl of Feversham], who said yesterday that the National Association must always stand for the religious principle in probation work. Probation work without that spirit would become a lifeless and futile thing. It must be the inspiration of every probation officer. It would be the greatest possible disaster to the system were it at any time divorced from the religious and idealistic spirit. If probation officers were to be appointed as mere officials the work would suffer infinitely. I do not see how it could be carried on. Probation work must be idealistic in spirit. We try, however far off, to follow in the footsteps of the Greatest of All Idealists.<sup>31</sup>

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<sup>30</sup> William Clarke Hall, *Children's Courts* (London: George Allen and Unwin, 1926), 130-134.

<sup>31</sup> W. Clarke Hall, "Religion in Probation," *Probation*, July 1931, 116.

Thus, even while arguing for probation work becoming wholly public, it was never intended that it should become secular. The religious principle was regarded as central.

The decision of the Home Office in 1936 to divorce the Probation Service from the Police Court Mission run by the Church of England has rightly occupied a prominent place in virtually all histories on probation. It followed the recommendation of a report commissioned by the Home Secretary, John Gilmour, in October 1934. However, far too much emphasis has been placed on this as representing the secularisation of probation. McWilliams viewed it as part of the shift away from religious zeal towards a scientific approach. This only makes sense in hindsight since it was never the intention of the report to undermine the voluntary religious element in probation. The centrality of the Christian ethos was never questioned but rather it was issues such as working conditions, problems with patchy provisions, administrative efficiency, funding, and denominational equality that informed the committee recommendation of making probation a fully public service.

Far from viewing the voluntary element in a negative light, the report celebrated the role played in probation by the Police Court Mission as “a remarkable illustration of the strength of voluntary effort in English social life”. “The example they gave of devotion and self-sacrifice has inspired the work of successive probation officers in later years”. It also made clear that helping the probationer find God was a duty of the probation officer: “To awaken or stimulate any spiritual impulse is probably the most difficult task the probation officer may have to face, but, needless to say, if the right religious influences can be brought to bear the work of reformation will be immeasurably strengthened”.<sup>32</sup> Thus, the central role of religion in moral reformation was taken for granted. The insertion of the phrase “needless to say” showed that the authors were indeed aware that they were stating the obvious. It was also unequivocally made clear that the voluntary spirit was invaluable: “we are anxious that the religious spirit in probation work should not be lost... we should like to encourage men and women with a sense of vocation derived from religious belief to enter the probation service. The Mission is in the best position to fulfil this function and might help to give them the necessary social

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<sup>32</sup> Home Office, *Report of the Departmental Committee on the Social Services in the Courts of Summary Jurisdiction* (London: His Majesty’s Stationary Office, 1936), 37, 103, 65.

service training”.<sup>33</sup> The praise of the voluntary religious element was not lip service. The Earl of Feversham – a member of the committee and president of the National Association of Probation Officers – consistently emphasised the importance of the religious spirit in penal welfare until his death in 1963.<sup>34</sup> Furthermore, as was seen in the previous chapter on Approved Schools, the place of voluntary religious organisation in rehabilitating delinquents was widely regarded as self-evident.

Furthermore, the conception of “the real nature of the [probation] system” was still framed within Christian discourse: the essence of probation work was “the promise of the probationer with the help of the probation officer to make a determined effort to reform”. The importance of personal qualities was still fundamental: “the personal influence and supervision of a good Probation Officer may provide the most effective method of reclamation”.<sup>35</sup> However, it was recognised that professional training was needed in addition to – not instead of – religious vocation:

Emphasis has rightly been placed on the personality of the probation officer, but though in the past some probation officers have done excellent work without training, personality by itself is not enough. It must be reinforced by knowledge and resources which the trained social worker possesses.<sup>36</sup>

This shows that, far from wanting to undermine the religious element, the intentions were to preserve it while also making sure that probation officers received appropriate training. It was based on the assumption that both religious zeal and scientific knowledge were needed for successful reclamation.

On the other hand the justification they offered for the necessity of divorce between the Service and the Police Court Mission had hardly anything to do with the religious element. The report listed the main arguments for divorce acknowledging the issue that some probation officers – especially younger ones – may “dislike restrictions which are sometimes imposed on their personal freedom in matters of

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<sup>33</sup> Home Office, *Report of the Departmental Committee on the Social Services*, 106.

<sup>34</sup> Lord Feversham, “Faith and Responsibility,” *Probation Journal*, June 1956, 18; “The Golden Jubilee,” 20.

<sup>35</sup> Home Office, *Report of the Departmental Committee on the Social Services*, 54, 42.

<sup>36</sup> Home Office, *Report of the Departmental Committee on the Social Services*, 58.



conduct, such as temperance, church attendance and amusement” but without commenting on its validity. Rather the emphasis was on practical matters. It was noted that current practices represented a hodgepodge of arrangements varying from place to place – in some probation was completely delegated to the Mission whereas in others responsibilities were shared between voluntary societies and the Courts which sometimes created friction. Funding was also an issue. It was recognised that branches of the Mission struggled financially and that there had been a tendency for some Courts to “desert the local Mission and to appoint their own officers independently”.<sup>37</sup> Inadequate finances had also diverted the attention of the Mission from what it ought to be doing: “we fear that at least in recent years much of its energy has been directed to the raising of contributions to the salaries and expenses of their officers, and we believe that to relieve it of its present financial burden would be to free it for more valuable work”. This had led to inappropriate use of the time of officers: “we have had evidence that missionaries are sometimes expected to participate in the raising of funds, by speaking or preaching, by organising flag days or bazaars, and in some cases, we are told, by such unsuitable methods as collections at football matches and other sporting events and entertainments”. The fact that the Mission was administered on a diocesan rather than county basis in line with the Courts was also identified as a problem.<sup>38</sup> These were problems that could be eliminated if the Probation Service became a fully public service.

The working conditions and the wishes of the probation officers themselves were also taking into account: “We have been impressed by the almost unanimous opinion of the National Association of Probation Officers, which includes the great majority of the missionary officers, that the service should now be divorced from the Mission”. The dual loyalty to the Mission and to the Courts were said to be a source of embarrassment to some officers. It was noted that some branches had struggled financially to the extent that they had fallen into arrears of payments of salaries and superannuation contributions to their officers causing much anxiety.<sup>39</sup>

The primacy given to the Church of England was also unfair to individuals of other denominations: “Though a few Nonconformists have been appointed as

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<sup>37</sup> Home Office, *Report of the Departmental Committee on the Social Services*, 103-104.

<sup>38</sup> Home Office, *Report of the Departmental Committee on the Social Services*, 105-106.

<sup>39</sup> Home Office, *Report of the Departmental Committee on the Social Services*, 103-105.

missionaries denominational barriers have not been removed”. Adopting the recommendation of the report, however, would make it “impossible to justify placing any one denomination in a privileged position as regards admission to public service”.<sup>40</sup> This was the same argument advanced by William Clarke Hall ten years earlier. It was testimony to the importance of religion rather than a desire to marginalise it.

In the end the main reason for the recommendation of separating the Probation Service from the Mission was the rationalisation of the system: “We are convinced that the most important need of the probation service is an improved system of organisation, and we do not think that the improvements which are necessary can be brought about as long as the responsibility for appointment and control is divided”.<sup>41</sup> It was never argued that probation should be secularised or divorced from its religious element. To say that a religious organisation should not have the right to regulate the conduct of probation officers was not tantamount to saying that a religious sense of vocation was not integral to their fitness for their job or that religion was not essential for reformation. Furthermore, the emphasis attached to the unfairness of the primacy of the Church of England over other denominations showed how seriously the authors of the report took religion. It was testimony to its significance rather than its marginalisation. Ironically, however, the decision of the Home Office to follow the recommendations of the report did eventually lead to the secularisation of the Probation Service although this was never the intention of the authors. The fact that religious organisations ceased to have control of the recruitment process meant that as society as a whole became more secular so did the probation officers. This provides a sharp contrast to the case of the Approved Schools where the religious element survived until the abolition of the system because of the control of voluntary organisations.

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<sup>40</sup> Home Office, *Report of the Departmental Committee on the Social Services*, 105, 107.

<sup>41</sup> Home Office, *Report of the Departmental Committee on the Social Services*, 106.

*Science and religion: a harmonious relationship?*

The adoption of scientific tools did not by necessity equal the diminishing importance of religion. The fundamental opposition between science and religion that is found in much of the scholarship cannot be supported by the actual evidence. Raymond Gard has commented in passing on how easily scientific discourses and religion co-existed but without going into any detail.<sup>42</sup> However, it was not just that they co-existed but rather that they could actually merge. William Clarke Hall who, as we previously saw, considered religion inseparable for probation work also had a high opinion of psychologists such as Burt and Hamblin even though their determinist models of behaviour seemed to contradict the Christian doctrine of free will. Clarke Hall maintained that “in practice it need make little, if any, difference in our attitude towards the delinquent child”:

The believer in free will does not deny the sequence of cause and effect, and, recognizing these, endeavours to inculcate good behaviour by strengthening self-control and counteracting weakness of will. If we substitute for the word “self-control” the words “inhibitory forces” and for the words “weak will” the word “suggestibility,” is not the aim of the determinist almost precisely similar?<sup>43</sup>

Clarke Hall made clear that actually scientific knowledge supported religion: “It seems to me that the most wonderful phenomenon in the development of modern thought is its continuous approximation to the teaching of Christ”.<sup>44</sup>

Similarly, the Bishop of Chichester, George Bell, expressed his thoughts about psychology in highly enthusiastic terms at the Twentieth Annual Conference of the National Association of Probation Officers in 1932:

I think religious people ought to welcome psychology, no less for its general aim at a fuller understanding of the human being, than for its efforts to find out what is wrong with the individual suffering soul. I

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<sup>42</sup> Gard, *Probation and Rehabilitation*, 205.

<sup>43</sup> Clarke Hall, *Children's Courts*, 18.

<sup>44</sup> Clarke Hall, *Children's Courts*, 19.

would venture to say that Christ was a religious psychologist and a supreme religious teacher, and I want to suggest to you in the treatment of moral maladies how the principles of religious teaching may be used for building up the broken life and saving a man's soul.<sup>45</sup>

A few months later the address was published in the *Probation Journal*. This practice of having religious ministers speaking at Probation conferences – and then having the speech printed in the *Journal* – was something that would continue up until the 1960s. The Bishop's address illustrated some interesting points about the relationship between religion and psychology in the 1930s: "I am deeply interested and impressed by the contribution which the psychologist has to make to the healing of delinquents". Stressing the vast areas that psychology and religion had in common, he argued that: "Every decent citizen who thinks at all, desires to help save those who need saving, and heal those who are mentally or morally sick, and this desire finds expression in many different ways". The Bishop adopted medicalised language where even sin was thought of in terms of disease. Sin was moral sickness and redemption was healing. He even related this to the doctrine of original sin: "We are all delinquents, and in our common delinquency there is no such thing as being beyond the range of human repair".<sup>46</sup> This was not just a rejection of the notion that an individual could be so far fallen as to be beyond redemption. It also rejected eugenic deterministic notions at a time when these were prevalent. The enthusiasm that the bishop had for psychology is representative of the attitudes usually expressed in *Probation*.

It was not only religious workers that saw psychology as useful but medical workers expressed themselves with reference to a religious value system. An article published in *Probation* in 1939 written by Dr. Pryn Hopkins, a lecturer in psychology at University College, London, clearly indicates how religious values dominated a discourse dedicated to psychological explanation. First of all, his declaration of the fundamental goal owed something to evangelical Christianity. The goal was to make the delinquent into "an active citizen, consciously and joyously entering into the purposes of the community". It was about making the delinquent

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<sup>45</sup> Bell, "Religious Influences and Crime," 78.

<sup>46</sup> Bell, "Religious Influences and Crime," 177.

realise “the satisfaction which there is in right-doing”. Hopkins offered an explanation as to why some boys become delinquent:

This is partly because he tends to sanction, as being all right, whatever his hero does, and so to follow his father even if it be into drinking, lying and immorality. Again he may be dragged down because the father symbolises in the world outside, the moral voice inside himself, so that if the father suddenly forfeits esteem through being found out in some baseness, the boy feels that now goodness no longer has any authority and all evil propensities may be given rein.

This disillusion with goodness could be helped through positioning the probation officer as a positive counter-example. Boys, the author argued, readily see the “superiority of character of the clean-living social worker”. In fact, “the degree of satisfaction which the social worker himself finds in magnanimous conduct is intuitively sensed by the other [the delinquent] and leads him on to experiment with it on his own part”.<sup>47</sup> This illustrated the importance attached to learning by example and to traditional Christian values. It was not uncommon for psychologists or medical professionals to express similar values. In 1930 a Dr. Burns argued that: “Crime is an anti-social act preceding [sic] from an anti-social state of mind, but by social I mean here not only in reference to society as an orderly community, but of losing touch with that normal degree of dependence upon, and harmony with, other human beings – family and friends and the world of people generally”.<sup>48</sup> This supports Matthew Thomson’s claim that social psychology stressing the individual in the community was dominant in Britain before and immediately after the Second World War.<sup>49</sup>

Psychologists and psychiatrists could also help underpin the Christian value system by pathologising behaviour that went against it. For the seventh Clarke Hall lecture in 1947, the Fellowship had invited psychiatrist John Rawlings Rees (1913-1992). Rees was the son of a Methodist minister and the co-founder of the Tavistock Clinic which he headed between 1933 and 1947. He is also famous for being trusted with the responsibility for the Nazi prisoner Rudolf Hess between 1941 and 1945. In

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<sup>47</sup> Pryn Hopkins, “Psychology and the Social Worker,” *Probation*, January 1939, 53-54.

<sup>48</sup> Dr. Burns, “The Psychology of the Criminal,” 39-40.

<sup>49</sup> Thomson, *Psychological Subjects*, 248.

1948, he was elected the first president of the newly founded World Federation for Mental Health. Rees himself attributed his dedication to the alleviation of mental suffering to his Christian faith.<sup>50</sup> In his lecture, Rees pathologised all behaviour that went against social norms:

It should be stressed that all failure to comply with the rules of the game, and indeed all conduct that is anti-social, whether it is noticed merely in the nursery or comes eventually to the courts of the country, is evidence of psychological failure in the conduct of life. Crime (behaviour which is prohibited by the Criminal Code) is the outward manifestation or sign of some disorder in personality or character, however that may have been caused.<sup>51</sup>

Even though this statement could be seen to undermine religious notions of sin, it was very morally conservative in the way it dealt with values. The “rules of the game” were framed as absolute and unwillingness or inability to conform constituted “psychological failure”. It was telling that he did not confine himself to talking about criminal behaviour but also about behaviour that was merely anti-social. Since norms of behaviour were dictated by Christianity, it is easy to understand why Rees should be invited to give a lecture hosted by the strongly Christian Clarke Hall Fellowship.

Probation workers also interacted with debates current at the time about the inheritability of criminal tendencies. Dr. Burns argued that there was no “special breed or type of men set apart from the rest of humanity. There are individuals who commit anti-social acts, and they are criminals in virtue of what they do rather than what they are”. He went on to argue “its denial as an all important factor – because if crime as such were inherited and therefore fixed, you would be wasting your time”. This did not mean that he rejected the scientific work on heritability: “What is inherited, we may say, is therefore inferior material in some but not all criminals; either physical weakness and under development, or temperamental instability: with

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<sup>50</sup> Royal College of Physicians of London, “John Rawlings Rees,” *Lives of the Fellows of the Royal College of Physicians of London (Munk’s Roll)*, vol. 6 (1966-1975), ed. Gordon Wolstenholme (London: Royal College of Physicians, 1982), 387, accessed 7 March, 2017, <http://munksroll.rcplondon.ac.uk/Biography/Details/3726>.

<sup>51</sup> J.R. Rees, *Mental Health and the Offender: The Seventh Clarke Hall Lecture* (London: Clarke Hall Fellowship, 1947), 6.

low powers of resistance to moral infection”.<sup>52</sup> The mix of scientific and religious language is striking.

Thus far I have only dealt with psychologists/psychiatrists and religious ministers involved in probation work but not themselves officers. However, a large portion of the articles written for *Probation* were by probation officers. In 1943 J.C.H Cottam, probation officer in Tynemouth and Wallsend, contributed an article on the causes of delinquency. His article shows that the blend of psychological thinking and religious values continued to be prevalent among probation workers. Like many of the so called ‘moral entrepreneurs’ of the 1960s and onwards, Cottam saw juvenile delinquency as “a symptom of an underlying disorder” of society. He put part of the blame on bad parenting and also singled out the cinema. The behaviour of adults “on the screen has gone a long way to the lowering of prestige of grown-ups”. He argued that the cinema should instead promote proper values: “all those ennobling influences which make for real character – love, in its true sense, unselfishness, reverence, compassion, courage, and courtesy”. There was no doubt that these values were Christian: “It is the primary duty of those charged with children’s education to see that their characters are moulded on Christian lines”. This traditionalism was blended with progressive ideas and psychological thinking. Cottam ridiculed the use of the birch comparing it to the supposedly seventeenth-century practice of whipping the physically and mentally ill in the hope of arriving at a cure:

Now of course, we sympathise with mental and physical breakdown, but condemn moral breakdown. Yet the same causes which lie behind the one, often bring about the other. The birch cannot put brains into the dull child, nor love into the unhappy home.

He saw delinquency as something that was the responsibility of the community: “If the community can deal effectively with the disorder, other symptoms besides juvenile delinquency will disappear, or be greatly reduced”. Interestingly, he

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<sup>52</sup> Dr. Burns, “The Psychology of the Criminal,” 38-39.

cautioned against being “rocketed into a panic” about juvenile delinquency almost twenty years before sociologists coined the term ‘moral panics’.<sup>53</sup>

In 1949, Constance Reaveley, in the foreword to Elizabeth Glover’s book *Probation and Re-Education*, made clear that there were no opposition between Christian principles and psychology in probation:

[Probation Officers] have been compelled by the nature of their work to become sensitive to human individuality, and to rely on no mass methods or stereotyped routines. And their experience has brought them to conclusions, which provide practical confirmation for some of those reached by the psychiatrists and psychoanalysis along other routes; and which affirms the essential teachings of the Christian religion.<sup>54</sup>

Great lengths were gone to in order to reconcile the psychological and religious perspectives. Strongly religious social reformers such as the President of NAPO, the Earl of Feversham, were willing to call into question the labelling of delinquency as sin instead adopting psychological explanations. One passage of his speech, later published in *Probation*, was particularly telling and is worth quoting at length:

Sin must surely be something that is conscious; something that involves a voluntary choice between right and wrong. But the majority of delinquents who come into our hands have not been able to make that clear choice, for nine-tenth of the things that happen to bring them into our hands result from the inability to recognise what is wrong [...] We know that broken and unhappy homes generally lack the essential characteristics for the developments of “emotional stability”; and yet, the public continues to wonder why people from such homes do not seem to be able to cope with the difficulties and temptations of life. Probation officers know that their conciliation work is cutting at the roots of juvenile delinquency and the adult crime which may follow. For they

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<sup>53</sup> J.C.H Cottam, “Causes and Treatment of Delinquency,” *Probation*, October-November 1943, 71-73.

<sup>54</sup> Constance Reaveley, foreword to *Probation and Re-Education*, by Elizabeth R. Glover (London: Routledge & Kegan Paul, 1949), ix.



possess the knowledge that human behaviour and disorders have origins which can be studied and understood.<sup>55</sup>

This illustrated the compatibility between religious discourse and scientific explanation. Psychological maladjustment could cause delinquency which could not be blamed on the individual. However, as we will see in the next section of the Clarke Hall Fellowship, this did not mean that Feversham saw the distinction between right and wrong as anything less than absolute.

### *The gradual secularisation of the Probation Service*

In the early 1940s, the dominant assumption seemed to be that it was necessary for a probation officer to have a Christian calling. When C.E. Garland, Principal Probation Officer for Birmingham, was elected chairman of NAPO in 1941, he articulated his hope “that by Divine inspiration and guidance we shall build our Association into a united and strong structure that our sphere of usefulness shall be wider and mightier yet”. He exhorted the members to exhibit “the spirit of fellowship” and to “put self in the background that we may serve the better”. He ended his address by pointing out that “We must take advantage of every means at our disposal to fit ourselves to meet this challenge properly equipped and efficient. This is our task! May God aid us as we ‘go to it.’”.<sup>56</sup> This left little room for the idea of a probation officer who was not religious.

Similarly, S. K. D. McCord, an assistant clerk to the justices at Stockton-on-Tees, saw the role of the probation officers as exerting a benign influence and, for this, sincerity was a fundamental quality. McCord left no doubt that religiosity was essential for this:

And that means one thing – that if you and I are going to have this consuming sincerity we must come face to face with Christ and be utterly sincere in the very depths of our being. It is no use tinkering with

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<sup>55</sup> Lord Feversham, “Faith and Responsibility,” *Probation*, June 1956, 18.

<sup>56</sup> C.E. Garland, “New Chairman’s Address to Conference,” *Probation*, August 1941, 211-212.

the surface of life. It is no use picking out in yourself one or two things you think are wrong and making a few little adjustments. That will not do. You and I have to come before God stripped of all pretence. In that Presence we stand as the men and women we really are, not as we think we are, not as we hope the people we have to deal with think we are, but as we really are. And we have to be ready to be made by Him new men, new creatures in Christ.<sup>57</sup>

Harry Barnes, Chief Constable of Burnley, similarly saw Christian faith as essential for probation work:

In my view, there is no room in probation work, if it is to be performed successfully, for the type of officer who is not possessed of a robust and wide view of Christianity, a deep knowledge of life, not merely as he or she lives it, but as it is lived by many people, crude and raw, and a realisation that, black or white, we are all God's creatures.

Thus, he did not believe that too much focus should be on "the possession of a diploma in social science" but rather on the appropriate personal qualities.<sup>58</sup>

However, in spite of the unmistakeable ability of religious and scientific discourses to co-exist and even merge, it is clear that the importance of the religious element in probation gradually declined after the separation from the Police Court Mission in 1936. Speeches and sermons by members of the clergy continued to be printed in *Probation* until the 1950s but the religious purpose of probation work became increasingly less self-evident. Ironically, the declining importance of the religious ethos in probation work can be read by assertions of its importance. The establishment of the Christian Fellowship of Probation Officers in 1954 would have been superfluous when the Christian nature of probation work was regarded as self-evident.<sup>59</sup>

There are some indications that 1946 was a year in which the future of the ethos of the service was at stake. Some probation officers felt the need to reassert Christianity and emphasise the importance of religious vocation. The Northern

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<sup>57</sup> S. K. D. McCord, "The Probation Officer: in Theory and in Practice," *Probation*, July 1942, 13.

<sup>58</sup> Harry Barnes, "The Probation System as I See it," *Probation*, September 1942, 25.

<sup>59</sup> "Branch Lines," *Probation*, July 1955, 119.

Branch of NAPO argued in *Probation* that the Probation Service must “endeavour to raise the moral tone both of the individual and of the nation, and that this great task cannot be achieved by purely scientific and material methods, nor merely by our being good Public Servants, but must have behind it a deep spiritual conviction of personal vocation”. It therefore suggested that a charter be attached to all printed copies of NAPO’s constitution:

(1) I undertake this work from a desire to be of service to my fellows, particularly those who appear before the Courts.

(2) I regard this Service as having a decisive part to play in the raising of moral standards, and as a part of a crusade against the evils of ignorance, poverty, bad housing, drunkenness, disease and idleness. Social reform does not go far enough unless it aims at a change of heart in the individual and a nation built up on sound family life.

(3) I am determined to put the needs of the Service before self and to play my part in building up a spirit of co-operation within the ranks of the Probation Service. Teamwork is essential.

(4) I shall do all I can to create a well-informed public opinion and an alert social conscience in the area in which I work, and to encourage co-operation between the Probation Service and the social and religious organisations in my neighbourhood.

(5) Realising my own inadequacy for this task, I will strive to fit myself for it by acquiring knowledge and skill, and by setting an example of personal integrity, clean living and conscientious work and by showing kindly courtesy to all with whom I come in contact.<sup>60</sup>

Reading like a profession of faith, this charter clearly aimed to reassert the religious ethos of probation in the face of secularisation. All five points were imbued with a Christian vision of probation. The idea that probation work must be motivated by the desire to give service to one’s fellowmen was, of course, strongly connected to the missionary ethos. The point about acknowledging one’s inadequacy was also deeply

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<sup>60</sup> “A Probation Officer’s Charter,” *Probation*, March-April 1946, 17.

rooted in religious discourse. It came out of the Christian notion of individual weakness and helplessness that could only be overcome by trusting in God. Interestingly, the charter also attempted to recast the acquisition of technical knowledge as a religious duty.

This charter flew in the face of the recommendations of the 1936 committee that the Probation Service should not impose specific standards of conduct on its officers. It also shifted the balance between the vocation and profession elements firmly in favour of the former. It laid down a clearly normative judgement of the qualities that must be possessed by a probation officer. It suggested that the standards of recruitment should still be strongly Christian. Unsurprisingly, nothing came of the suggestion that NAPO should attach the charter to all copies of its constitution. Essentially, the charter attempted to re-impose an oath-like moral and professional code on probation officers as had been the case with the Police Court Mission. It was thus a strongly backward proposal. That the Northern Branch of NAPO should suggest this indicated a great deal of misgivings about the way the Service was moving away from its Christian underpinnings. However, the fact that a branch of NAPO should vote to reassert the Christian element also showed its strong foothold among many probation officers.

1946 also marks a turning-point for how religiosity was discussed within NAPO. C.E. Garland had decided not to run for re-election as chairman and thus delivered his final speech in this position. Garland mentioned that the Probation Advisory Committee had discussed the issue of what kind of qualifications and standards was to be demanded for new recruits and made his own opinions on the matter abundantly clear:

We shall all want that standard to be high, more by way of personality and character than academic qualification, but as high a combination of all three as is possible so that the Service of the future may respond to the needs of the people as never before. We would particularly emphasise the need to ensure that that spiritual quality characterised by high integrity, deep moral purpose and personal discipline is present and we would further express the belief that this quality is best assured when

it is the result of a deep and abiding faith in that old doctrine “Thou shalt love the Lord thy God ..... and thy neighbour as thyself.”<sup>61</sup>

Here we can clearly see the desire to preserve the Christian element in probation. Garland did not reject scientific tools but he nonetheless made clear that it was less important as a basis for recruitment than faith. The new chairman, S.C.F. Farmer, however, adopted a comparatively secular stance although one still imbued with religious discourse. In his inaugural speech, there were still references to God but he stopped short of saying that probation officers needed divine inspiration. He quoted a speech by Lord Lindsay that suggested a way for science and religious spirit to co-exist:

What we have somehow to do in the present age is to combine goodness and cleverness, to learn somehow to permeate these vast impersonal world organisations, which in this modern age we cannot do without, with the love of God and of our neighbour. We have to learn to harness the scientific mind in the service of the merciful heart.<sup>62</sup>

This can hardly be called secular but it does represent an attenuation of the emphasis on the Christian element within probation. In his speech at the 1947 annual NAPO conference, Farmer continued to defend the element of vocation but without directly connecting it to religiosity: “we are anxious to be guardians of our own standards, and because we see that, side by side with improving technical qualifications, we must be for ever returning afresh to the demand for personal qualities, for a sense of vocation (which I take to mean a call to duty towards one’s neighbour, not merely an inclination towards a job!)”.<sup>63</sup> Of course, this language drew on Christian discourse but in a much less explicit way than the previous chairman Garland.

There can be no doubt that, for many probation officers, vocation continued to be linked to Christian calling. However, in the second half of the 1940s, it became increasingly common to talk about vocation without overtly linking it to Christian zeal. A. G. Rose, a probation officer at North London Magistrates’ Court, celebrated

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<sup>61</sup> C.E. Garland, “Chairman’s Remarks,” *Probation*, May-June 1946, 25. Ellipsis in original.

<sup>62</sup> S.C.F. Farmer, “New Chairman’s Address,” *Probation*, May-June 1946, 55.

<sup>63</sup> S.C.F. Farmer, “Chairman’s Address,” *Probation*, September-October 1947, 155.

the role that had been played by the old missionaries and regarded vocation as essential but suggested that it need not come from religious zeal:

Above all, they [the Police Court Missionaries] had a strong sense of vocation, which was the outcome of a deep religious faith. To-day probation work is recognised as a skilled profession and cannot be done adequately by untrained men and women, nor is it one for which all men are trainable. Even so, religion or no religion, a probation officer must be “called” to his task. It is not a matter of doctrine or denomination. Without some powerful impulse and constant renewal from its source, he would be overwhelmed by the welter of misery and disillusionment. If a person comes into probation work merely because it is an interesting way of earning a living, he will soon become weary and hurt and useless to others.<sup>64</sup>

This replicated the logic of the Christian ethos in probation work but it acknowledged that Christian belief as such was not absolutely necessary. Doubtless, most Approved Schools headmasters and a great deal of probation officers – the majority of the Northern Branch apparently – would have disagreed.

Talking about vocation without overt references to religiosity became representative of how probation officers engaged with the issue although Christianity could play an informal role in the recruitment process. A former principal probation officer recalled that he had been “questioned in detail about his religious beliefs” when applying for Home Office training for probation work in 1950.<sup>65</sup> Nonetheless, it seems Christianity was more and more regarded as an optional – albeit, in the eyes of many, highly desirable – extra. In 1949, G. E. Neve, the Deputy Principal Probation Officer for London, maintained that “Probation must be a vocation and a probation officer must appreciate the profound importance of his occupation and have a real devotion to it” but again without putting forth Christianity as a prerequisite for this.<sup>66</sup> In the same year, Elizabeth Glover’s book *Probation and Re-Education* was published. Glover had started her career with the Mission and served

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<sup>64</sup> A.G. Rose, “What Kind of Probation Officers Do We Need?,” *Probation*, November-December 1947, 166.

<sup>65</sup> The unnamed principal probation officers volunteered this information in an interview with McWilliams, “The Mission Transformed,” 272.

<sup>66</sup> G. E. Neve, “Where Are We?,” *Probation*, March 1949, 261.

as Deputy Principal Probation Officer for London and Joint Secretary of the Probation Training Board. The book constituted a detailed summary of probation work dealing with issues such as its methods, functions, and administrative structures. Following current trends, Glover did not posit religiosity as a prerequisite for a probation officer although in the final chapter dealing with the role of religion in probation work, she did point out some of its benefits:

No one can give what he has not got. Probation officers who have no personal faith, or who do not practice such faith as they reckon to have, cannot help others to a religious faith. But one can give what one has; and if an officer has a strong desire for faith, an honest seeking mind, a love of Truth, Beauty and Goodness, then he will probably impart these things to those of his probationers who are looking for them, quite unconsciously.<sup>67</sup>

Religiosity was thus presented as the ideal but it was also clear that it was not a prerequisite for doing the job. It was also encouraging probation officers who might not be particularly religious that the mere striving for a religious faith would be hugely beneficial to the offender under supervision. That Glover chose to include this defence of the religious approach indicated that the religious ideal was far from extinguished among probation officers. However, the acknowledgement that there were non-religious probation officers and the gentle attempt to persuade them to strive for a faith clearly indicated that religiosity was no longer regarded as the self-evident ethos of the Probation Service. Compared to the arguments put forth by Garland, Barnes, and McCord, this represented an attenuated vision for the role of Christianity in probation.

A second edition of Glover's book was published in 1956. Here the author chose to add another segment on the last page of the book continuing the piece quoted above about the religious ideal:

And if one meets a believer, who lives consistently in humble awareness of the presence of God, seeking to align himself with His will, and praying about the people he does business with, it is impressive, even

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<sup>67</sup> Elizabeth R. Glover, *Probation and Re-Education* (London: Routledge & Kegan Paul, 1949), 255.

though religion as such may never be discussed at all. More people are seeking this inner conviction and assurance, this definition of God's love, than might be supposed, and when they meet it, they recognize it and respond to it.<sup>68</sup>

Thus, in the second edition of 1956 the religious language had been heightened further. The fact that Glover chose to add to the section on religion showed that it was still regarded as highly relevant. It is also likely that Glover found it particularly important to re-emphasise the importance of religion at a time when its foundation appeared to be undermined in the declinist mood of the 1950s.

In the 1950s, overt references to religiosity in *Probation* decreased considerably. A 1959 article by R. R. W. Golding, a probation officer in Oxford, indicated that it had become completely acceptable to talk about probation work as dissociated from the Christian philosophy of vocation. The Oxford officer explicitly made it clear that he had no Christian motivation and that he favoured scientific methods of probation work:

I have chosen to earn my living in this way because, realising my limitations, I cannot think of a more pleasurable way of earning it. I am not aware of any other particularly strong motivation either vocationally or ethically, though I believe that in the complete absence of either any professional practice must be pedestrian and mechanical. My approach is clinical rather than emotional since I believe that I can serve my probationers and my employers, more completely (and give myself greater satisfaction) if I attempt to use my mind in their service rather than my heart. While I believe that a sense of vocation is an invaluable asset I do not believe that it is a substitute for technical competence or an excuse for intellectual laziness or indifference.<sup>69</sup>

Here vocation seemed to mean some type of idealism rather than religiosity and it was made clear that it must be subordinate to technical knowledge rather than equal or superior. The manner in which the quip about vocation and intellectual laziness

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<sup>68</sup> Elizabeth R. Glover, *Probation and Re-Education*, 2<sup>nd</sup> edition, (London: Routledge & K. Paul, 1955), 255.

<sup>69</sup> R. R. W. Golding, "A Probation Technique," *Probation*, December 1959, 49.



disparaged the missionary approach would have been unthinkable 10 years previously.

One of the few people to continue to defend vigorously the religious approach was the Earl of Feversham, the President of the Association since 1931 until his death 1963. This was a figure head position that required little in involvement in the day-to-day affairs of the Association. In 1962, he gave a speech on the Golden Jubilee of NAPO which was published in *Probation* a few months later. At a time when values were rapidly changing, he apparently felt the need to defend the role of religion. He maintained his former position that “the reformation of people who can be helped, depends upon a well-organised, well-trained and well paid probation service”. However, he went on to emphasise the importance of religion:

The skill and knowledge to investigate and re-adjust a twisted personality can only be acquired through specialised training [...] Even so, I grow more and more convinced of the fact that the effectiveness of the old missionaries was the outcome of a strong sense of vocation derived from a deep religious faith.

Feversham’s reference to the twisted personality that can only be helped by the specialised professional shows a profound reliance on psychology. But he was adamant that it must be combined with faith: “Pure knowledge alone has no power to help; neither has untrained zeal. Probation requires both – training and dedication”.<sup>70</sup> This emphasis on the importance of a religion at a time when it was being undermined is significant. However, the type of language employed by Feversham had long ceased to be current among ordinary probation officers.

The gradual secularisation of probation discourse can only be explained within the context of the wider secularisation taking place in England. As Green has shown, the years leading up to 1945 witnessed the lessening of Christian influence in regulating morality although it continued to pervade national culture in a more vague and diluted sense.<sup>71</sup> For the Probation Service, this meant that adherence to somewhat vaguely defined Christian values – in attenuated form – became an

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<sup>70</sup> Feversham, “The Golden Jubilee,” 17, 20.

<sup>71</sup> Green, *The Passing of Protestant England*, 140.

acceptable substitute for faith and piety. In the case of the Approved Schools, the Christian element persevered unweakened because they were run by voluntary religious organisation. This offers a sharp contrast to the Probation Service whose ethos closely followed wider social and cultural trends.

## **II. The Clarke Hall Fellowship**

This chapter has argued that the religious voluntary element became gradually marginalised in probation following the 1936 divorce between the Probation Service and the Police Court Mission. However, even though religious organisations were prohibited from employing probation officers, the voluntary religious elements could still exercise influence. This can be seen in the intimate connection the National Association for Probation Officers had with the Clarke Hall Fellowship which – although not run as a religious organisation – was imbued with a strong religious ethos.

Its full name was the Clarke Hall Fellowship (For the Development of Probation and other Social Services of the Courts) and its main objective was the promotion of probation work and the sympathetic treatment of young offenders by the courts. These objectives were stated either at the front or the back of each published lecture. The Clarke Hall Fellowship was far from a marginal organisation. Its original trustees were the Earl of Feversham, the Archbishop of York William Temple, and previous Home Secretary Herbert Samuel. The Fellowship worked in close association with the Home Office. For the second, third, and fourth lectures 10,000 printed copies were delivered to the Home Office at the request of the Home Secretary who subsequently distributed them to magistrates together with a letter of approval.<sup>72</sup> It is not been possible to find out whether this practice continued as the Clarke Hall Fellowship stopped publishing annual reports. However, the close relationship with the Home Office, as well as the Ministry of Justice, could be

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<sup>72</sup> This information can be found in the reports from the Clarke Hall Fellowship, *The Clarke Hall Fellowship* (London: Whitehall), 7-8. This is its only title but it is for the period 1 April 1935-13 March 1936; *Report for the period 1<sup>st</sup> April, 1936 to 31<sup>st</sup> December, 1937* (London: Whitehall), 4-5; *Report for the period 1<sup>st</sup> January, 1938 to 31<sup>st</sup> December, 1939* (London: Whitehall), 6.

clearly seen in how regularly either the Home Secretary or the Lord Chancellor chaired the lecture introducing the speaker. The incumbent Home Secretary chaired the lectures in 1949 and 1954 – Chuter Ede and David Maxwell Fyfe respectively. The Home Secretary was meant to chair the lecture of 1938 but had to cancel with Feversham filling in at short notice. Similarly Home Secretary John Anderson was meant to chair the 1940 lecture which was cancelled due to the Blitz. Instead, the manuscript was published as usual with Anderson providing the foreword. The 1934, 1945, and 1958 lectures were chaired by the incumbent Lord Chancellor. The 1950 lecture was chaired by the Minister for Education. Furthermore, the previous Lord Chancellor Jowitt chaired the 1953 lecture while previous Home Secretary Herbert Samuel chaired the 1958 one.

There was a great degree of overlap in the leadership of NAPO and the Fellowship. The Earl of Feversham, of course, was president of NAPO and a trustee and regular committee member of the Fellowship. H.E. Norman, secretary of NAPO, was also on the committee. Furthermore, NAPO was strongly dependent on the financial support of the Fellowship. For the fiscal year ending 31 March 1937 the Fellowship supported NAPO with £1, 415.<sup>73</sup> NAPO gradually became more self-sufficient; in 1943 it was proudly announced in *Probation* that NAPO had collected £464 from its own members with £696 given by the Clarke Hall Fellowship.<sup>74</sup> The journal *Probation* – the organ of NAPO – was shared between NAPO and the Clarke Hall Fellowship between February 1942 and June 1947. Up until 1945, NAPO was significantly subsidised by the Fellowship although, in an editorial celebrating one year of “financial independence”, it was claimed that this “had in no way influenced N.A.P.O. policy”. While recognising that the help of the Fellowship had enabled “the Association’s wide activities”, the editor proudly emphasised that “Now N.A.P.O. has established its independence”.<sup>75</sup> During the annual meeting of NAPO on 8 May 1942, members expressed gratitude for the “the financial assistance given by the Clarke Hall Fellowship” and thanked Lord Feversham for arranging it. It thus seemed that the Earl was the key figure in this arrangement.<sup>76</sup> It might be true that the dependence on the Clarke Hall Fellowship had not directly influenced policy but

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<sup>73</sup> Clarke Hall Fellowship, *Report for the period 1<sup>st</sup> April, 1936 to 31<sup>st</sup> December, 1937*, 27.

<sup>74</sup> “National Association of Probation Officers 32<sup>nd</sup> annual report,” *Probation*, June and July 1944, 91.

<sup>75</sup> N.W.G., “Editorial,” *Probation*, January-February 1946, 1.

<sup>76</sup> “Thirtieth Annual Meeting held at Birmingham, 8th May, 1942,” *Probation*, July 1942, 2.

it is worth noting that the financial independence of NAPO coincided – around 1946 – with the discursive turn towards a more secular language as noted above. Regardless of whether this was a coincidence, it is indisputable that NAPO was intimately connected and dependent on a voluntary organisation with a strong religious ethos and that it shared its main communication platform – its journal – with this organisation.

The Clarke Hall Fellowship was set up in memory of William Clarke Hall shortly after the premature death in 1932 of the Metropolitan London magistrate. Clarke Hall had been famous for the great interest he took in penal reform. He had published several books on probation and had been the chairman of the National Association of Probation Officers at the time of his death. The same year he died, he received a knighthood honouring his work for children. Just after Christmas in 1932, an appeal was issued for donations for a Fellowship in Clarke Hall's honour signed by the Archbishop of York, Lord Feversham, Sir Richard Harris, and Lady Cynthia Colville among others. This was printed in the *Manchester Guardian*. The Fellowship was to be established as a trust to provide lectures but also to place the National Association of Probation Officers on a sound financial basis.<sup>77</sup> It was not founded as a religious organisation but the membership was, as we shall see, made up of people whose zeal for penal welfare came out of Christian ideals and who regarded Christianity as central to moral health.

The membership largely consisted of the social elites – earls, viscounts, members of the Order of the British Empire were among the members. The Fellowship was very much characteristic of the old elite networks that sought to influence public policy. The Executive Committee consisted of illustrious figures such as, the Archbishop of York, the Earl of Feversham, Major Reginald Bullin, and Basil Henriques. Henriques was knighted in 1955 and Bullin held an O.B.E. With the exception of a few additions, the make-up of the Fellowship remained consistent over time. It is thus fair to characterise the Fellowship as a network of socially aware amateurs made up of the social elites. One of its purposes was to collect money and this can be seen in the repeated mention in newspapers of dinners hosted in aid of the Fellowship. The section entitled “Court Circular” in the *Observer* mentioned a

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<sup>77</sup> *Manchester Guardian*, 27 December 1932, 6.

dinner to be hosted by Lord Feversham together with Lady Mary Dunn on 27 April 1937.<sup>78</sup> *Manchester Guardian* mentioned a reception hosted by Lady Astor for probation officers and attended by the Duke of Kent, Lord Feversham and the Home Secretary among other notables. It was mentioned that the Duke of Kent – who had recently made a successful appeal on behalf of the Clarke Hall Fellowship – went around the room talking to probation officers asking them about their work and the conditions in their areas.<sup>79</sup> In the end, they gathered the impressive sum of £11, 000 at this dinner.<sup>80</sup>

The Clarke Hall Fellowship imbued the striving for penal welfare with a great deal of religious legitimacy. It was no coincidence that the first lecture – delivered in 1934 – was given by William Temple, then Archbishop of York. Temple rejected “State-inflicted flogging” as sure way of turning “juvenile delinquents into definite criminals”.<sup>81</sup> Temple stressed the need for justice to be reformatory. While punishment was necessary – both as a deterrent and a societal repudiation of the immoral act – it was only justifiable in so far as it was subordinate.<sup>82</sup> This did not mean that he embraced a naïve view of healing through God: the delinquent “needs, as well as we all need, sympathy; he needs, as a sick man needs, diagnosis of his disorder and appropriate remedial treatment”.<sup>83</sup> This was a prime example of the language of moral ill-health used to justify penal reform. That the second most senior member of the clergy of the Church of England expressed this support was far from insignificant. He did not find the medicalisation of delinquent behaviour as threatening to religious authority.

Christian ideals of reformation and redemption served a strongly legitimising function for penal welfare. As will be seen in the next chapter, these ideals played a large role in defending the emphasis on rehabilitation in the 1948 Criminal Justice Act. The Clarke Hall Fellowship played a significant part in propagating this Christian message. A month before the Act received royal assent on 30 July, Justice Birkett delivered the annual Clarke Hall lecture in the presence of William Allen Jowitt, the Lord Chancellor. The fact that such an important member of the Cabinet

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<sup>78</sup> “Court Circular,” *Observer*, March 21, 1937.

<sup>79</sup> *Manchester Guardian*. “Court and Personal,” May 5 1936, 10.

<sup>80</sup> The Clarke Hall Fellowship, *Report for the period 1<sup>st</sup> April, 1936 to 31<sup>st</sup> September, 1937*, 6.

<sup>81</sup> Temple, *The Ethics of Penal Action*, 27.

<sup>82</sup> Temple, *The Ethics of Penal Action*, 38.

<sup>83</sup> Temple, *The Ethics of Penal Action*, 31.

was present indicated the influence that the Fellowship possessed. The lecture was unusual in that Birkett addressed himself directly to the Lord Chancellor rather than the audience as a whole. The style was similar to an exhortation praising the Chancellor as “enlightened” and encouraging him to keep this course.<sup>84</sup> He talked at length about the horrors of punishment in past centuries when “[v]engeance and retribution ranged supreme”. The state, he argued, must concern itself with treatment and reform rather than retribution.<sup>85</sup> The religious aspect of the exhortation was also obvious in the justification for favouring rehabilitation over punishment:

It is to encourage the growth of grace and dignity in character, to implant qualities of strength and resolution, and to lead to the higher things in which our human life is so rich [...] it is also to strengthen the life of the nation, and to write the brightest page in all our legal history, and to leave to following generations an example and an inspiration.<sup>86</sup>

Even though this passage did not overtly refer to God or religion, it was strongly imbued with religious discourse in its allusion to “grace and dignity of character” and the aspiration to “higher things”.

The influence of the Fellowship was also shown by the fact that the annual lecture in 1949 was chaired by Home Secretary Chuter Ede. It was given by the former under-secretary of State and read more like a Parliamentary bill than a lecture. It was virtually a defence of the 1948 Act.<sup>87</sup> It was thus clear that the government considered the Fellowship a suitable platform to defend its legislation towards penal welfare. The religious ideals that the organisation embodied certainly would have lent legitimacy to the cause of progressive justice.

With NAPO having become financially independent and the goals for penal welfare achieved through the 1948 Act, the relevance of the Clarke Hall Fellowship was less clear-cut. Instead of pushing for penal reform, the majority of the lectures of the 1950s were concerned with talking about moral decay and lamenting the godlessness of contemporary society. This was the same declinist discourse that was

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<sup>84</sup> Justice Birkett, *Criminal Justice: Problems of Punishment: The Eighth Clarke Hall Lecture* (London: Clarke Hall Fellowship, 1948), 8.

<sup>85</sup> Birkett, *Criminal Justice*, 13-15, 20-22, 28.

<sup>86</sup> Birkett, *Criminal Justice*, 31.

<sup>87</sup> Alexander Maxwell, *The Institution Treatment of Delinquents: The Ninth Clarke Hall Lecture* (London: Clarke Hall Fellowship, 1949).

so prevalent in the *Approved Schools Gazette* as we saw in the previous chapter.<sup>88</sup> The 1952 lecture was given by the Bishop of Croydon, Cuthbert Bardsley. The Archbishop of Canterbury, Geoffrey Fisher, was meant to chair the lecture but had cancelled at the last moment due to family bereavement. Bardsley's lecture perfectly embodied the pessimistic view of the state of Christianity in Britain:

The Victorian age with all its faults and failures and with its shocking lack of a social expression of Christian faith was nevertheless a period of belief in God. The Edwardian era was somewhat less secure in its religious tenets – we are confronted to-day with the spectacle of vast numbers of our people who are without any religious roots whatever, who have no faith and no belief in God.<sup>89</sup>

Bishop Bardsley was thoroughly convinced that Britain was in desperate need of spiritual reawakening and viewed secularisation as the fundamental cause for the supposed disintegration of family life:

The rebuilding of the home life of Britain can only begin in the rediscovery of a faith for life, and that can only be refound in the bringing back of those simple but necessary practices of family prayers, grace at meals and family worship – and these practices will only be reintroduced by a spiritual reawakening.<sup>90</sup>

The conviction that the religiosity of the nation was in such a pitiful state was surprising given that Church attendance in Britain actually enjoyed a substantial resurgence in the 1950s.<sup>91</sup> Furthermore, despite this purported decline having taken place for decades, it was not until the 1950s that it gave rise to anxieties. This would seem to indicate that such reactions owed more to a declinist discourse rather than actual decline.

Religious decline became the framework for understanding everything that was seen as wrong with Britain. Bishop Bardsley connected it directly to crime: “The

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<sup>88</sup> See 74-79 of this thesis.

<sup>89</sup> Cuthbert Bardsley, *Faith, Character, and Conduct: The Twelfth Clarke Hall Lecture* (London: Clarke Hall Fellowship, 1952), 20.

<sup>90</sup> Bardsley, *Faith, Character, and Conduct*, 13.

<sup>91</sup> For a discussion of resurgence in church going see Brown, *The Death of Christian Britain*, 170-175.

juvenile delinquent is frequently a lad who is adrift. He has no anchor, no rudder, no belief'. The direct link between faith and conduct was unambiguously stated.

If we believe in the Nazi faith we shall live and act like a member of the National Socialist Party. If we believe in the Communist faith we shall live and act like a Communist. If we believe in the Christian faith we shall live and act like a Christian. If we believe in nothing we shall live and act like a tramp, moving around from lodging house to lodging house, propped up by a benevolent State and progressing nowhere.<sup>92</sup>

The idea of Nazism and Communism as 'faiths' – and therefore consequences of lack of Christian faith – occurred repeatedly in the lectures.<sup>93</sup> The passage above also seemed to indicate some anxiety about the potential of the welfare state to contribute to moral decline.

In the 1957 Clarke Hall lecture, John Marsh (1913-1992) argued that “young people today inherit a civilisation which has had three generations without God” thus mirroring declinist ideas that had also been articulated in the *Approved Schools Gazette*.<sup>94</sup> Marsh was the Director of the Industrial Welfare Society, a position he held between 1950 and 1961. He was also chairman of the British National Conference on Social Work between 1957 and 1960 and would sit on the Advisory Committee on Employment of Prisoners between 1960 and 1963.<sup>95</sup> He was thus far from a marginal figure. He framed his anxieties about the effects of mothers going out to work as something requiring a Christian answer. While calling for scientific research into the effect of working mothers on children, he made clear that “Whatever the results show, Christian insight and concern will be needed in the

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<sup>92</sup> Bardsley, *Faith, Character, and Conduct*, 8-9.

<sup>93</sup> This was not an uncommon comparison, for similar statements, see Cynthia Colville, *Social Progress and the Individual: The Fourteenth Clarke Hall Lecture* (London: Clarke Hall Fellowship, 1954), 7; Robert Birley, *The School, Society and the Delinquent: The Tenth Clarke Hall Lecture* (London: Clarke Hall Fellowship, 1950), 21.

<sup>94</sup> John Marsh, *Youth and Industrial Society: The Seventeenth Clarke Hall Lecture* (London: Clarke Hall Fellowship, 1957), 16; “General Secretary’s Notes,” *Approved Schools Gazette*, October 1958, 201.

<sup>95</sup> *Who Was Who*, s.v. “Marsh, (Henry) John,” accessed 20 March, 2017, <http://www.ukwhoswho.com/view/article/oupww/whowaswho/U174089>.



solution of these problems. For me the key question is, do we see the family as the most important unit in Society?”.<sup>96</sup>

Robert Birley, Headmaster of Eton, attributed increased delinquency to the “the decline of the influence of the family on the child to-day”. Rejecting the notion that popular culture was responsible for the “dangerous gang phenomenon”, he argued that it “has been called into being as a result of the children’s real need. It is, in a sense, the child’s answer to the failure of the family. For in the gang he finds what he really wants, and is not finding in his home, the sense of belonging to a group, the experience of discipline, and even, in an extraordinary way, a sense of security”.<sup>97</sup> Former magistrate Cynthia Colville lamented immoral parents defending their delinquent children to the authorities: “The delinquent’s relief at the thought of exculpation can only be equalled by his sense of moral confusion”.<sup>98</sup>

The Earl of Feversham delivered the 1958 lecture in which he lamented that the “authority of religion has been gravely impaired; every convention has been questioned, denied or scrapped, every tradition undermined; every precept and rule of life shown to be relative and conditional upon particular circumstances”. Feversham viewed increasing divorce, suicide, and crime rates as “the inescapable symptoms of the illness of our age”.<sup>99</sup> These were very strong words and showed how far the previous optimism about the moral elevation that would come with increased standards of living had eroded and given way to pessimism:

The physical conditions of life are more favourable than they have ever been. The social revolution has been all to the good, for it has removed long-tolerated evils. But there is also another revolution. A spiritual revolution has weakened or dissolved the traditions and beliefs which for many centuries ruled Western civilisation and held it together.

Feversham had been a fervent campaigner for the removal of social evils and was still the President of NAPO. It was clear that he now sought to dissociate the welfare state from spiritual decline by explicitly emphasising that the social and spiritual

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<sup>96</sup> Marsh, *Youth and Industrial Society*, 19.

<sup>97</sup> Birley, *The School, Society and the Delinquent*, 18-19.

<sup>98</sup> Colville, *Social Progress and the Individual*, 12.

<sup>99</sup> Lord Feversham, *Basic Human Needs in a Scientific Age: The Eighteenth Clarke Hall Lecture* (The Clarke Hall Fellowship: London, 1958), 7-9.

revolutions were separate. However, not everybody would see things this way. As we shall see in the next chapter, declinist narratives of spiritual decline could also be used to criticise the something-for-nothing attitude supposedly fostered by the welfare state.

Declinist attitudes about religion sometimes overlapped with anxieties about national cultural decline. Issues were also raised with how young people used their leisure. Cynthia Colville particularly lamented what she saw as mass-produced culture. When she was young, she claimed, intelligent working-class men had read Charles Dickens and George Eliot, while now they read comics. She also criticised the consumption of music in terms that bordered on racism: “the modern moans and groans that have been transplanted three or four times in order to reach Europe from Central Africa, losing most of their charm and purpose in the transit. But music of a simple and attractive character, suited to our national genius, can stave off the dangers of over-passive enjoyment”.<sup>100</sup> With this went the idea that youth needed to find joy in things “worthwhile”. There was also the anxiety expressed by John Marsh that youth had started to see work as “something to be endured and not enjoyed”. He argued that “Not to know the real satisfaction that comes from good work is to miss a major source of happiness in life, and this failure results in social and spiritual *malaise* to which science can give no answer”.<sup>101</sup>

It became increasingly common in declinist narratives to view science – most prominently psychology – as problematic. This did not mean that members and guest lecturers rejected psychology out of hand. They recognised its value but rather they criticised the misuse of psychology especially when linked to modern notions of individual self-expression at the expense of conformance to social norms. This will be dealt with in more detail in the next chapter.

Reading the Clarke Hall lectures of the 1950s in juxtaposition to the journal *Probation* indicates how far the ethos of the Fellowship had diverged from that of NAPO. The discourse running through Clarke Hall lectures was the same as that found in *Approved Schools Gazette*. Unlike the *Gazette*, there was no trace of declinist thinking in the pages of *Probation*. This supports the idea that the Probation

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<sup>100</sup> Colville, *Social Progress and the Individual*, 20.

<sup>101</sup> Marsh, *Youth and Industrial Society*, 4-5. Emphasis in original.

Service was becoming an increasingly secular organisation in contrast to the Approved Schools and that this was due to the marginalisation of the voluntary element in penal welfare.

### **III. The probation officers of the Wiltshire Combined Probation Area**

Studying the case committee reports by probation officers active in Chippenham and Devizes in the Wiltshire Combined Probation Area provides some useful insights into the differing approaches to probation work that existed within the Service and how they changed over time.<sup>102</sup> The choice to focus on two small towns in the rural south-west of England was mainly due to reasons of access and time. As stated previously, it is often very difficult to gain permission to access probation records, and therefore the availability of the Wiltshire record played a large part in this choice. However, it has been possible for historians to access London probation records. John Lunan has written a PhD thesis based on the Social Enquiry Reports produced by probation officers in the Metropolitan London area. Timewise, it was not feasible to investigate such an extensive source for a case study of frontline probation officers that constitutes only a minor part of this thesis. Secondly, the nature of the Wiltshire source is different from the Social Enquiry Reports. Lunan showed how probation officers strategically framed their arguments within a normative gender discourse because they believed this would optimise the chances of magistrates passing a probation sentence.<sup>103</sup> Case committee reports, on the other hand, did not involve a probation officer trying to achieve a certain aim and can thus be taken as a more reliable indication of their own values and approaches.

Meeting four times a year, case committees were organised on an area basis and consisted of magistrates tasked to review the work of probation officers on each

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<sup>102</sup> This section relies on material found in the Wiltshire and Swindon History Centre. Three entries have been looked at. B11/150/1 contains the reports from Chippenham 1948-1955. B3/150/1 contains reports from Devizes (borough division) 1949-1963 whereas B13/150/2 contains the reports from Devizes (county division) 1961-1970. The inconsistencies in headlines for entries – often handwritten on the typed reports – are from the source itself. The headlines have been transcribed exactly as they appear in the documents.

<sup>103</sup> John Lunan, ““The burglar's mate"? How London's probation officers persuaded magistrates in Social Enquiry Reports, 1958-72” (PhD thesis, University of Oxford, 2014).

individual case. With the 1948 Criminal Justice Act, such committees became obligatory across England and Wales. In 1949 three magistrates sat on the Devizes case committee supervising the work of one male and one female probation officer. In 1961 the size of the case committee had doubled while the number of officers remained the same. One officer of each sex was the minimum requirement put into statute with the 1948 Criminal Justice Act. By the same token, Chippenham employed one officer of each sex between 1949 and 1955 when the record ends. According to the 1951 census, Chippenham counted 11, 851 inhabitants whereas there were 7, 897 people living in Devizes. We are thus dealing with very small rural areas and the pattern of offending reflected this. There were hardly any probationers under supervision for violent crime but rather most cases involved larceny or receiving stolen goods with some instances of child neglect and sexual offenses.

#### *The male probation officers of Wiltshire*

In the late 1940s and early 1950s, the religious approach was still very common. Probation officer H. York most clearly embodied the religious approach. From his reports dating from the late 1940s, it was made clear that he was also a parish priest and it is thus more than likely that he had started his care with the Mission. Reporting on an eleven-year-old boy on probation for stealing fruit, York commended the mother for her helpfulness and desire “to correct the boy for his future good” while pointing out that “constancy of visiting” would influence both the boy and the home for good.<sup>104</sup> For the next quarterly report, York reported on the same boy reiterating that “the continuous visiting and suggestions are helping him to understand more the meaning of good behaviour”. Similarly he reported that a twelve-year-old boy – also on probation for stealing fruit – was “learning the value of good conduct and character”. This idea of character training was the same religious approach implicit in the work of the Approved Schools. Reporting on another twelve-year-old boy who had stolen a bicycle, York related that the home was committed to “avoid any further lapse in conduct” noticing that the boy had

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<sup>104</sup> B11/150/1. York, “10 June 1948”.

“good contacts with Sunday School”.<sup>105</sup> Unsurprisingly, church attendance was of fundamental importance to York. He noted with approval that a ten-year-old boy was “now attending a Methodist Youth club”. Similarly dealing with a thirty-six-year-old man on probation for indecent exposure, York noticed that he was a conscientious employee as well as an “an active [volunteering] worker with the Baptist Cause”.<sup>106</sup>

Probation officer Sidney Smith who took over some of York’s cases – presumably because the latter retired – had similar attitudes. Reporting on a twelve-year-old boy on probation for stealing money, Smith commented on the noxious home environment:

Their [the parents] general attitude is that the law can be broken, but one is a fool if he is caught; if one is caught he should employ a good solicitor. In the face of this it is difficult to instil good moral principles into this boy. However, he has joined the Boys’ Brigade, and this should help to counteract the influence of the parents.<sup>107</sup>

The Boys’ Brigade was – and still is – a non-denominational Christian youth organisation. Since the late nineteenth century its stated objective has remained: “The advancement of Christ’s kingdom among Boys and the promotion of habits of Obedience, Reverence, Discipline, Self-respect and all that tends towards a true Christian manliness”. Thus Smith’s juxtaposition of the noxious home environment with the wholesome Christian one found in the Boys’ Brigade reflected the same attitudes that underpinned the Approved Schools. Smith also clearly attached a great deal of importance to respectability in appearance. He reported that a fourteen-year-old boy was “slack in his general tidiness and has been told to improve”. A youth whose age was not specified was described as “weak willed and does not appear to realise what is wrong or be able to control his impulses”.<sup>108</sup>

Smith had a clear tendency to judge his probationers and their families quite harshly from his own Christian perspective of what constituted moral propriety. For instance, he reported that a boy of unspecified age “recently picked up a ball-pen in

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<sup>105</sup> B11/150/1. York, “11 September 1948”.

<sup>106</sup> B11/150/1. York, “6 March 1948”.

<sup>107</sup> B3/150/1. Sydney Smith, “Quarterly report of cases on probation for the Devizes Borough Probation Committee 28<sup>th</sup> October 1949”.

<sup>108</sup> B11/150/1. Smith, “Reports to Chippenham Probation Committee 14 June 1950”.

the road and apparently had no intention of taking it to the Police Station until I suggested it. His mother knew of his find but had not suggested that he should take it to the Police. The lad does not give the impression of being trustworthy”.<sup>109</sup> He was also strongly judgemental about people who failed to adhere to his ideals of thrift. Reporting on two brothers – a ten-year-old and a boy of unspecified age home on licence from an Approved School – Smith stated that “although the family income is good, the condition of the home is poor”. He saw this as underlying the problems of the boys in handling money properly: “he [one of the boys] is being encouraged to save, unfortunately without much success, as the family tend to spend their money as soon as they have it”.<sup>110</sup> For the next quarterly report, Smith expressed annoyance at one of the boys only occasionally going to Sunday School blaming it on the parents. Again Smith noted that despite the encouragement he had given one of the boys to save money, the boy “tends to have little idea of its true value”.<sup>111</sup>

Probation officer Roy Runswick who took over the case of the two brothers from Smith seemed to share Smith’s attitudes about good behaviour. He regretted that the younger boy had lost his place in the Wolf Cubs because he had stopped going attributing it to lack of encouragement from the parents. He was clearly upset with the family: “The whole family are of low intelligence and the parents’ interest in the children and standards of cleanliness leave much to be desired. The one redeeming feature is that they believe in hard work”. However, he took a much more positive attitude towards the older boy than Smith had done reporting that he was doing “comparatively well” and had “saved some money to buy himself a suit and a bicycle. He is taking pride in his appearance now that he is growing up”.<sup>112</sup> Whether the differing attitudes of Runswick and Smith came down to different personalities or if they were caused by a change of behaviour in the boy is impossible to know. However, what matters is that they both shared the same sense of what constituted good behaviour. Runswick placed a great deal of emphasis on conformance to conventions of respectability.

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<sup>109</sup> B11/150/1. Smith, “Reports to Chippenham Probation Committee 14 June 1950”.

<sup>110</sup> B3/150/1. Smith, “Probation officer’s report to Devizes Borough Probation Committee. 27<sup>th</sup> July 1951.

<sup>111</sup> B3/150/1. Smith, “Probation officer’s report to Devizes Borough Probation Committee, 29<sup>th</sup> October, 1951.

<sup>112</sup> B3/150/1. Roy Runswick, “Probation Officer’s Report to Devizes Borough Probation Committee. 31<sup>st</sup> January, 1952”.

Like the three professionals dealt with above, probation officer A.H. Crudge – active in the late 1950s – had similar ideas about virtue and character. Reporting a twenty-one-year-old man on probation for larceny, Crudge related that: “The same very steady progress continues. He is a very conscientious person who feels his guilt very much, and, although inclined to be a weak character, unless any great difficulties faced him, he is most unlikely to give cause for concern”.<sup>113</sup> This reinforced the importance of repentance and good character that was characteristic of the Christian approach to probation. In keeping with this approach, Crudge attached high value to associations with religious organisation. A fourteen-year-old boy had “given up the Salvation Army but has joined the Boys Brigade”.<sup>114</sup> However, Crudge’s approach to probation also showed the imprint of psychology in a way lacking from York, Smith, and Runswick. He used terms such as ‘mature/immature’ and ‘settled/unsettled’ – referring to stability in life – to describe the progress of his probationers. This represented a partial shift away from the Christian conception of delinquency towards one of psychological maladjustment. It implicitly allowed that certain forms of bad behaviour were the consequence of developmental immaturity rather than moral failure in the environment while being ‘settled’ entailed achieving a sense of calm and stability in life that was necessary for contentment. This was part of a shift taking place in the late 1950s and early 1960s – dealt with by Abigail Wills – towards viewing delinquency as a manifestation of individual unhappiness rather than a weakness in character.<sup>115</sup>

For probation officer Peter Coad who was active in the 1960s, the psychological approach emphasising happiness seems to have been more dominant. Reporting on a twenty-two-year-old-man convicted for theft and breaking and entering, Coad emphasised that the “unfortunate background [of the probationer] had not been conducive to a settled way of life”. Instead of focusing on a noxious moral environment – as York and Smith had done – Coad made sense of delinquency in terms of an environment not conducive to mental well-being. He happily noticed that his client had “changed tremendously from being a furtive unhappy young man to a

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<sup>113</sup> B3/150/1. A.H. Crudge, “Probation Officer’s Report to Devizes Borough Probation Committee. 31<sup>st</sup> July, 1957”.

<sup>114</sup> B3/150/1. Crudge, “Probation Officer’s Report to Devizes Borough Probation Committee. 29<sup>th</sup> October, 1957”.

<sup>115</sup> Abigail Wills, “Delinquency, Masculinity, and Citizenship in England 1950-1970”, *Past & Present*, vol. 187, no. 1 (2005): 157-185.

most pleasant and amiable personality. He has worked diligently and gives every indication of leading a most responsible life”.<sup>116</sup> Again, this connected delinquency to unhappiness rather than moral failure. Coad also emphasised maturity as a key factor in keeping on the right side of the law. Dealing with a fifteen-year-old boy whose twin brother was at an Approved School, Coad blamed the negative influence of the brother but was optimistic that “By the time the brother leaves Approved School I think Vincent will be mature enough to resist his anti-social influence”.<sup>117</sup> Reporting on the same case a year later, Coad again stressed maturity: “He will probably take some time to reach maturity but when he does, he will make a reasonably good member of society”.<sup>118</sup>

Furthermore, Coad was much less prone to moralising than the earlier officers. Reporting on a thirty-year-old man on probation for receiving stolen goods, he pointed out that the “man has settled down exceedingly well... Although not married he lives happily with his ‘wife’ and family in a modern cottage farm”.<sup>119</sup> His playful comments about the fact that the couple was not married indicated amusement rather than worry or condemnation. He was also infinitely more liberal than when it came to the sartorial preferences of youths. Far from viewing them as manifestations of moral decay, Coad actually suggested that the negative attitudes of parents could contribute to delinquency. Reporting on a fifty-year-old boy convicted of larceny, Coad pointed out that:

Ralph comes from a respectable home. One of the earlier difficulties was the gulf between the respective outlooks of Ralph and his father. Mr. Minshall is a dapper efficient administrative type who could not understand the modern ideas of dress popular amongst boys Ralph’s age. His dislike of the unorthodox had nearly reached the point of obsession. After some discussions with him on this subject I feel that the

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<sup>116</sup> B13/150/2. Peter Coad, “Minutes of the Quarterly Meeting held at the Assize Court, Devizes on the 30<sup>th</sup> January, 1961”.

<sup>117</sup> B13/150/2. Coad, “Minutes of the Quarterly Meeting held at the Town Hall, Devizes on 30<sup>th</sup> January, 1963”.

<sup>118</sup> B13/150/2. Coad, “Minutes of the Quarterly Meeting held on 28<sup>th</sup> January 1964 at the Town Hall, Devizes”.

<sup>119</sup> B13/150/2. Coad, “Minutes of the Quarterly Meeting held at the Assize Court, Devizes on the 30<sup>th</sup> October, 1961”.



relationship between father and son has improved considerably. Certainly Ralph is much happier now.<sup>120</sup>

This was a long way from the emphasis on conformity to social norms of respectability that characterised many people's reactions towards youth culture. Instead Coad located the problem with adults rather than youths. The contrast between Coad and the more moralistic probation officers dealt with above cannot be explained by the shift away from religion towards scientific explanations. Rather it was symptomatic of the decreasing influence of Christianity in regulating codes of behaviour. The language of moral health had disappeared and Coad showed little interest in upholding the moral fabric of the nation.

However, probation officer T.L. Richards, clearly showed that it was possible for the old moralistic perspective on delinquency could co-exist with the psychological approach well into the 1960s. Reporting on a twenty-eight-year-old man on probation for theft, Richards stated "I regard him as selfish and work shy and as yet have not been able to bring about any change of attitude".<sup>121</sup> A twenty-two-year-old man was described as "a weak character" and "completely dominated by the woman with whom he lives".<sup>122</sup> By contrast an eighteen-year-old man convicted of larceny as a servant was described in positive terms: "he is a home loving fellow, courts the girl from two doors down and attends mid-week chapel activities. He is likeable and there is an air of contentment about him".<sup>123</sup> Richards was confident it was mostly the ten years older accomplice who was responsible. This idea seemed to spring only from Richards' impression of the probationer as essentially a moral person based on his attending church and desiring to be a family man.

However, Richards' approach also owed much to psychology. He described a twenty-one-year-old man on probation for assault as "A cheerful, hard working [sic] fellow who becomes indignant over considered injustices but is somewhat raucous and immature in his approach. He is sensitive to his humble origins and reacts

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<sup>120</sup> B13/150/2. Coad, "Minutes of the Quarterly Meeting held at the Town Hall, Devizes on 30<sup>th</sup> April, 1963".

<sup>121</sup> B13/150/2. T.L. Richards, "Minutes of the Quarterly Meeting held on 25<sup>th</sup> January, 1966 at the Assize Court, Devizes".

<sup>122</sup> B13/150/2. Richards, "Minutes of the Quarterly Meeting held on 26<sup>th</sup> July, 1966 at the Assize Court, Devizes".

<sup>123</sup> B13/150/2. Richards, "Minutes of the Quarterly Meeting held on 31<sup>st</sup> January, 1967 at the Assize Court, Devizes".

aggressively to ideas which differ from his own. The removal of an inferiority complex is the challenge in this case”.<sup>124</sup> Similarly, Richards referred to “the instability and immaturity” of a seventeen-year-old boy convicted for breaking into a shop. Dealing with a fourteen-year-old boy on probation for truancy, Richards reported that: “Philip’s introversion is disappearing and there are hopeful signs that the lad will be able to take up his place in society. He has a tendency to be distrustful and is immature emotionally and socially, but I am of the opinion that with no real pressure applied he may become less reticent verbally”.<sup>125</sup> Thus Richards’ approach indicated the possibility for co-existence of the Christian outlook stressing virtue together with a more modern psychological perspective emphasising maturity and stability.

#### *The female probation officers of Wiltshire*

Even though the limited sample studied here renders generalisations somewhat precarious, it seems that female probation officers adopted psychological discourse sooner than their male counterparts although still imbued – to varying degrees – with Christian moralism. Probation officer Pauline Crabb’s approach focused on both psychological adjustment and moral regulation. A sixteen-year-old girl was described “happy at her job” whereas a thirty-one-year-old woman was said to be “quite settled in her job”.<sup>126</sup> This placed the emphasis on the personal feelings of the probationers rather than how well they conformed to their duties. However, Crabb could also be very moralistic especially when dealing with girls and women. With girls and women, her approach was partly focused on regulating gender ideals. This was consistent with how Pamela Cox has analysed the gendered dimensions of penal welfare.<sup>127</sup> Crabb reported on one of her girls: “She has on one or two occasions

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<sup>124</sup> B3/150/1. Richards, “Minutes of the Quarterly Meeting held on 29<sup>th</sup> January, 1963 at the Town Hall, Devizes”.

<sup>125</sup> B13/150/2. Richards, “Minutes of the Quarterly Meeting held on 30<sup>th</sup> April, 1968 at the Town Hall, Devizes”.

<sup>126</sup> B3/150/1. Pauline M. Crabb, “Quarterly report of cases on probation for the Devizes borough probation committee, 28<sup>th</sup> October 1949” and “Minutes of the Quarterly Meeting held at the Town Hall on the 25<sup>th</sup> day of April 1951”.

<sup>127</sup> Pamela Cox, *Gender, Justice and Welfare: Bad Girls in Britain, 1900-1950* (Basingstoke: Palgrave Macmillan, 2003).

come home rather late in the evening... I do feel that this girl may be somewhat of a problem during her adolescent years". The duty of women as homemakers was also a fundamental concern. Reporting on another woman, Crabb stated: "The improvement in this girl's home appears to have been maintained during the last quarter and she seems to take a real interest in her home. She has recently made new curtains for the bungalow and those have improved the appearance a good deal. The relationship between Audrey and her husband seems to be happier". When dealing with boys – she had no grown men as clients – her focus was similar to that of York and Smith. She reported that a boy "still attends the church choir regularly" while another was about to join the "scouts shortly". Judgement on the bad behaviour of boys could also be interpreted as the mother failing to fulfil her duty. A problematic boy with "a weak type of woman" as mother was said to "have no organised leisure and plays in the district in the evenings".<sup>128</sup>

Among the female probation officers in Wiltshire, it was Joan F.S. King who was the most prone to moralising. Interestingly, she went on to work for the Cambridge Institute of Criminology and received an MBE. She also edited a few books on probation.<sup>129</sup> Reporting on an eleven-year-old girl on probation for larceny, she related that: "She has grown into a very pleasant, well-mannered girl, and there seems no reason why she should not make good in spite of the poor home influences. Church and [the Girl] Guides have helped her greatly". The Girl Guides were – and still are – a scout movement for girls. Like the boy scouts, it entailed making a promise of duty towards God. Dealing with a thirteen-year-old girl on probation for larceny, whose mother, Mrs. Godwin, was also on probation for receiving stolen goods, King reported "Jean is rather a quiet girl, but friendly and pleasant. She is not keen on joining any youth organisation, and the problem is going to be to get her linked up with friends who have higher moral standards than she is likely to learn at home".<sup>130</sup> Thus King's view that the negative moral environment of the home should be counter-acted by the positive moral influence of a religious ethos was the same as that in the Approved Schools.

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<sup>128</sup> "Report of Probation Officer Crabb to the Chippenham Probation Case Committee on 20<sup>th</sup> September 1950".

<sup>129</sup> Joan F.S. King, *The Probation Service* (London: Butterworths, 1958).

<sup>130</sup> B3/150/1. Joan F.S. King, "Probation Officer's Report to Devizes Borough Probation Committee, 29<sup>th</sup> October, 1951".

Throughout her quarterly reports, King's attitude towards Mrs. Godwin indicated the extent to which she viewed her role as regulating the moral behaviour of her probationers. In July 1952, Godwin's daughter Jean was committed to the Wiltshire County Council as in need of care and protection. It had transpired that Jean had visited an elderly man in his caravan who had subsequently been convicted for abusing her. According to King, this had happened with the mother's full knowledge but she had seen no harm in it. King attributed this to moral failure on the part of the mother: "it seems impossible to arouse in her any sense of moral responsibility for her children".<sup>131</sup> King continued to report on Mrs. Godwin monitoring the tidiness of the home and making sure, she took proper care of her other daughter: "Mrs. Goodwin has been seriously warned about her responsibilities to this child and the probable consequences if she fails in them, and it is hoped that this may make her more careful in dealing with her. It is doubtful whether anything more positive than this can be expected from Mrs. Goodwin. She has not the equipment herself to give the child any real moral training".<sup>132</sup> This lack of understanding of morality on the part of the mother seemed to prompt King to make sure the daughter got proper moral training. She reported that "June has begun to attend Sunday School again, and Mrs. Godwin assures me that she is going to keep this up".<sup>133</sup> The phrasing was telling. It seemed that Mrs. Godwin felt the need to assure King that she was indeed making sure her daughter went to Sunday school. This implied that King applied pressure in that direction.

The probation order against Mrs. Godwin for receiving stolen goods seemed to justify King taking an all-embracing approach towards regulating her probationer's morality: "There has been a rumour that Mrs. Godwin was considering taking a lodger. She denied this but when tackled about it looked so alarmed that it seems possible there was something behind it. She is childishly irresponsible in her impulses and lacks the safeguard of normal moral standards".<sup>134</sup> In the record book, a pasted slip indicated that it had been verified by the National Assistance Board that

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<sup>131</sup> B3/150/1. King, "Probation Officer's Report to Devizes Borough Probation Committee, 31<sup>st</sup> July, 1952".

<sup>132</sup> B3/150/1. King, "Probation Officer's Report to Devizes Borough Probation Committee, 27<sup>th</sup> October, 1952".

<sup>133</sup> B3/150/1. King, "Probation Officer's Report to Devizes Borough Probation Committee, 23<sup>rd</sup> January, 1953".

<sup>134</sup> B3/150/1. King, "Probation Officer's Report to Devizes Borough Probation Committee, 29<sup>th</sup> April, 1953".

she had indeed taken in a male lodger. The reason why this was considered bad seemed to come out of a moralistic condemnation of extramarital cohabitation. Indeed King's general attitude towards Mrs. Godwin was one of unbelievable condescension. When the family was relocated into a new council house, King reported that "She [Mrs. Godwin] herself looks as cheerfully slatternly as ever, and rather out of place in her new surroundings, but she and the family are delighted with the change... It is hoped that she may be inspired to improve her personal appearance and develop some self respect [sic] to correspond with the improvement in her accommodation".<sup>135</sup>

In contrast to Crabb and King, probation officer Ruth Sharpe was almost completely focused on happiness and stability rather than moralising. A twenty-eight-year-old woman was described as having become "more settled and mature". She also tended to describe home conditions in a less judgemental fashion. However, at times moralising language crept in as when she referred to a sixteen-year-old girl as "lazy and slovenly".<sup>136</sup> In a similar vein, the mother of a girl in need of care and protection was referred to as "a very low moral character prior to her marriage".<sup>137</sup> Sometimes, a degree of moral judgement was hidden behind a joking tone. Dealing with an adolescent girl, Sharpe commented: "As Sandra's private life is a succession of changing boyfriends it remains to be seen how long this one will last".<sup>138</sup> Even though this comment was far from hostile, it did betray the assumption that it was a legitimate area for the probation officer to inquire into.

Since it is evident that religious moralism and scientific models of explanation could easily co-exist, the decline of the former cannot be explained by the rise of the latter. Rather the shift away from Christian moralising was rooted in the attenuation of Christian influence in society in regulating behaviour. As was shown earlier in this chapter, the psychology of the 1930s and 1940s was heavily imbued with Christian value judgements. Analogously, the diminishing influence of

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<sup>135</sup> B3/150/1. King, "Probation Officer's Report to Devizes Borough Probation Committee, 28<sup>th</sup> October, 1953".

<sup>136</sup> B13/150/2. Ruth K. Sharpe, "Minutes of the Quarterly Meeting held at the Assize Court, Devizes on the 30<sup>th</sup> January, 1961".

<sup>137</sup> B13/150/2. Sharpe, "Minutes of Quarterly Meeting held at the Assize Court, Devizes on the 30<sup>th</sup> October 1961".

<sup>138</sup> B13/150/2. Sharpe, "Minutes of the Quarterly Meeting held on 30<sup>th</sup> October 1963 at the Town Hall, Devizes".

Christianity on psychological discourse is best seen as a consequence of diminishing influence in wider society.

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This chapter has questioned the standard narratives of probation in which the professionalisation of the Service has represented the triumph of science over religion. It has been shown that the 1936 decision to divorce the Police Court Mission from the Probation Service was not rooted in a desire to marginalise the religious ethos and that the architects of the fully public service imagined that religion and professionalism could and would exist side by side. There is no reason to believe that the authors of the Departmental Committee report were anything but sincere in their emphasis on the importance of religion. Labelling the National Association of Probation Officers as an advocate for the secularisation of probation only makes sense if religiosity is reduced to saving souls through divine grace. This was not the approach of the penal reformers who believed that sociological and psychological insights could be used to provide the right environment for the inculcation of a Christian value system.

The marginalisation of the religious ethos in probation was an unintended consequence of religious organisations losing their control over processes of recruitment. This mattered more and more as the secularisation of wider society made religiosity appear as an optional extra. This places the Probation Service in sharp contrast to the Approved Schools where the religious ethos persevered in spite of the decreasing influence of Christianity. Had the Probation Service continued to be run by voluntary organisations, it is likely that probation officers would have embraced a similar declinist discourse to that which pervaded the Approved Schools and the Clarke Hall Fellowship. As it happened, however, the approaches of probation officers would roughly follow the same trajectory as that of society as a whole.

The case study of Wiltshire probation officers has shown that there was a gradual step away from moral regulation to promoting psychological adjustment in

the 1950s and 1960s. This corresponds to the shifts that Abigail Wills has delineated (although it did not happen within the Approved Schools system as she claimed).<sup>139</sup> However, elements of moral regulation to varying degrees remained in some of the officers until the late 1960s when the records ended. This is not particularly surprising since a young probation officer starting his career in the 1930s might still have been employed in the 1960s. No doubt the attenuation of the religious element in the 1950s and 1960s was the result of religious organisations having lost control of the recruitment process.

Thus, the Approved Schools system and the Probation Service followed significantly different trajectories in spite of their similar origins. While the Approved Schools remained governed by voluntary organisations, the Probation Service became fully public. The religious ethos of the former remained strong until the end whereas in the latter it weakened considerably. This serves to corroborate Jeremy Morris' criticism of Callum Brown that discourse does not exist in a vacuum away from institutions.<sup>140</sup> Institutional decline is of fundamental importance to understanding the secularisation of the Probation Service. We will now turn to the second part of this thesis which moves away from institutions of penal welfare towards the contours of ideas and debates about moral regulation and penal welfare in the public spheres.

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<sup>139</sup> Wills, "Delinquency, Masculinity, and Citizenship".

<sup>140</sup> Jeremy Morris, "The Strange Death of Christian Britain: Another Look at the Secularization Debate," *The Historical Journal* 46, no. 4 (2003): 972.

### Chapter 3

#### **Secularisation and the crumbling of the ‘moral fabric of the nation’ in the 1950s and 1960s**

The moral legitimacy of penal welfare was underpinned by the idea of the British nation as possessing a moral fabric rooted in its Christian character.<sup>1</sup> In the first half of the twentieth century it was regarded as self-evident that the state should concern itself with the moral welfare – whether as the central provider or managing a mixed economy of welfare just like it did in areas of material welfare such as health, housing, and financial benefits – of its citizens. The moral legitimacy of state intervention to preserve the moral integrity of the nation was based on the assumption that Britain was predominantly a Christian nation. As a result of the secularisation of codes of behaviour in the 1950s and 1960s, this legitimacy began to crumble.

The collapse of the dominance of Christian codes of behaviour did not appear out of the blue in 1963 – as Callum Brown has implied – but was rather the result of a gradual process taking place during the preceding decades.<sup>2</sup> As Simon Green has shown, the 1930s, 1940s, and 1950s had already seen the relaxation of attitudes about issues ranging from chastity, divorce, and observing the Sabbath to gambling and alcohol consumption.<sup>3</sup> As we saw in the chapters on Approved Schools and the Probation Service, this secularisation of behavioural codes and values caused a great deal of anxiety amongst the strongly Christian Approved School headmasters and was a recurrent theme in many of the lectures given by the Clarke Hall Fellowship – a very influential group with close ties to Whitehall. As we shall see in this chapter, these anxieties about moral malaise rooted in secularisation were not confined to Approved School staff or the Clarke Hall Fellowship but rather constituted a widespread attitude among religious people. A pamphlet published by the Church of

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<sup>1</sup> For a convincing argument about the centrality of Christianity for English national identity, see Matthew Grimley, “The Religion of Englishness: Puritanism, Providentialism, and “National Character,” 1918–1945,” *The Journal of British Studies* 46, no. 4 (2007): 884-906.

<sup>2</sup> Callum G. Brown, *The Death of Christian Britain: Understanding Secularisation, 1800–2000*, 2<sup>nd</sup> ed. (London: Routledge, 2009), 13.

<sup>3</sup> Simon Green, *The Passing of Protestant England: Secularisation and Social Change, c. 1920–1960* (Cambridge: Cambridge University Press, 2012), 141, 144, 147, 161-162, 173.



England Moral Welfare Council in 1956 reflected on the need to take stock of “the total situation with which the Church is confronted in a largely pagan world”.<sup>4</sup>

People at the time mostly located the cause of secularisation and consequent moral malaise with the rise of affluence. This contemporary diagnosis has subsequently stood up quite well against the verdict of historians. As Hugh McLeod has pointed out, rising wages meant that youth had more freedom to spend money on leisure making the youth work of religious organisations seem less interesting. Furthermore, cultures of leisure centred around consumption embraced a type of hedonism that affirmed the right of the individual to reject the Christian codes of behaviour.<sup>5</sup> The creation of subcultural youth styles was not in itself an invention of the 1950s. David Fowler has dated their inception to the 1920s.<sup>6</sup> However, as Bill Osgerby has pointed out, it was not youth cultures themselves that were new but the way they became national phenomena. This was due to reporting in the mass media and the fact that youth had unprecedented financial opportunities to spend money on leisure.<sup>7</sup> The nationwide influence that affluent consumer cultures projected through the media provoked strong anxieties among Christians.

Ronald Inglehart’s theory on post-materialism can be illuminating here. Inglehart emphasised that values are formed in an individual’s formative years and are relatively likely to remain more-or-less stable. Individuals growing up without threats to their security are more likely to strive towards non-essential goals such as self-actualisation and fulfilment. They are also likely to be less religious. This can create intergenerational friction when the material circumstances of society change as it did with the unprecedented affluence following the war.<sup>8</sup>

It was American economist John Kenneth Galbraith who popularised the term ‘affluent society’ in his 1958 book to describe the consumer-oriented social environment that had followed the rise in material conditions where basic needs were met. In this context, producers, rather than meeting the needs of the consumer,

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<sup>4</sup> Church of England Council for Social Work, *Moral Crisis: The Church in Action* (London: Church Information Board, 1956), 21.

<sup>5</sup> Hugh McLeod, *The Religious Crisis of the 1960s* (Oxford: Oxford University Press, 2007), 104-106.

<sup>6</sup> David Fowler, *Youth Culture in Modern Britain, c. 1920-c. 1970: From Ivory Tower to Global Movement: A New History* (Basingstoke: Palgrave Macmillan, 2008).

<sup>7</sup> Bill Osgerby, *Youth in Britain since 1945* (Oxford: Blackwell, 1997), 22-28.

<sup>8</sup> Ronald Inglehart, *Culture Shift in Advanced Industrial Society* (Princeton: Princeton University Press, 1990), 11-23.

created desires through advertisement.<sup>9</sup> Since the publication of Galbraith's book, 'affluence' or 'affluent society' has been the most common term for this development. However, years before the popularisation of the term, British Christians had recognised the challenge that the rise of consumerism posed against Christianity. This was seen in the previous chapter on Approved Schools and this theme will be further explored below.

Hostility towards affluence rooted in Christian convictions was not exclusively reserved to Christian social workers or clergy but featured prominently among Parliamentary politicians on both sides of the political spectrum. Lawrence Black has emphasised the difficulty of the Left in Britain in coming to terms with the cultural impact of affluence which they saw as corrupting the working class. They saw it as leading to an acquisitive ethic with the Americanised popular culture seen as a hindrance to socialist progress. Black also suggested that the unease of socialists towards affluence was partly rooted in the Christian faith of its many non-conformist members.<sup>10</sup> Mark Jarvis has noted the strong ambivalence towards affluence that existed within the Conservative Party. On the one hand, the 'affluent society' seemed to emphasise selfish indulgence and fulfilment over moderation and self-control. This was at odds with the predominantly Christian convictions of the party. On the other hand, they had to adapt and cater to an electorate that was increasingly striving for the 'affluent' lifestyle. As Jarvis points out, the promise of affluence won the Tories the 1959 election but jarred with the moral convictions of a large part of the party.<sup>11</sup>

Consumerist life styles emphasised the individual's rights to self-expression and self-fulfilment in a way that sat uneasily with Christian notions of self-sacrifice and sobriety. As we shall see, it was common for Christians to blame 'misused' psychology in addition to affluence for the growth of such attitudes. Matthew Thomson has identified the 1960s as a turning-point for psychology in Britain. From having been socially oriented and emphasising the importance of the community, it became individualistic stressing the individual's pursuit of self-fulfilment and

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<sup>9</sup> John Kenneth Galbraith, *The Affluent Society* (London: Hamish Hamilton, 1958).

<sup>10</sup> Lawrence Black, *The Political Culture of the Left in Affluent Britain, 1951-1964: Old Labour, New Britain?* (Basingstoke: Palgrave Macmillan, 2003), 8-9, 14-15.

<sup>11</sup> Mark Jarvis, *Conservative Governments, Morality and Social Change in Affluent Britain, 1957-64* (Manchester: Manchester University Press, 2005), 3-5.

happiness.<sup>12</sup> However, the reactions towards individualistic psychology by Christians in 1950s indicate that this shift had already begun to take place.

Of course, individualism, in itself, was not a product of the 1950s. Individualism as such is a very vague term that could mean a number of things. The non-conformist churches of the late eighteenth and nineteenth centuries emphasised the individual as a “free moral agent” with personal religious experiences moving to the forefront of worship at the expense of obedience to church authority.<sup>13</sup> What separated this type of individualism from the individualism of the 1950s was that the latter posited the right of the individual to disregard established moral values. This was not new either. The ethos of the Bloomsbury Group in the early twentieth century similarly rejected contemporary conventions. What did happen in the 1950s, though, was that affluence allowed an unprecedented number of people to choose their own life style and the attention this received in the expanding mass media. Thus we come back to Osgerby’s point about the influence of the mass media in creating national phenomena.<sup>14</sup>

Affluence and the individualism that went with it impacted negatively on the moral legitimacy of penal welfare in two ways. First of all, it fatally undermined the faith that the old social reformers had that eliminating poverty would eliminate crime. Addressing Parliament in October 1958, Home Secretary Butler stressed that “it is with horror that we register that crime has not been banished by increased prosperity, nor has moral progress been ensured by the achievement of material satisfaction”.<sup>15</sup> Secondly, the increasing freedom of citizens to choose their own life style undermined the idea of a unified national moral fabric. This posed a significant challenge to the legitimacy of the whole project of moral regulation. The implications of the recommendations of the 1957 Wolfenden report that male homosexuality be legalised was that the state had no business regulating the moral behaviour of its citizens.

Matthew Grimley has brought attention to how the Church of England actually played a significant role in the conclusion of the Wolfenden Committee’s

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<sup>12</sup> Mathew Thomson, *Psychological Subjects: Identity, Culture, and Health in Twentieth-Century Britain* (Oxford: Oxford University Press, 2006), 250-51.

<sup>13</sup> Brown, *The Death of Christian Britain*, 36.

<sup>14</sup> Osgerby, *Youth in Britain since 1945*, 22-28.

<sup>15</sup> *Hansard*, HC Deb 31 October 1958 vol. 594 c. 496.

recommendation that sin and crime should be separated. Grimley rightly emphasised the Church's eagerness not to estrange homosexuals from the community and how they deemed it unjustifiable to single out male homosexuality while lesbianism and heterosexual adultery were not penalised. However Grimley also argued that the support of the Church for decriminalisation owed nothing to discourses on individual rights but was framed within a discourse emphasising the good of the community.<sup>16</sup> The good of the community was certainly a central tenet of their argument but the individual's right to choose their moral code was also important. It is true that individual rights discourse was absent from the 1954 Church of England report entitled *The Problem of Homosexuality*. It was not absent, however, from the Wolfenden report and the Archbishop of Canterbury subscribed to its logic. During the House of Lords debate following the publication of the Wolfenden report, Archbishop Fisher argued that the freedom to decide one's moral code, even if sinful, was a "fundamental right".<sup>17</sup> This did not mean that they condoned 'sinful' behaviour but rather that virtue could only flourish by being chosen freely. As we have seen the same logic was present in the Approved Schools when teachers adapted their Christian message to the era of individualism.

Furthermore, amongst Conservatives in the 1950s, anxieties that the welfare state brought about moral decay started to take hold. As E.H.H. Green has pointed out, there was a great deal of hostility towards the welfare state among many Tory MPs simmering beneath the surface of consensus politics.<sup>18</sup> The members of the One Nation Group – a group of Conservative MPs counting Keith Joseph, Gilbert Longden, William Deedes and Enoch Powell among others – were driven by a strong antipathy to anything that hinted at socialism and "State domination". As stated in their 1959 pamphlet, *The Responsible Society*, they did not seek to abolish social services but rather they wanted to foster responsible citizens by limiting their application. The emphasis on the responsibility of the individual rather than the state

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<sup>16</sup> Matthew Grimley, "Law, Morality and Secularisation: The Church of England and the Wolfenden Report, 1954–1967," *The Journal of Ecclesiastical History* 60, no. 4 (2009): 740.

<sup>17</sup> *Hansard*, HL Deb 04 December 1957 vol. 206 c. 753.

<sup>18</sup> E.H.H. Green, "The Conservative Party, the State and the Electorate, 1945-64," *Party, State, and Society: Electoral Behaviour in Britain since 1820*, ed. Jon Lawrence and Miles Taylor (Aldershot: Scolar Press, 1997), 176-197.

had implications for criminal responsibility which they located exclusively with the offender.<sup>19</sup>

However, far from representing the punitive turn that Geoffrey Pearson attributed to the pamphlet, *The Responsible Society* was firmly embedded within the logic of penal welfare stressing the importance of probation officers, social workers, prospective employers, neighbours, and families to ease the transition from “prison life to civilian life”.<sup>20</sup> The argument of the pamphlet was collectivist in so far as it appealed to the idea of a national moral fabric (national character) underpinned by Christianity. Compared to the Thatcherite rhetoric in later decades, these suggestions were soft-spoken and tentative but they nonetheless had serious implications. The notion of absolute personal responsibility could easily lead to a justification for punitive justice. Furthermore, the idea that the role of the state should be scaled back could be used to argue that the state’s sole purpose (in the realm of criminal justice) should be to punish. As we shall see, both of these arguments would be made in 1960s sometimes by Conservative MPs that had co-written *The Responsible Society*.

Moreover, it is impossible to exaggerate the impact that the Notting Hill riots in 1958 that were triggered when a group of ten supposed Teddy boys attacked six West Indian men. The riots lasted between 29 August and 5 September in which, among other things, hundreds of ‘Teddy boys’ attacked the houses of West Indian migrants. This shocked the nation and served to seriously increase anxieties about crime. Nine white youths were given five-year custodial sentences. Since British youth were widely imagined as the beneficiaries of unprecedented economic prosperity, the actions of the rioters seemed all the more inexcusable and demolished, in the eyes of many, the idea of poverty as the main criminogenic factor. Furthermore, as Kenneth Hammond Perry has shown in a recently published book, the 1958 riots shattered Britain’s self-image as an anti-racist nation benevolent towards people of colour. The response was to frame race riots as the acts of a deviant White minority.<sup>21</sup> But as we shall see, the riots were also construed as an indication of a wider problem of moral decay brought about by secularisation. Thus

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<sup>19</sup> The One Nation Group, *The Responsible Society* (Conservative Policy Centre, 1959), 5, 34-35, 60.

<sup>20</sup> Geoffrey Pearson, *Hooligan: A History of Respectable Fears* (London: Macmillan, 1983), 14; One Nation Group, *The Responsible Society*, 63.

<sup>21</sup> Kenneth Hammond Perry, *London is the Place for Me: Black Britons, Citizenship, and the Politics of Race* (New York: Oxford University Press, 2015), 19.

the riots were interpreted and framed with reference to deep-seated anxieties that had grown throughout the 1950s.

After 1963 – the year Brown has described as witnessing the death of Christian Britain – the idea that Britain possessed a national moral fabric rooted in Christianity collapsed. Sam Brewitt-Taylor has suggested that the steep decline in Christian influence was a self-fulfilling prophecy brought about by the clergy’s dissemination of a declinist discourse of secularisation: “the religious crisis of the 1960s was like a stock-market crash; once enough people believed that there was a crisis, they therefore and thereby became correct”.<sup>22</sup> While this does not take into account the very real secularisation of behavioural norms that Christians were responding to, this notion of the clergy abdicating their position does explain the rapid rhetorical shifts in the early 1960s. The collapse of faith in a ‘Christian Britain’ had far-reaching consequences for how penal welfare was discussed. As suggested above, it called the legitimacy of moral regulation into question. However, it also led some Conservatives to put forth the argument that penal reformation was futile since the Christian values it appealed to no longer resonated with the offenders. Thus deterrence through punishment was the only recourse. Furthermore, the collapse of the idea of a national moral fabric underpinned by Christianity undermined the notion of the mutually reinforcing interests of the community and the offender. Instead of reformation benefiting both society and the delinquent, ‘soft treatment’ of crime represented a failure of taking the interests of the victim into account. This fed the anger of the Conservative fringe of hangers and floggers that increasingly from the late 1950s articulated their discontent with penal welfare.

The aim of this chapter is to show how the crumbling and eventual collapse of the idea of a national moral fabric underpinned by Christianity affected how delinquency and penal welfare were framed and called into question the moral legitimacy of the latter. The first part of the chapter will look at negative reactions – implicitly or explicitly Christian – to affluence and the rise of ideas about individual freedom in issues relating to morality. Here Parliamentary debates, Clarke Hall lectures, socially conservative books such as *Citizens of To-Morrow*, government

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<sup>22</sup> Sam Brewitt-Taylor, “The Invention of a ‘Secular Society’? Christianity and the Sudden Appearance of Secularization Discourses in the British National Media, 1961–4,” *Twentieth Century British History* 24, no. 3 (2013): 350.

and Church of England reports, in addition to Tosco R. Fyvel's book *The Insecure Offenders*, will be used to delineate the widespread suspicion towards affluence and permissive individualism across various ideological persuasions. Attitudes towards self-expression, chastity, and homosexuality and the role of the state in moral regulation will be analysed through these sources. The second part of the chapter will chart the shifting contours of penal debate taking place as a consequence of the secularisation of behavioural norms and subsequently the collapse of 'Christian Britain' as an imagined entity. It will use the Parliamentary debates preceding the passage of the 1948 Criminal Justice Act to delineate how penal welfare was framed before the cultural shifts dealt with in section I. Thereafter, it will chart the development of penal discourse throughout the late 1950s into the 1960s with the collapse of faith in a 'Christian Britain'. This part mainly relies on Parliamentary debates although some political pamphlet literature, such as One Nation Group's *The Responsible Society*, and some relevant books will also be considered.

## **I. Challenges to Christian behavioural norms**

### *Anxieties about affluence*

Ambivalence, or down-right hostility, towards the social shifts associated with the rise of the affluent society and consumerism cut across the political spectrum and social backgrounds in 1950s Britain. From a Christian point of view, new patterns of spending and hedonistic lifestyles flew in the face of Puritan notions of thrift and moderation. However, the Left and the Right engaged with the negative effects of affluence in different ways. When the Conservatives came back into power in 1951, they upheld the postwar settlement in which it was the responsibility of the state to secure full employment, welfare, and stable prices. In 1959, the Tories won the election partially by promising continued affluence to the electorate. The leadership of the Conservative party was set on this course. However, as Stuart Mitchell has pointed out, the Tory Party was far from united on this course. Many backbenchers saw the modernising agenda of the leadership as damaging traditional values. As

previously mentioned, Mark Jarvis has shown how affluence was at odds with the predominantly Christian convictions of the party.<sup>23</sup> However, because the Tory Party was in power during the rise of affluence – deriving electoral success through catering to people’s desire for affluence – the negative reactions of Conservatives were relatively muted. Instead, they would often criticise the something-for-nothing attitude fostered by the welfare state. However, socially conservative people immersed in the ideology of Christian paternalism saw the behavioural changes associated with consumerism as deeply unsettling to the moral fabric of the nation. Many on the Left shared these objections towards affluence but were careful to frame the problem within a broader critique of capitalism.

Paternalistic and socially conservative reformers, such as those of the Clarke Hall Fellowship discussed in the previous chapter, had explained delinquency with reference to its social context. They had believed that if the legal system became more humane – with probation officers working for reclaiming the criminal – and poverty abolished then crime would decrease significantly. Crime was widely considered an effect of poverty breeding in the squalid conditions of the slum. The coming of the welfare state with extensive slum clearance and social provisions for eliminating poverty made people expect that crime would naturally decrease. However, crime continued to increase statistically in spite of better living conditions which made people search for other explanations.<sup>24</sup> From the mid-1950s affluence and the welfare state became increasingly common as explanations for crime. When Butler addressed Parliament in 1958 expressing his horror at the rise of crime in spite of prosperity, he recognised the possible implication of the welfare state: “I would not say that the development of crime is entirely due to the development of the Welfare State”.<sup>25</sup> This implied that it was partially due to the welfare state. The Tory One Nation Group published a pamphlet in 1959 in which it rejected the idea that poverty caused crime: “we reject the notion, propagated by sincere but misguided idealists, that society shares the guilt of its criminals; that most malefactors are victims of their environment. If this is true it was much more true before the war

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<sup>23</sup> Stuart Mitchell, *The Brief and Turbulent Life of Modernising Conservatism* (Newcastle: Cambridge Scholars Publishing, 2006), 3, 9; Jarvis, *Conservative Governments*, 3-5.

<sup>24</sup> Kate Bradley, “Juvenile Delinquency and the Public Sphere: Exploring Local and National Discourse in England, c. 1940–69,” *Social History* 37, no. 1 (2012): 22.

<sup>25</sup> *Hansard*, HC Deb 31 October 1958 vol. 594 c. 496.



when unemployment and bad housing offered greater excuses than they do now – and crime was less prevalent and less violent”.<sup>26</sup>

Furthermore, the public’s growing preoccupation with consumer spending jarred with older Puritan notions of thrift and spending money on worthwhile things. There was also a feeling that the mass media catered to the immoral desires of people. The introduction of commercial television meant that advertisement could reach out through another medium. The behaviour of newly established consumer-oriented youth cultures – most notably the Teddy boys – seemed to flout traditional conventions in their hedonistic approach to money and leisure. The Clarke Hall Fellowship increasingly turned towards moral decline as the explanation for delinquency.

Lady Cynthia Colville (1884-1968) delivered the 1954 lecture lamenting the moral decline following affluence. She was the daughter of the Marquess of Crewe and had been a woman of the bedchamber for Queen Mary until the latter’s death in 1953. Since 1929 she had served as a magistrate of the London Juvenile Court and became a founding member of the Clarke Hall Fellowship in the 1930s. Since her marriage in 1908 she had also been in social work to ameliorate conditions for infants in the poorest areas of London.<sup>27</sup> She was an influential figure who had the ear of people in high places. Chairing her lecture was Home Secretary David Maxwell Fyfe who cordially thanked Colville for her life work: “I am glad to have this opportunity of expressing my thanks to Lady Cynthia both for her services as a magistrate and for the readiness she has always shown to give the benefit of her advice to the Home Office on matters relating to juvenile courts and to probation”. In her lecture, she lamented the increase in “mass-produced ideas”. In her opinion, the cinema promoted bad values presenting the wrong type of heroes while comic books had replaced high quality literature as the preferred reading of youths. Similarly, contemporary music lent itself to “over-passive enjoyment”. She also lamented children’s increased pocket-money since it meant that they could freely consume corrupting material. Colville felt that “one of the real losses of our generation is that

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<sup>26</sup> One Nation Group, *The Responsible Society*, 60.

<sup>27</sup> K.D Reynolds, “Colville, Lady (Helen) Cynthia (1884–1968),” in *Oxford Dictionary of National Biography* (Oxford University Press, 2004-), accessed 19 November, 2014, doi:10.1093/ref:odnb/51964.

of a sense of personal degradation in wrongdoing”. The “sense of sin” had been undermined and it was implied that this had happened because of these ‘mass-produced’ ideas. She saw these as having undermined traditional values; “the obliteration of standards is more serious than the flouting of them. Selfish acquisitiveness can be understood and overcome; the denial of its importance is a disaster”. This is clearly related to displeasure about the changes taking place in an increasingly affluent society. The connection was made clear in her final exhortation; “We have gained greatly on the material swings; do not let us lose on the moral roundabouts”. She argued that the fundamental need of today was “*moral courage*”.<sup>28</sup> It was clear that Colville felt that the old Christian values were being destroyed by mass-produced, amoral ideas offered for consumption to the public. Colville’s attitudes were very much coloured by an upper class paternalism and social conservatism. She worked within an ethos of aristocratic obligation to foster a better society. Yet as we shall see her vision of Christianity underpinning the moral fabric of the nation was not very different from that of left-wing intellectuals such as Tosco R. Fyvel.

*Citizens of To-Morrow* was published in 1955 by King George’s Jubilee Trust. The King’s Jubilee Trust had been set up King George V in 1935 shortly before his death to promote the welfare of young people.<sup>29</sup> *Citizens of To-Morrow* was made up of a series of independent reports conducted by several working parties. The overall tone was socially conservative but it is important to remember that it consisted of four different reports undertaken by four different groups. It is the group led by John Morris, Lord Justice of Appeals and member of the Privy Council that will be considered here. The group also included the Chief Education Officer of Surrey, Richard Beloe, as well as numerous headmasters and a headmistress. Beloe was the son of an Anglican clergyman and would become lay secretary to the

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<sup>28</sup> Cynthia Colville, *Social Progress and the Individual: The Fourteenth Clarke Hall Lecture* (London: Clarke Hall Fellowship, 1954), 3, 15, 13, 23, 6.

<sup>29</sup> King George’s Jubilee Trust, *King George’s Jubilee Trust 1935-1960 Silver Jubilee* (London, 1960), 5; for a brief consideration of the role of the organisation in promoting fitness in youth, see Ina Zweiniger-Bargielowska, *Managing the Body: Beauty, Health, and Fitness in Britain 1880-1939* (Oxford: Oxford University Press, 2010), 314.

Archbishop of Canterbury in 1959.<sup>30</sup> The working party of Morris and Beloe blamed affluence for creating severe moral problems:

To-day there are handsome profits to be made out of children's pocket-money. As compared with fifty, or even twenty, years ago, children have much more money to spend and more inducement to spend it; nor is it customary for parents to control children's spending as closely as in the past. The commercial world, always on the alert for new markets, has not been slow to exploit this one, sometimes without scruple or care for the possible effects on the child – as witness the baser examples of the so-called “comics” which, whether they specialise in sadism and the macabre or concentrate on appeals to adolescent sex-impulse are utterly vile.<sup>31</sup>

Thus, the commercial world was seen as a very significant force for moral decay. The working-party paid particular attention to how permeating this cultural influence was because of the expansion of mass media:

The modern child is subjected to the influence of the commercial world through many media – newspapers, magazines, advertisement hoardings, the radio, the cinema and television. It invades and permeates the home; it surrounds the city child in the street; it haunts him even on the Tube escalator, where he will learn that for the culture and civilisation to which he is heir, the control of feminine contours is a matter of major concern.<sup>32</sup>

The Working Party also adduced other ways in which affluence undermined moral values. The idea of reward for honest work was seen as being undermined. Affluence also took its toll on the family. Higher living standards needed to be paid for and therefore the father as well as the mother often went out to work. This put psychological strain on the children. The positive counter-force to this type of negative influence was Christianity; for them, it was “the faith upon which the

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<sup>30</sup> H. G. Judge, “Beloe, Robert (1905–1984),” in *Oxford Dictionary of National Biography* (Oxford University Press, 2004-), accessed 9 March, 2017, doi:10.1093/ref:odnb/30805.

<sup>31</sup> King George's Jubilee Trust, *Citizens of To-Morrow: A Study of the Influences Affecting the Upbringing of Young People* (London: Odhams Press, 1955), 49.

<sup>32</sup> King George's Jubilee Trust, *Citizens of To-Morrow*, 49.

British way of life is founded”. They pointed out the lowering of moral standards and related this to “the weakening of the influence and authority of the Churches” something which had “profoundly influenced the community”.<sup>33</sup> There was thus a high price to pay for higher standards of living.

Charles Duncombe, the Earl of Feversham, social reformer and the co-founder of the Clarke Hall Fellowship and the National Association of Probation Officers had become strongly disillusioned with the change in moral standards that had come with affluence. Delivering the annual Clarke Hall lecture in 1958, he emphasised that: “No one can make a conscience for himself. He must absorb it from the moral tradition, in the main from the *moral tradition of his own religion* and background”. Feversham was not in any doubt about the process of moral decay: “The increase in crime, the divorce rate, the number of suicides and the incidence of neurosis are some of the inescapable symptoms of the illness of our age”. Feversham did not place affluence and spiritual decline in a straightforward causal relationship but it was implied: “There never were such facilities for frittering away time and energy in a fruitless succession of activities that lack all serious purpose”. At any rate, he had been forced to rethink the self-evident connection between poverty and crime: “security and material welfare are not necessarily a positive panacea for instability and anti-social behaviour”.<sup>34</sup>

Like Cynthia Colville, he viewed consumerist culture as a fundamental threat to the moral order:

Through the media of mass communication, newspapers, magazines and television, the young observe that all the old landmarks are being eroded away, and all the old institutions are in the melting pot. Marriage, parenthood, the old political faiths, patriotism and loyalty, the old religious beliefs, the old standards of taste in literature and art and manners – all are questioned, all are threatened by new rivals.<sup>35</sup>

Like many other Christians, Feversham saw the affluent consumer society as damaging the moral framework of society. Like Colville, Feversham embodied an

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<sup>33</sup> King George’s Jubilee Trust, *Citizens of To-Morrow*, 30, 45, 42.

<sup>34</sup> Lord Feversham, *Basic Human Needs in a Scientific Age: The Eighteenth Clarke Hall Lecture* (London: The Clarke Hall Fellowship, 1958), 17, 7, 9. Emphasis in original.

<sup>35</sup> Feversham, *Basic Human Needs*, 10-11.

aristocratic paternalism. He was a member of the House of Lords for the Conservative Party.

The notion that affluence caused moral decay was not a minority view held by a handful of upper-class Christians. This assumption was widely shared among Establishment figures and can be seen in official reports. The 1959 Crowther report had been commissioned by the Minister of Education, David Eccles, in 1956 from the Central Advisory Council for Education. The report was more secular in tone than the material considered above but nonetheless shared the same basic view of the problem. Its secular language was probably due to its status as an official report. Adopting a supposedly impartial language, it did not lament lack of religion but merely noted that the “serious decline of the religious attitude to and explanation of life has left a vacuum... yet to be satisfactorily filled”. It recognised that “accepted authority” had been seriously weakened: “Not so long ago a man accepted as natural a loyalty to his home town and county, to the church of his birth and to his father's political party. He followed their lead unquestioningly in their respective spheres; they in turn gave him significance”.<sup>36</sup> The report saw affluence as deeply problematic.

[Youth] know they are not important as producers or as citizens. But their money is as good as anybody's. In their capacity as consumers, they get their fair share, and perhaps more than their fair share, of the attention of those who have goods or entertainment to sell; and though many of them are cynical enough about the reason for the attention they receive, who does not like being flattered? It needs, moreover, a very wise head to resist the suggestions of those who have to make their living by the correctness of their applied psychology – a science which does not rest on the art of intellectual conviction. But the welfare of the democratic state rests precisely on that.<sup>37</sup>

They saw religious education as instruction in citizenship but conceded that the subject should, perhaps, have been called something else. They saw religious instruction as a counter force to these negative influences: “The teen-agers with

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<sup>36</sup> Geoffrey Crowther, *15 to 18: A Report of the Central Advisory Council for Education*, vol. 1 (London: Her Majesty's Stationery Office, 1959), 503, 42-43.

<sup>37</sup> Crowther, *15 to 18*, 43.

whom we are concerned need, perhaps before all else, to find a faith to live by". "It is the endeavour to discover and to understand the central affirmations of the Christian faith so that (whether they accept it or not) they at least may know what Christians believe".<sup>38</sup> It is notable that the authors of the report did not claim the right to impose Christianity upon the child. Thus in the decade that Callum Brown labelled the era of a Christian renaissance, there were clear signs that the political elites were giving way on the self-evident position of Christianity as underpinning the moral fabric of the nation.<sup>39</sup> At the time the report was written, the right of the state to impose moral values on its citizens had been rejected by the Wolfenden committee and many senior members of the clergy. While it was clearly implied in the Crowther report that the goal was to get youth to accept the Christian faith, the careful language was testimony to how it was no longer regarded as self-evident that they would.

Some people on the Left were even more hostile to consumerism. In a 1958 debate about juvenile delinquency, Labour MP for North Kensington and opposition whip, George Rogers made a clear connection between affluence and moral decline.

For my part, I think there are numerous aspects of our social life which have deteriorated during the past few years and that that has something to do with it. I think our society is becoming increasingly commercially-minded. That in itself has, I think, a corrupting influence. To many, material welfare has become more and more important, and that, again, has a corrupting influence on certain types of men who seek an easy life and a high standard of living. I think, too, that the deterioration in moral standards is due to the lack of belief by the great majority of people in any after-life [...] I believe that a lot of us who, in Sunday school, in church and in Scripture classes at school, were taught that we were personally responsible for our lives were saved from activities which would have harmed our fellow men.<sup>40</sup>

Thus affluence and decline in religion were both presented as causes of delinquency. In 1960 Labour MP Christopher Mayhew, Shadow War Secretary,

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<sup>38</sup> Crowther, *15 to 18*, 275.

<sup>39</sup> Brown, *The Death of Christian Britain*, 170-175.

<sup>40</sup> *Hansard*, HC Deb 31 October 1958 vol. 594 c. 534.

accused the Conservative government of having fostered a society with the wrong moral values:

I sometimes feel that our affluent society might have been specially designed to aggravate and exploit the weakness of personality of the average young offender. It stresses individual ambition, success and wealth. But the average young offender is already too much out for himself. He needs a social climate which will encourage him to pay regard to the rights and interests of other people—to work with them instead of against them.

This was clearly connected to affluence: “our affluent society brings strong pressure on young people, through advertising and salesmanship, to spend freely, to go after money and what it can buy – cigarettes, clothes, drinks and all the rest of it”. This, according to Mayhew, had catastrophic effects on weak personalities who were already too much out for themselves. Furthermore, he saw the advertisement for premium bonds and pools as feeding a something-for-nothing mentality that undermined honesty and hard work – all in all, it created “the wrong moral and social climate for the young delinquent”. “No one wants a puritan society, but surely there is a half way house between a society which stops young people from smoking and drinking and a society which eggs them on to excess in these matters for commercial purposes”.<sup>41</sup> This showed that the word ‘puritan’ had already begun to accumulate negative connotations. However, it is also important to note that Mayhem attempted to find a middle ground in which it would be possible to hinder consumerist promotions of immoral behaviour.

Left-wing intellectual Tosco R. Fyvel made a strong connection between affluence and delinquency. Fyvel had been a close friend of George Orwell whom he succeeded as editor of the left-wing journal *Tribune* in 1945. In 1961, Fyvel published the book *The Insecure Offenders: Rebellious Youth in the Welfare State in Britain*. The next year it was published in the United States under the title *Troublemakers: Rebellious Youth in an Affluent Society*. Both titles, particularly the American one, indicated the central connection between affluence and delinquency.

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<sup>41</sup> *Hansard*, HC Deb 17 November 1960 vol. 630 c. 629.

In 1963, it was published as a cheap paperback edition by Pelican Books. It was thus far from an insignificant book. Fyvel argued that a vast shift in moral values had taken place after the war. Fyvel saw the advent of delinquent subculture, in particular Teddy boys, as the strongest symbol of this. Fyvel recounted his experience of visiting an Approved School:

Later I was shown the room where the outfits were kept which the boys had been wearing when picked up by the police. It was as if the suits had their own life. Row by row, there they hung, grotesque and expensive, the tenth-rate imitations of advertised ideals, the suit in Ted style, in pop singer style, in the imitation of the Californian thug.<sup>42</sup>

Fyvel attached great symbolic meaning to these outfits:

[T]he suits in the cloakroom stood for those influences of an acquisitive society, a society dominated by the grasping mass entertainment, which had forced these boys into a false maturity, a moneyed life long before they were ready for it, a pseudo-adult life which for many of them had proved far too great a strain”.<sup>43</sup>

This was the basic meaning of the title, *Insecure Offenders*. To Fyvel these suits were “standing for the pressures of society which had helped to make them delinquents”. The ‘affluent society’ was one in which all citizens had to be “producing and consuming at the maximum level”: “In the affluent society it is not enough that the wants of every citizen should be met. To satisfy the capacity of the largest production interests, new wants have constantly to be created”. This was done by advertisement creating a new image of “a world where through material consumption everybody is happy, wealthy, successful and enjoying the right status”.<sup>44</sup> Fyvel was not alone on the left in his negative opinion of Americanised youth culture. Richard Hoggart had expressed a similar contempt for the “Juke-Box boys” with their “drape-suits, picture ties, and an American slouch” in his widely

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<sup>42</sup> T.R. Fyvel, *Troublemakers: Rebellious Youth in an Affluent Society* (London: Chatto and Windus, 1961), 178-79.

<sup>43</sup> Fyvel, *Troublemakers*, 179.

<sup>44</sup> Fyvel, *Troublemakers*, 180, 203, 204.



read 1957 book *The Uses of Literacy*. He did not, however, explicitly deal with this sapping of “the moral fibre” of working-class culture as criminogenic factor.<sup>45</sup>

The belief that Americanised youth culture – and especially the clothes associated with it – had a noxious influence on youth was not confined to left-wing intellectuals. In 1966, a headmaster of a Doncaster school proudly wrote to Sir Alec Clegg, the Chief Education Officer of the West Riding of Yorkshire, informing the latter of how he had combatted delinquency at his school:

A few years ago some boys began to come to school in jeans and then they adopted leather jackets bearing various badges and inscriptions. These articles of clothing were usually very dirty, and it appeared to me that they were becoming recognised as a kind of uniform for those who did not like authority, including authority in their home. Consequently I placed a ban on the wearing of jeans at school and the effect of that ban was excellent in every way.<sup>46</sup>

The idea that the sartorial expressions of certain youth cultures promoted crime was thus relatively widespread.

Fyvel saw affluence as deeply damaging the fabric of society undermining both the community and the family. The new economy needed the entire population to make up its workforce leading women to leave the home creating insecure families:

The general exodus of married women, many of them mothers, into outside work, in itself helped to create a new social atmosphere, a new general way of family life, whereby “home” for many boys and girls becomes less important in their lives, and companionship and rules of the irresponsible gang there become more important.<sup>47</sup>

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<sup>45</sup> Richard Hoggart, *The Uses of Literacy: Aspects of Working-Class Life* (London: Chatto and Windus, 1957; London: Penguin Books, 2009), 219-223. Page references are to the Penguin edition.

<sup>46</sup> WRD5/6/335, “Children at risk” from the papers of Sir Alec Clegg deposited in the West Yorkshire Archive Service in Wakefield. These papers are under restricted access and to comply with the conditions under which this author received permission to view them, no mention is made of the name of the school or the headmaster.

<sup>47</sup> Fyvel, *Troublemakers*, 216.

This critique of women working was something that appeared from Christians as well. Furthermore, Fyvel believed that the position of the father as the head of the family was being undermined by the earning power of his wife and children. In this social context, the Teddy boy gang – the insecure offenders referred to in the title – grew in importance as the significance of family life declined.<sup>48</sup>

On the other hand, for Fyvel, the Approved School represented “the sort of life these boys ought to be living”.<sup>49</sup> Fyvel was pessimistic about their ability to influence what were fundamentally socio-cultural issues of the affluent society.

An Approved School housemaster who tries to set the right tone, to talk about a steady job and the virtues of saving, has today to compete with the appeal of the young pop singer whom an incessant publicity portrays as leading a glittering life of fabulous wealth, with no mention of thrift whatever. A boy who is obliged to attend religious service knows that after his discharge it will not be chapel that is waiting for him but the cinema, the dance-hall and the record shop.<sup>50</sup>

Fyvel made a clear-cut distinction between the Puritan virtues and the desires catered to by the ‘affluent’ society. As seen in the chapter on Approved Schools, his pessimism about the noxious environment awaiting boys upon release was something that some Approved Schools workers shared. In essence, Fyvel absorbed the Puritan antipathy towards affluence adapting it to his left-wing ideological agenda. For Fyvel, capitalist interest was the ultimate cause with the working-class as little more than passive victims whereas Christians tended to stress the responsibility of the whole community for promoting good values. Their respective conceptions of the problems were overlapping indicating a common world-view. They shared a basic antipathy towards consumer-capitalism.

Fyvel also made a similar analysis of the competition between religion and mass produced entertainment. When people talked about “decline in religion”, Fyvel argued, “what is really meant by this charge is the declining influence of the Christian Churches as a source of conventional morality”. “How can a church or

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<sup>48</sup> Fyvel, *Troublemakers*, 216-217.

<sup>49</sup> Fyvel, *Troublemakers*, 179.

<sup>50</sup> Fyvel, *Troublemakers*, 174-175.

chapel remain the old sort of focus in an industrial society where people are always on the move, living in one locality, working in the second, and taking their pleasure in a third? Or if one thinks of the volume of high-powered advertising and entertainment directed at the citizens of today, what actual room is left for the propagation of religious faith?"<sup>51</sup> This was similar to what Feversham had expressed three years earlier.<sup>52</sup>

### *Permissiveness and the psychology of self-expression*

In the 1950s, a shift began to take place away from the stress on the community towards an emphasis on the individual. The idea that the individual's right to seek self-fulfilment took precedence over the normative values of the community was a key component of the 'permissive society'. It registered in psychological discourse which shifted from emphasising the 'individual in the community' to the 'individual searching for self-fulfilment'. 'Permissive' values are rightly seen by historians as gaining dominance in the 1960s with the relaxation of sexual codes of conduct, liberalisation of attitudes to and decriminalisation of homosexuality, as well as the right of the individual to self-expression becoming regarded as self-evident. However, changes in social attitudes seldom occur overnight and much can be gained through studying the 1950s with regards to these changes. Judging by certain negative reactions to this type of psychology, it appears to have enjoyed a certain appeal already in the 1950s. The Wolfenden report that paved the way for the legalisation of homosexuality in 1968 was a product of debates of the late 1950s. The issues of self-expression and chastity were similarly subject to debate. All of these issues triggered reaction from people who did not like the way society was changing and delinquency was often the vehicle through which anxieties about these changes were expressed.

Many social conservatives reacted against what they saw as decline in discipline brought about by psychological theories. The 1950 lecture was delivered by the Headmaster of Eton, Robert Birley and chaired by the Minister of Education

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<sup>51</sup> Fyvel, *Troublemakers*, 194.

<sup>52</sup> Lord Feversham, *Basic Human Needs*.

George Tomlinson who expressed his confidence that Birley's lecture was going to be "stimulating, wise, and profitable". Birley argued that it was "heresy to say that the main task of education is to enable a child to express his or her own personality. A little examination shows that this is an ideal which must produce a selfish spirit". Rather the aim of the teacher should be "to produce a harmony" and "to develop the personal gifts of a child and also to teach him to put them intelligently at the service of his fellows".<sup>53</sup> Birley saw the decline in parental discipline as "due to a failure of confidence, a doubt whether the parent has the right to enforce his or her will on the child. I think there certainly is such a lack of confidence to-day and that it has been fostered by superficial psychological theories". The unwillingness of parents to influence their children was "the most important aspect of the problem of juvenile delinquency". It led to the child not learning "the habit of subordinating his own desires and inclinations" according to "the interests of society as a whole". Family life was essential for creating good citizens since it was "the natural microcosm of the pattern of order in society".<sup>54</sup> Even though Birley did not mention Christianity, the traditional order that he aimed to uphold was imbued with the ethos of collectivist Christianity that dominated the first half of the twentieth century.

The psychology of expression jarred with the Puritan ideals of modest gentleness, quietness, and self-sacrifice that were seen as distinctive of the English national character. In her Clarke Hall lecture four years earlier, Colville had argued that psychology was "liable to abuse by the wicked and misuse by the foolish".<sup>55</sup> This was mentioned in the context of a discussion on increased divorce rates, parents abdicating responsibility, and an overall decline in morality. It was thus implied that she saw amateur psychology as legitimating these things. In the 1930s Christians had welcomed psychological ideas. The notion that every child was full of anti-social passions and desires that it could not control resonated with Christian notions of original sin and the fallen nature of man. The goal of both psychologists and Christians was to help the child control these passions and adhere to the rules set by

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<sup>53</sup> Robert Birley, *The School, Society and the Delinquent: The Tenth Clarke Hall Lecture* (London: Clarke Hall Fellowship, 1950), 8, 29.

<sup>54</sup> Birley, *The School, Society and the Delinquent*, 17.

<sup>55</sup> Colville, *Social Progress and the Individual*, 15.

the community.<sup>56</sup> As such there was no conflict until psychology became more inclined to ‘permissive’ ideas of self-expression.

The anxiety that psychology might have adverse effects on parenthood was common. In 1955, King George’s Jubilee Trust published the results of their investigations under the title *Citizens of To-Morrow*. They identified a real danger in these psychological theories:

The impact upon the mind of an anxious young mother of half-digested psychology conveyed through the medium of an article in the popular Press may well be unfortunate. It may lead to a misunderstanding of what discipline is. It may even give rise to the fatal notion that, because a child should be allowed to express himself, any attempt to bring him up in the way he should go must necessarily involve his repression or frustration.

This type of moral relativism, according to the working party, was completely wrong because “virtues do not date. They cannot be other than sterling”.<sup>57</sup> The conflict between what the authors saw as absolute virtues and ‘permissive’ psychological ideas was evident. It was made clear that Christian values were being undermined by such ideas. It should be noted that none of these examples rejected psychology. References were made to half-digested psychology, superficial psychological theories, or the abuse of psychology thus distinguishing it from proper psychology. The contribution that psychology had made to understanding human behaviour was almost universally accepted.

In his 1958 Clarke Hall lecture, Feversham waxed indignant when he expressed his outrage at shallow psychological theories: the ““evil of “repression” is most widely accepted, just because it seems to give licence to unrestrained indulgence, to excuse us from all efforts at self-control... And so we hear such nonsense about living out our nature, and about free self-expression, and about our rights to happiness and experience, and so on; and much scornful comment on old-

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<sup>56</sup> See Dr. Burns, “The Psychology of the Criminal,” *Probation*, April 1930, 38-39; G.K.A Bell, “Religious Influences and Crime,” *Probation*, July 1932, 177-178; Pryn Hopkins, “Psychology and the Social Worker,” *Probation*, January 1939, 53-54. This issue is discussed in-depth in the second chapter of this thesis, see pages 116-119 and 131-137.

<sup>57</sup> King George's Jubilee Trust, *Citizens of To-Morrow*, 27-28.

fashioned conventions and restraint”. He went out of his way to discredit the Freudian notion of God as a human projection of wish-fulfilment.

It entirely ignores the fact that the central idea of religion is not a projection of gratification, but a quest; a quest for the purpose of life, and for the individual’s place in this purpose; a quest for a relationship in which man can give rather than receive. Worship, not reward, is the consistent feature of the great religions of this world.<sup>58</sup>

The reference to ‘giving rather than receiving’ was very telling. It was made within the context of a shift between a Puritan discourse centred on the good of the community towards a discourse centred on individual fulfilment. Feversham was contrasting the old values based on Christianity to the new ones underpinned by ‘permissive’ psychology. However, Feversham was not against psychology in itself. He talked about belief as a fundamental psychological need for which religion was the only answer: “religion is the one answer to the basic human need to believe”.<sup>59</sup> The reactions to some psychological ideas in the 1950s indicate that social reformers were no longer as unambiguously positive towards the discipline as before. In their minds, psychology, although still useful, was regrettably becoming linked to ‘permissiveness’.

### *Chastity*

Anxieties about the chastity of citizens – predominantly but not always focused on women – were nothing new. Sonya Rose has demonstrated the anxiety about the sexual promiscuity of women during the Second World War with sexually ‘loose’ women constructed as ‘bad citizens’.<sup>60</sup> For the under-aged sexual intercourse was illegal and could result in a probation sentence. While delinquent boys were most often sentenced to Approved Schools for breaking the law, many girls had been sent there for being in ‘moral danger’ – meaning promiscuous – during the first part of

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<sup>58</sup> Feversham, *Basic Human Needs*, 9, 11, 13-14, 17.

<sup>59</sup> Feversham, *Basic Human Needs*, 24.

<sup>60</sup> Sonya O. Rose, *Which People's War?: National Identity and Citizenship in Wartime Britain 1939-1945* (Oxford: Oxford University Press, 2003), 71-107.

the twentieth century.<sup>61</sup> In both cases, the aim was to re-educate them into good citizens. What triggered anxiety in the 1950s was not so much that people were behaving more promiscuously but rather that it had ceased to be regarded as sinful. Feversham wittily summarised the tenets of the old value system: “He must on no account steal, he must not lie, he ought not commit adultery, though as he probably would, he must do it discreetly”.<sup>62</sup> In her Clarke Hall Lecture, Lady Cynthia Colville emphasised that “the obliteration of standards is more serious than the flouting of them”. She lamented that young girls were acting promiscuously. To illustrate the difference between contemporary and old values, she brought up a story of a 12-year-old girl raped by a lodger becoming pregnant and subsequently hidden away by her parents eager to avoid scandal: “A very shocking story, and perhaps anything is better than that, but it was at least part of a tradition that valued chastity and strove, often with harsh stupidity, to maintain a standard of family life”.<sup>63</sup> This is emblematic of the kind of ambivalence that many Christian social reformers felt about social change. Their general assumption that the sexual morals of society were undergoing vast change was correct.<sup>64</sup> Popular tastes in literature also tell us something about the cultural climate. In 1953 the first James Bond novel was published and throughout the 1950s the series became hugely popular. Ian Fleming’s fictional secret agent had a sexual morality that was radically different from that of earlier literary heroes. Sexual intercourse was presented as a legitimate pastime outside of marriage. Fleming’s rejection of traditional sexual morality was controversial but also part of a new trend. It was this moral shift that worried Christian social conservatives.

Fyvel too viewed the change of sexual values in a negative way. This was particularly evident in his treatment of the Teddy boys: “The typical Teddy boy takes his sexual pleasure where and when he wants it, and without further thought. Intercourse with a girl follows naturally after a rock session, a visit to the cinema or the chip shop, and in the circumstances much of it is back-alley sex”. For Teddy boys, seducing the right girl was a symbol of status. The moralistic language that Fyvel used to describe this emphasised its opposition to old notions of chastity.

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<sup>61</sup> Pamela Cox, *Gender, Justice and Welfare: Bad Girls in Britain, 1900-1950* (Basingstoke: Palgrave Macmillan, 2003).

<sup>62</sup> Feversham, *Basic Human Needs*, 8.

<sup>63</sup> Colville, *Social Progress and the Individual*, 18.

<sup>64</sup> Green, *The Passing of Protestant England*, 141.

Quoting a youth worker, he argued that, “Even Teddy boys of 13 and 14 boast of their sexual adventures, and I don’t doubt their word. Once they don Teddy boy clothing, the breakaway from traditional morality is complete”. Evidently chastity was something that Fyvel valued despite admitting to not being particularly religious himself. Fyvel took newspapers and magazines to task for sending the message to teenage girls that they “ought to be in a perpetual flurry of erotic excitement”. Part of the new obsession with sex stemmed from publicity: “from ubiquitous underclothes advertisement to the incessant erotic gossip in the popular press”.<sup>65</sup>

Fyvel made sense of Teddy boy behaviour within a psychological framework: the “over-intensity” of their sex drive was a reflection of “a failure to mature” as well as “a substitute for lack of success on other levels”.<sup>66</sup> It is clear that he viewed the new sexual morality as having an adverse influence on young people. The psychology that Fyvel used was not one linked to ‘permissiveness’. Rather it was the type of psychology stressing the importance of the community that was so influential in Britain until the 1960s.<sup>67</sup> With regards to girls, Fyvel placed promiscuity in direct relation to delinquency:

If we accept the psychological explanation that a delinquent is frequently an emotionally deprived youngster who “steals love”, then the equivalent to the boy who does so through stealing or breaking in is the girl who slides into prostitution. The revengeful delinquency is similar: boy and girl are both trying to get something of value while giving nothing in return (which is why the money obtained in this way is so often immediately squandered). The distinction is that a boy up before the Court for theft is always in danger of slipping through circumstance into a criminal career. The delinquent girl who is his psychological counterpart may end up on the streets, or else she may become a slut and an inadequate wife and mother, so perpetuating the evil.<sup>68</sup>

Fyvel thus saw female delinquency in terms of promiscuity and of failing to provide a good home. The role of the woman as homemaker and the ideal of the loving wife

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<sup>65</sup> Fyvel, *Troublemakers*, 133-134.

<sup>66</sup> Fyvel, *Troublemakers*, 133.

<sup>67</sup> See Thomson, *Psychological Subjects*.

<sup>68</sup> Fyvel, *Troublemakers*, 133-35.



and mother were deeply rooted in evangelical discourse. Failure of women to adhere to this ideal thus brought about the moral decline of youth – this was made clear by Fyvel’s reference to “perpetuating the evil”.

The importance attached to chastity was also articulated in official reports. The 1963 Newsom report by the Central Advisory Council for Education upheld the old principles of sexual morality:

For our part we are agreed that boys and girls should be offered firm guidance on sexual morality based on chastity before marriage and fidelity within it. We believe, too, that this is predominantly the standpoint of the schools. It is also important that boys and girls should realise that ‘going off the rails’ does not involve for Christians losing the fellowship of the church, still less of forfeiting the love of God. There are other, and often graver, sins than those against chastity.<sup>69</sup>

Still, the fact that they felt the need to make clear that this was their own opinion showed that the self-evident status of Christianity as the holder of absolute moral truths had been undermined.

### *Homosexuality and the implications of the Wolfenden Report*

The setting up of the Wolfenden committee in 1954 to evaluate the issue of whether male homosexuality and prostitutions should be decriminalised had the potential to upset the moral legitimacy of penal welfare. This was because it would have to engage with the relationship between criminal offense and sin and whether the law should be an instrument of moral regulation – the conclusion of the 1957 report was in the negative. The Church of England’s Moral Welfare Council had convened their own committee in 1952 which approached the issue from an explicitly Christian point of view. This led to the publication of *The Problem of Homosexuality: An Interim Report* (1954) and *Sexual Offenders and Social Punishment* (1956). Like the

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<sup>69</sup> John Newsom, *Half Our Future: A Report of the Central Advisory Council for Education* (London: Her Majesty’s Stationary Office, 1963), 54-55.

Wolfenden report, the Church's Moral Welfare Council also favoured decriminalisation as did the leadership of the Church (with a narrow majority). This did not mean that decriminalisation was unopposed. James Adair, a member of the Wolfenden committee, offered a strongly worded reservation in the appendix of the report. Similarly, Thomas Bloomer, the Bishop of Carlisle, voiced his disagreement in the House of Lord debate following the publication of the report. No matter what position the people involved took, the central issue that they had to grapple with was the idea of the national moral fabric and the role of the law in upholding it.

The recommendation of the Wolfenden committee was that homosexuality between consenting males should be decriminalised: "We do not think that it is proper for the law to concern itself with what a man does in private unless it can be shown to be so contrary to the public good that the law ought to intervene in its function as the guardian of the public good". It rejected the notion that homosexuality led to "the demoralisation and decay of civilisations" as too vague and unfounded a claim maintaining that it was "no more than the expression of revulsion against what is regarded as unnatural, sinful or disgusting". It thus seemed that upholding the moral fabric of the nation through regulating 'sinful behaviour' did not fall within their definition of the public good: "moral conviction or instinctive feeling, however strong, is not a valid basis for overriding the individual's privacy and for bringing within the ambit of the law private sexual behaviour of this kind".<sup>70</sup>

The report strongly appealed to notions of individual responsibility. It maintained that homosexuality was not a disease because that suggested "irresponsibility, or at least diminished responsibility". Instead, it argued that homosexuals were as capable of "self-control" as heterosexuals and that the majority of homosexual acts were not compulsive.<sup>71</sup> The committee viewed the private responsibility of individuals for their own moral welfare as a fundamental reason for decriminalisation:

Unless a deliberate attempt is to be made by society, acting, through the agency of the law, to equate the sphere of crime with that of sin, there

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<sup>70</sup> John Wolfenden, *Report of the Committee on Homosexual Offences and Prostitution* (London: Her Majesty's Stationery Office, 21-22).

<sup>71</sup> Wolfenden, *Report of the Committee*, 3-15.

must remain a realm of private morality and immorality which is, in brief and crude terms, not the law's business. To say this is not to condone or encourage private immorality. On the contrary, to emphasise the personal and private nature of moral or immoral conduct is to emphasise the personal and private responsibility of the individual for his own actions, and that is a responsibility which a mature agent can properly be expected to carry for himself without the threat of punishment from the law.<sup>72</sup>

This emphasis on the “private responsibility of the individual” had the potential to undermine penal welfare discourse. The recommendations entailed rolling back the penal welfare state in areas of moral regulation.<sup>73</sup> Furthermore, the committee's logic that true virtue could only emanate from free will in some ways anticipated the discourse of personal responsibility that would be adopted by Thatcher and the New Right. This is not to imply that the authors of the Wolfenden report were somehow proto-Thatcherites but merely that the logic of individualism that Thatcher would benefit from was already establishing itself in the 1950s.

Unlike the Wolfenden report that purposely steered clear of moralistic language, the Church of England's report *The Problem of Homosexuality* unambiguously asserted the immorality of homosexuality and discussed moral responsibility at length. The report made a clear distinction between the condition of homosexuality and conduct: “The *condition* is itself morally neutral but it may (although it does not always) *find expression* in various homosexual acts *upon which a moral judgement must be passed*”.<sup>74</sup> The basic idea was thus that a homosexual man could not be held responsible for his condition but merely for his actions: “we rightly hold him responsible as we would a heterosexual man responsible for immoral sexual acts with girls and women”.<sup>75</sup> It made clear that condoning adultery, fornication, and homosexual behaviour would strongly undermine the moral fabric of the nation:

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<sup>72</sup> Wolfenden, *Report of the Committee*, 24.

<sup>73</sup> John Lunan has dealt with probation of homosexual offenders in “Probation Officers, Social Enquiry Reports, and Importuning in the 1960s,” *The Historical Journal* 56, no. 3 (2013): 781-800.

<sup>74</sup> Church of England's Moral Welfare Council, *The Problem of Homosexuality: An Interim Report by a Group of Anglican Clergy and Doctors* (London: Church Information Board, 1954), 7. Emphasis in original.

<sup>75</sup> Moral Welfare Council, *The Problem of Homosexuality*, 13.

The problem of the invert in this respect [in finding an outlet for his desires] would be no more satisfactorily solved by social recognition of “homosexual marriage” than could the unmarried woman’s problem be met by sanctioning extra-marital concubinage. The long-term effects of such policies would be disastrous for society by undermining the concept of moral law upon which all other social activities of inverts and heterosexuals are securely and happily based.<sup>76</sup>

Here “homosexual marriage” referred to social acceptance for monogamous homosexual relationships rather than legal recognition of gay marriage.

In spite of this unambiguous statement on the noxiousness of homosexuality and its inherent sinfulness, the report nonetheless favoured decriminalisation. It argued that invasive interference by the law into the realm of private morality could only be justified if the private immorality of an individual posed a serious threat to society.

Such interference would only be warranted if there were proof that homosexual practices between males gravely affect society. Even if this were true, it could with justice be maintained that fornication and adultery threaten the well-being of society still more seriously than homosexual practices. With fornication there is the risk – and the common result – of illegitimate children who may be deprived of the security of a home and the love of a father and a mother. Adultery undermines the unit of society, the home and the family.<sup>77</sup>

It was thus unjustified to single out homosexuality, whereas sins that were more damaging to society were not criminalised. The logic here was similar to that of the Wolfenden report although the language was considerably more moralistic. The law did not “exist to help men refrain from private immorality”.<sup>78</sup> Thus even though they regarded heterosexual monogamy within wedlock as the only permissible outlet for sexual desire and the foundation of a healthy community, they did not regard it as a matter for the law.

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<sup>76</sup> Moral Welfare Council, *The Problem of Homosexuality*, 14.

<sup>77</sup> Moral Welfare Council, *The Problem of Homosexuality*, 20.

<sup>78</sup> Moral Welfare Council, *The Problem of Homosexuality*, 21.

The other key reason that they adduced was that criminalisation estranged homosexual citizens from the community: “It has been suggested that homosexual practices make a man of less use to society by rendering him secretive, undependable and nervous. In reality, however, these defects of character are due, not to homosexual practices, but to the fears of punishment or of blackmail engendered by the law”. Furthermore, it was argued that the injustice with which homosexuals were treated could lead to “*moral deterioration*” in that their disillusionment with society might make them reject “the canons of justice and morality” altogether taking “the path of uncritical self-indulgence. So injustice in one department breeds immorality in another”.<sup>79</sup> Thus, the law rather than defending the moral fabric of society was unintentionally undermining it.

The Archbishop of Canterbury, Geoffrey Fisher, also argued in support of the decriminalisation during a debate in the House of Lords on 4 December 1957. He dismissed the idea that crime and sin should be coterminous as totalitarian – it entailed the state defining its own conception of sin and criminalising it.

The State and the Law are not concerned directly, as the Church is, with saving the souls of men from their own destruction. The right to decide one’s own moral code and obey it, even to a man’s own hurt, is a fundamental right of man, given him by God and to be strictly respected by society and the criminal code.

In Fisher’s mind, this also gave rise to the equally dangerous assumption that immoral behaviour not criminalised was therefore not sin. This was especially important as many people “having lost the sense of sin, have lost sight of this distinction”. This manifested itself in attitudes towards sexual promiscuity and infidelity: “the threat to general public moral standards from homosexual offences done in private is far less, and far less widespread, than the damage openly done to public morality and domestic health by fornication and adultery”. The Archbishop also adduced pragmatic reasons. It was harder for a homosexual to turn away from his sinful life if he had to live in fear of the law.

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<sup>79</sup> Moral Welfare Council, *The Problem of Homosexuality*, 21-22.

There are, I believe groups or clubs of homosexuals with an organisation of their own, with a language of their own and a kind of freemasonry from which it is not at all easy to escape. So long as homosexual offences between consenting adults are criminal and punishable by law, the pressure of this kind of freemasonry will remain and will operate powerfully, for it gains strength from the fact that it must remain a secret society to avoid the law. It has all the glamour and romance of chosen and select rebels against the conventions of society and the forces of the law [...] It will be all the more easy, I think, to convince them of the restraints of common sense and Christian morality when they are delivered from the fears, the glamour and even the crusading spirit of the rebel against law and convention who can claim to be made a martyr by persecution.<sup>80</sup>

The emphasis on the good of the community was evident. The fear of people living outside the community – in what sociologists called subcultures – was something that manifested itself in reactions to Teddy boys as well.<sup>81</sup>

However, far from everyone was comfortable with the idea of the state abdicating its responsibilities in areas of moral regulation. Labour MP Leslie Hale supported decriminalisation “as an experiment” but emphasised that he had come to the decision with reluctance since he was “not in favour of establishing a corps d’élite of sexual perverts”. He made clear his Christian motives stating that “as a sinner myself I am anxious to be tolerant to my fellow sinners”.<sup>82</sup> For Hale, the duty of society to reform homosexuals was part of its wider duty to reform criminals. Hale was dedicated to penal reform as can be seen by other Parliamentary activity.<sup>83</sup> Making little distinction between homosexuality and other ‘sexual disorders’, Hale used a language that merged medical and religious discourse:

I have seen, time after time, the pitiable state of the helpless man—not merely the homosexual; all kinds of sexual complexities come into this—the man who never did any harm at all but who commits an

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<sup>80</sup> *Hansard*, HL Deb 04 December 1957 vol. 206 cc. 753-756.

<sup>81</sup> The term was first employed in this sense by American sociologist Albert Cohen in his 1955 book *Delinquent Boys: The Culture of the Gang* (London: Collier-Macmillan, 1955).

<sup>82</sup> *Hansard*, HC Deb 26 November 1958 vol. 596 c. 466.

<sup>83</sup> *Hansard* HC Deb 21 June 1956 vol. 554 cc. 1597-1598, HC Deb 11 April 1961 vol. 638 c. 47.

habitual, perpetual and foolish act of indecent exposure. We send him to prison, out he comes and does it again; the man who commits some rather tiny indecent assault sometimes on young girls and sometimes on girls of a certain age and goes on doing the same thing in a hopeless, helpless and repetitive way.<sup>84</sup>

The reference to “the pitiable state of helpless man” owed much to religious discourse. Regarding homosexuality as a pathological condition, he put his faith in medical science and psychology to find causes and cure. This went against the grain of the logic of the Wolfenden report that had unambiguously stated that homosexuality was not a disease and that individual homosexuals had as much control over their conduct as heterosexuals. Furthermore, Hale clearly viewed it as the duty of the state to be involved in moral regulation. He imagined medical treatment as an alternative to punishment but the ultimate goal was still to defend the moral fabric of society. In this, Hale was a somewhat unusual supporter of the recommendations of the Wolfenden committee as he still adhered to the logic of moral regulation that the report had rejected.

The idea that private morality should be deregulated did not meet with anything near universal acclaim. The most famous objections were formulated by the judge and writer Patrick Devlin (1905-1992). Raised as a Catholic, Devlin had briefly joined the Dominican order as a novice. The fact that both his sisters became nuns and one of his brothers became a Jesuit priest should leave us in no doubt about his strongly religious upbringing.<sup>85</sup> In his 1959 Maccabean Lecture in Jurisprudence (later published as part of collection of essays in 1965), Devlin argued that the law existed for the protection of the moral fabric of society and that therefore it had a duty to involve itself in social regulation: “society means a community of ideas; without shared ideas on politics, morals, and ethics no society can exist”. Society, he argued, was held together “by the invisible bond of common thought” and without agreement about good and evil “society will disintegrate”. Because of this, Devlin argued “society has the right to make a judgement and has it on the basis that a recognized morality is as necessary to society as, say, a recognized government, then

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<sup>84</sup> *Hansard*, HC Deb 26 November 1958 vol. 596 c. 471.

<sup>85</sup> Tony Honoré, “Devlin, Patrick Arthur, Baron Devlin (1905–1992),” in *Oxford Dictionary of National Biography* (Oxford University Press, 2004-), accessed 9 March, 2017, doi:10.1093/ref:odnb/50969.

society may use the law to preserve morality in the same way as it uses it to safeguard anything else that is essential to its existence”. Devlin made no bones about his contention that “Christian morals are the basis of the criminal law” and that “without the support of the churches the moral order, which has its origin and takes its strength from Christian beliefs, would collapse”.<sup>86</sup>

Devlin’s arguments became the most influential reference for people hostile to decriminalisation but they were far from the first objections on the matter. Even in the pages of the Wolfenden report itself, dissenting committee member James Adair objected to its conclusions about separating sin and crime. His objections were published in the appendix in which he argued that homosexuality was “inherently hurtful to community life” and that no one that cared about “the moral, physical or spiritual welfare of public life wishes to see homosexuality extending in its scope”. To Adair, the secularisation of moral values made it important to retain the law on homosexuality: “The current relaxed attitude towards moral conduct and relationships, so prevalent everywhere, makes the present an inopportune time for the loosening bonds and removing restrictions”. He noted that “[m]any citizens, it must be admitted, regard the prohibitions expressly imposed by law as the utmost limits set to their activities and are prepared to take full advantage of any omission of relaxation”.<sup>87</sup> Adair’s argument that relaxed attitudes to moral conduct necessitated moral regulation through law was contrary to the one advanced by Devlin. Devlin appealed to the revulsion against homosexuality felt by the majority of people and the notion that the law needed to be in tune with people’s moral sentiments.<sup>88</sup> However, they both arrived at the same conclusion that it was the duty of the law to defend the moral fabric of the nation.

Hostility to the recommendations of the Wolfenden committee was not confined to intellectual circles but was expressed both in the House of Lords and the House of Commons. Thomas Bloomer, the Bishop of Carlisle, disagreed with his primate arguing against legalisation. He believed that in the eyes of the public it would be seen as tantamount to condoning sin: “the conclusion which the general public must draw from the abolition of this law is that the State now condones what

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<sup>86</sup> Patrick Devlin, *The Enforcement of Morals* (Oxford: Oxford University Press, 1965), 10, 11, 23.

<sup>87</sup> Wolfenden, *Report of the Committee*, 121, 118, 119.

<sup>88</sup> Devlin, *The Enforcement of Morals*, 17.



before it condemned”. He also felt that the status of homosexuality as sin was not enough of a deterrent in an age of increasing secularisation:

People who are loyal to the law develop strong feelings against criminal offences. Those who have been brought up with a strong religious sense and those who have grown up in a healthy, clean, moral tradition develop this sense of revulsion strongly, and I do not think that they have any need for the support of the law. To say that homosexuality, fornication and adultery are sins is to say what is the truth, and those who have religious feelings and a strong moral sense recognise these as sins—sins against God and man. To describe them as sins is therefore a deterrent for those for whom sin has some significance; but to say that to those for whom God has either no meaning or is quite irrelevant to life is to say nothing that has any significance whatsoever.<sup>89</sup>

Thus Bloomer adhered to the logic of Adair rather than Devlin. The reason for preserving the law was not because the majority of people found homosexuality repugnant but because he distrusted that the moral sentiments of the public were strong enough for the law to be safely abolished.

Nearly a year later the staunchly religious Conservative MP Sir Cyril Black (1902-1991) expressed himself in a similar manner:

So far as the right standards of behaviour are concerned I say most emphatically these standards and these morals are the concern of the law whether done in private or in public. Without religion there can be no morality and without morality there can be no law. A great part of our legal system is concerned with laying down the right standards of behaviour, and to a great number of people these are the only standards they know [...] Law in the wider sense governs most of the spheres of human activity, and I say it is impossible to draw a hard-and-fast line between crime and sin.<sup>90</sup>

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<sup>89</sup> *Hansard*, House of Lords, 4<sup>th</sup> December 1957. *Hansard*, HL Deb 04 December 1957 vol. 206 c. 816.

<sup>90</sup> *Hansard*, HC Deb 26 November 1958 vol. 596 c. 463.

Black had grown up in a devoutly Baptist household and was an “enthusiastic lay preacher”. He was also an avid moral campaigner against obscenity and pornography.<sup>91</sup> That he should agree with Adair and Devlin that it was the role of the law to concern itself with the moral fabric of society was thus not surprising.

Conservative MP William Shepherd similarly affirmed the right of the state to intervene arguing that there was “far too much sympathy with the homosexual and far too little regard for society”. Employing the language of citizenship, he pointed out that “if a man can be diverted from homosexual practices”, he would “become a better and happier citizen”.<sup>92</sup> Thus, to Shepherd, it clearly was the duty of the state to concern itself with the moral fabric of the nation.

For some, aversion to the suggestion that homosexuality should be decriminalised also merged with suspicion, or downright hostility, against penal welfare. Conservative MP James Dance argued that psychiatrists were unduly sentimental about the homosexual:

There are far too many people looking into the mind of the murderer and not at the agony of mind of the relations of the murdered person. There are far too many people looking into the minds of the Teddy cosh-boys and not into the minds of the old ladies who have been coshed. In exactly the same way, too many people are looking into the mind of the homosexual rather than considering the repugnance which is caused to millions of decent people all over the country. There can be no question that this practice is a social evil and that it undermines the morals of the country.<sup>93</sup>

In a way, his objections were widely off the mark. The whole logic of the Wolfenden report and those who supported it was to deregulate morality. It was not about “looking into the mind of the homosexual” and offering treatment as an alternative to punitive measures – that had been done for a long time – but rather it was about rolling back the penal welfare state by removing certain “crimes” from its sphere of interest. In that way the recommendation to decriminalise homosexuality was not a

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<sup>91</sup> Patrick Cosgrave, “Black, Sir Cyril Wilson (1902–1991),” in *Oxford Dictionary of National Biography* (Oxford University Press, 2004-), accessed 9 March, 2017, doi:10.1093/ref:odnb/49581.

<sup>92</sup> *Hansard*, HC Deb 26 November 1958 vol. 596 c. 428.

<sup>93</sup> *Hansard*, HC Deb 26 November 1958 vol. 596 c. 437.

fitting scapegoat for articulating hostility towards penal welfare in general. However, questions about deterrence and reform and the role the state should have in these were seldom discussed along rational lines. It is to these issues that we will now turn.

## **II. The impact of secularisation on discourses of penal welfare**

### *The 1948 Criminal Justice Act*

One thing was clear in the Parliamentary debates preceding the passing of the 1948 Criminal Justice Act: the moral legitimacy of the reformatory ideal was beyond question. Even though some marginal Tory backbenchers articulated their reservations, attitudes towards the bill were not divided along party lines. Rather, the approach of Conservatives as well as Labour MPs to penal welfare was rooted in Christianity and emphasised the importance of reforming criminals as a way of preserving the moral fabric of the nation. The Conservative Osbert Peake congratulated the Home Secretary while still attempting to claim credit for his own party:

The Home Secretary is to be congratulated on securing a place for this Measure in the legislative programme. This Bill and the social services Measures, which were framed in the days of the Coalition Government, but which have been passed into law by the present Government, will be remembered as the good Measures passed in this Parliament [...] It is the result of the endeavours of many who have devoted their lives to the reform of our penal administration. For that reason, I give it my support.<sup>94</sup>

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<sup>94</sup> *Hansard*, HC Deb 27 November 1947 vol 444 c.2161.

Alluding to the tacit religious underpinnings of the bill, Labour MP Sydney Silverman referred to the Bill as “a great act of faith” while expressing disappointment in its failure to abolish capital punishment.<sup>95</sup>

There were two key reasons for why penal welfare was regarded as fundamental for the moral fabric of the nation. Firstly, there was the idea that humane and reformatory treatment of prisoners was a prerequisite for a civilised nation. As Thomas Wright has shown, the ideal of the ‘civilised society’ played a key role in the eventual abolition of capital punishment.<sup>96</sup> Secondly, there was the idea it was the duty of society to reform offenders into good citizens for the nation.<sup>97</sup> The Labour Home Secretary, Chuter Ede, who had the main responsibility of pushing the Act through Parliament, talked in a language that drew on the religious ethos of penal welfare:

I trust that in all quarters of the House we shall have brought to bear at this stage and the succeeding stages of the Bill *a spirit of good will*, because one of the ways in which a standard of civilisation can be tested is the way in which the people governing it find themselves able to rely on a system of punishment and reformation which enables for as long as possible *the spark of hope* to be kept alive with regard to the most hardened offender.<sup>98</sup>

Frontbench politicians would seldom make overt references to Christianity in Parliament but it is hard not to view Ede’s choice of words as a downplayed version of the sentiment – so common in Approved Schools – that a reformatory approach was necessary for a nation to call itself Christian. This was further reinforced by Ede’s tribute to the influential penal reformer Sir Alexander Paterson, who had died just three weeks before the debate. Ede celebrated the latter’s vision “to send prisoners out into the world better men than they were when they came into prison”. Ede lauded Paterson’s ability “to keep alive the spirit of hope”.<sup>99</sup> Paterson’s reformist work had been rooted in religious zeal and it was significant that Ede chose

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<sup>95</sup> *Hansard*, HC Deb 27 November 1947 vol. 444 c. 2186.

<sup>96</sup> Thomas Wright, “‘A Barbarous Penalty which the Community has no Right to Exact’: Why Capital Punishment was abolished in Britain, 1947-69” (PhD thesis, University of York, 2014).

<sup>97</sup> Abigail Wills, “Delinquency, Masculinity, and Citizenship in England 1950-1970,” *Past & Present* 187 (2005): 157-185.

<sup>98</sup> *Hansard*, HC Deb 27 November 1947 vol. 444 c. 2152. Emphasis added.

<sup>99</sup> *Hansard*, HC Deb 27 November 1947 vol. 444 c. 2130.

to emphasise this aspect of his work.<sup>100</sup> Ede's rhetoric thus owed a lot to the notion of religious zeal that was so prevalent in the Approved Schools and the Probation Service.

Reclaiming offenders for citizenship was an equally prominent theme. Labour MP Scholefield Allen emphasised "the reform of the offender and his re-establishment as a good citizen" celebrating the bill for seeking "to keep young offenders out of prison and to further and extend the methods of dealing with them in order to turn them into good and useful citizens". Nonetheless, he felt the bill could have gone further away from punishment towards the ideal of reformation. He strongly emphasised the interests of the community:

The welfare of the community must be the final test in these matters. Criminal law is no sphere for the sentimentalist. Judged by the test of the community, the experience now and for many generations has been that the most effective way of achieving the object which we all desire, the diminution of crime, is by way of reclamation and rehabilitation. The object now is the reform of the offender and his re-establishment as a good citizen.<sup>101</sup>

Even though Allen did not overtly mention Christianity, the contents of the category of 'good citizenship' were determined by Christian codes of behaviour.

Similarly, Labour MP Charles Royle emphasised the duty of "making decent citizens out of those who have been before the courts" and reminded his fellow MPs that "the people with whom it [the Criminal Justice Act] deals are, in many cases, only potential criminals; they are also potential valuable citizens".<sup>102</sup> Silverman distinguished between two ways of dealing with crime: "The difference is between society protecting itself by terror, threat, fear and retribution exercised against the offender and society protecting itself against crime by removing the causes of crime and reforming its victims".<sup>103</sup> Although not everybody would have agreed that criminals were themselves 'victims' of social circumstances, the fact that Silverman

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<sup>100</sup> For a discussion of Paterson's religious approach to penal welfare, see 7-9 of this thesis.

<sup>101</sup> *Hansard*, HC Deb 27 November 1947 vol. 444 c. 2162.

<sup>102</sup> *Hansard*, HC Deb 27 November 1947 vol. 444 c. 2180.

<sup>103</sup> *Hansard*, HC Deb 27 November 1947 vol. 444 c. 2187.

could say so without ridicule – something that would not have been possible in the 1970s – says much about the climate of opinion.

However, in spite of the substantial consensus for the Bill, there were some Conservatives who registered their reservations or disapproval. Conservative MP Viscountess Frances Davidson, although generally in favour of the Bill, argued for the retention of corporal punishment for the good of the community emphasising that it was not due to a desire for vengeance:

What we have to decide is, is it the criminal or the public who is to have first consideration? We are out to help the criminal. We know that upbringing, surroundings, home life, school life may have been in the beginning responsible for the downward path which led to a life of crime. But, surely, the public must be safeguarded, and we must try to protect them first and the criminal second.

This can hardly be called reactionary. Davidson acknowledged her support for the humanistic desire to help the offender framing her argument about retaining corporal punishment solely along pragmatic lines. One had to consider, she argued, “the hardened bully who would be deterred only by the knowledge that he might suffer bodily discomfort”:

It is not retribution. It is a punishment which, while it affects that person, may also prevent somebody else committing the same crime [...] Of course, we all want to help and to reform the criminal and to reduce crime, but until we see evidence that the figures of crime are falling, are we right to take away a single power we now possess? [...] In view of the figures that are before us and the country, our responsibility is a very heavy one. The safety of the public, and of old men and old women, and little children and young girls, is on our shoulders in this room and in the House of Commons.<sup>104</sup>

Davidson did not question the moral value of reforming the criminal. Rather she stressed the deterrent punishment as necessary to safeguard the community.

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<sup>104</sup> *Hansard*, HC Deb 27 November 1947 vol. 444 cc. 2173-2174.

Conservative MP George Jeffreys was even more emphatic in criticising the bill and advocating for the importance of deterrence as the only way for reducing crime. Jeffreys had had a distinguished career in the army rising to the rank of general in 1935. After his retirement from the army, he had been elected MP for Petersfield in 1941. Unlike Davidson who was generally positive about penal reform with some reservations, Jeffreys adopted a position more similar to the hangers and floggers that would harass the Tory leadership in the late 1950s and early 1960s.<sup>105</sup> Although he ostensibly declared his support for the “reformation of the prisoner”, he argued that efforts to humanise the penal system did not need to limit the deterrent element: “prison life should be such that those undergoing it will be very anxious indeed after the conclusion of their sentences never to experience it again”.<sup>106</sup> He advocated the retention of court ordered corporal punishment and threw the usefulness of probation into doubt:

Probation and binding over are excellent ways of dealing with those who err through foolishness, ignorance, weakness, bad home influence, being led away or giving way to temptation. But there are a good many really bad boys – some people may call them, and the Home Secretary used the expression, “tough guys” – of 15 or 16, and I am afraid there are a few bad girls too, who sin deliberately, confidently counting on what many of them regard as getting no punishment, through being bound over or placed on probation for a first offence. They anticipate being talked to and admonished by kindly gentlemen and ladies sitting on the Bench in the children’s court. Probation does very little with that type.<sup>107</sup>

This flew in the face of the assumptions of the penal reformers that it was bad environments that gave birth to crime. Jeffreys’ argument seemed to suggest that some delinquents existed in a vacuum away from social circumstances. At any rate, Jeffreys was the only MP to express such a low opinion of the effectiveness of the

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<sup>105</sup> Jarvis, *Conservative Governments*.

<sup>106</sup> *Hansard*, HC Deb 27 November 1947 vol. 444 c. 2191.

<sup>107</sup> *Hansard*, HC Deb 27 November 1947 vol 444 c. 2192.

Probation Service. Peake referred to it as an “outstanding success” and Royle referred to the profession as a “splendid body of people”.<sup>108</sup>

Jeffreys was fundamentally out of tune with the ideas of the time and his arguments were riddled with contradictions. He wanted prisons to be humane yet places where the prisoner would suffer. Sometimes, he was fundamentally misinformed. In arguing for harsher punishment, he also emphasised that conditions in Approved Schools should not be “too easy”: “It is not the case of the child being sent to a boarding school and having all its advantages; it is a case of being sent to what is in fact a penal establishment”.<sup>109</sup> Here Jeffreys completely misunderstood the purpose of the Approved Schools system both as it was understood by its workers and by the Home Office. The purpose of the Approved School was not to punish but to provide a healthy moral environment for children who lacked this in their family life. The creation of the system in 1934 had abolished the old distinction between delinquent and neglected children.

The debates in Parliament following the passing of the 1948 Criminal Justice Act clearly indicated that the welfarist approach was dominant. It drew its moral legitimacy from Christian ideas of the need to uphold the moral fabric of the nation. The few dissident voices struggled to form an alternative and had to accept many of the assumptions of the penal reformers while, often contradictorily, arguing for the retention of punitive justice. Thus, we see the seemingly schizophrenic claims put forth by Jeffries about humane prison conditions in which the prisoner would suffer. The bill thus passed with a broad cross-party consensus.

### *The 1958 Notting Hill riots*

The Notting Hill riots in August and September 1958 shocked the nation and brought already existing anxieties about unruly youth – embodied by the Teddy boys – to the fore. It was this event that fundamentally smashed the optimism that welfare provisions would eliminate crime. It was in the aftermath of the riots that Home

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<sup>108</sup> *Hansard*, HC Deb 27 November 1947 vol. 444 cc. 2158, 2178.

<sup>109</sup> *Hansard*, HC Deb 27 November 1947 vol. 444 c. 2193.



Secretary R.A. Butler expressed his horror at the fact that material prosperity had not led to moral progress.<sup>110</sup> Even before the riots, Tory MP Sir Eric Errington had expressed astonishment at the behaviour of Teddy boys in spite of propitious physical conditions: “Why he [the Teddy boy] should be angry, considering some of the benefits he [sic] gets in existing conditions. I am not quite certain”.<sup>111</sup> The riots brought out calls for tougher measures on crime from both Labour and Tory MPs. The Labour MP for North Kensington, George Rogers stated that: “I think there should be a much stricter application of the law about the carrying of offensive weapons. These Teddy boys and hooligans, who are so easily recognisable, should be regularly searched by the police, whatever the colour of their skins, as they go about”. Rogers located the cause of the increase in crime in a moral malaise of the nation in which society had become “increasingly commercially-minded” and material welfare had become more important than spiritual well-being. He related this to secularisation contrasting the current social situation to that of his childhood: “I believe that a lot of us who, in Sunday school, in church and in Scripture classes at school, were taught that we were personally responsible for our lives were saved from activities which would have harmed our fellow men”.<sup>112</sup> Rogers emphasised how he had grown up “living in a very poor working class district” and how the knowledge of having to answer to God had kept him out of trouble. Thus Rogers, like many others, saw secularisation rather than poverty as the main threat to the moral fabric of the nation.

The hangers and floggers of the Tory Party were not born out of the reactions to the Notting Hill riots but it certainly fanned their flames. Conservative MP Sir Thomas Moore, a 71-year-old former colonel, had previously argued for harsher punishments but his rhetoric was now taken to new heights. He lamented the lack of concern for the victim in the British legal system after the 1948 Criminal Justice Act:

Nowhere in that great volume, that vast tome, is the word "victim" mentioned. That is strange, because it is the victim who is battered and maimed and mutilated and raped and it is the victim who is murdered.

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<sup>110</sup> *Hansard*, HC Deb 31 October 1958 vol. 594 c. 496.

<sup>111</sup> *Hansard*, March 7 1958. HC Deb 07 March 1958 vol 583 c. 1609.

<sup>112</sup> *Hansard*, HC Deb 31 October 1958 vol. 594 c. 534.

There seems to be a strange lack of balance in our thinking and in our actions.<sup>113</sup>

The graphic language – in which the audience was invited to imagine the details of a crime of violence and the damage done to the victim – clearly indicated that the unwillingness of society to exact vengeance from the offender was disrespectful towards the victim. Moore saw the abolition of corporal punishment as having been disastrous for Britain: “corporal punishment was abolished in 1948 and in all the ten years since there has been a growing and horrifying series of attacks on old and young”. Viewing the Criminal Justice Act as a disastrous experiment, he argued, that “in the interests of our people, our young people, our children, wives, sweethearts... it is now time to reverse that experiment and to teach these sadistic hooligans, young and old, something of the pain and suffering which they themselves so wantonly inflict on others”.<sup>114</sup> Again Moore’s language marked a shift from the more cautious appeals for harsh punishment that he had made before the riots.<sup>115</sup> We should notice the total absence of paternalism. The implication was that these people could not be reached by anything but the harsh punishment which they fully deserved. Moore’s offenders were not committing crime because they were maladjusted, psychologically insecure, or living in a bad environment. The cause was simply that they were ‘bad’. The sympathy towards the offenders was thus not only misplaced but also showed a lack of sympathy towards victims. This was a far cry from the old discourse where the interests of the offender and the community were seen as mutually compatible.

#### *Conservatives and the rolling back of the (penal) welfare state*

Suspicion and scepticism – sometimes spilling over into overt hostility – towards the postwar settlement had existed from its inception within the Conservative Party even

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<sup>113</sup> *Hansard*, HC Deb 31 October 1958 vol. 594 c. 518.

<sup>114</sup> *Hansard*, HC Deb 31 October 1958 vol. 594 c. 519.

<sup>115</sup> *Hansard*, HC Deb 02 May 1958 vol. 587 c. 741.

while the leadership pursued welfarist policies.<sup>116</sup> The One Nation Group of Conservative MPs founded in 1950 played a key role in formulating alternative discourses that challenged the cross-party consensus about economic policy and the welfare state.<sup>117</sup> In their 1959 pamphlet entitled *The Responsible Society*, they delineated the moral dangers implicit in the state relieving individuals of their personal responsibility. Among the co-authors were such names as Keith Joseph, Gilbert Longden, and Bill Deedes. As was stated above, even though this pamphlet was comparatively moderate – certainly by Thatcherite standards – in its criticism of the welfare state, it had wide-reaching implications for the framework for understanding personal responsibility in relation to the state. It never explicitly attacked the welfare state but rather positioned itself as the moderate voice between two extreme positions: “At one extreme, their [social services] automatic provision is held to corrupt the citizen’s self-reliance, demoralise family and religious life, and magnify the Government. At the other, the Welfare State is seen as an instrument of an egalitarian social policy”.<sup>118</sup> The pamphlet, on the other hand, maintained that “Security, even automatic and unearned, is not necessarily demoralising. It is as much a spring-board for vigour and family devotion as insecurity”. It stressed that “Poverty and insecurity may perhaps encourage in some cases austerity and other qualities. But true virtue flows from free will: social services enlarge the scope and the freedom of the individual”. However, it was adamant that the welfare provisions should be needs based and minimalistic: “let the individual pay and act for himself when he can”. It also expressed worries about the moral consequences of excessive welfare: “The incentive to thrift, family and neighbourly care is greatly reduced if every person, whether he has been provident or not, is entitled to much more than bare subsistence”.<sup>119</sup>

The conceptions of virtuous and bad behaviour were embedded within discursive Christianity. It was made clear that the state role in underpinning the moral fabric of the nation was by necessity limited:

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<sup>116</sup> Green, “The Conservative Party, the State and the Electorate, 1945-64”.

<sup>117</sup> Robert Walsh, “The One Nation Group: a Tory Approach to Backbench Politics and Organisation, 1950–55,” *Twentieth Century British History* 11, no. 2 (2000): 183-214.

<sup>118</sup> One Nation Group, *The Responsible Society*, 31.

<sup>119</sup> One Nation Group, *The Responsible Society*, 32, 35, 38.

A responsible society will never secure complete comfort or peace of mind from the work, however well done, of Westminster and Whitehall. For this it must look further – to the satisfaction of religious belief and action, and to the fulfilment of the social responsibilities which rest on all its members, individually, as families, and in other groupings.<sup>120</sup>

This was connected to the key claim of the pamphlet that too much state interference would create irresponsible citizens. The way to encourage good citizenship was rather to promote personal responsibility guided by religious faith. It was clear that much of the One Nation Group's hostility towards current welfare provisions was that it undermined Christian virtues.

In spite of Geoffrey Pearson's claim that *The Responsible Society* marked the point in which the Tories turned away from progressive towards reactionary justice, the pamphlet actually reaffirmed the idea of penal welfare.<sup>121</sup> It advocated improved prison conditions and argued that more money needed to be spent: "no social service more urgently needs a larger share". While expressing sympathy with those who regarded progressive treatments as 'soft', it framed it as a moral duty "to help, not hinder certain practical steps which can, we believe, be of mutual benefit to prisoners and to the society to which they will one day return". Finally, it emphasised the importance of easing the transition from prison life to civilian life: "Here a wide range of persons will have a part to play – not merely probation officers, and social workers, but prospective employers, neighbours, visitors, families and friends".<sup>122</sup> Thus, in keeping with their broader ideological agenda, the authors attempted to shift the focus away from the state emphasising instead the moral duty of individual citizens to help prisoners.

In one way, however, they distanced themselves from the penal reformers. They rejected the prevalent notion – widely held amongst probation officers and Approved Schools headmasters – that society was partially responsible for delinquency: "we reject the notion, propagated by sincere but misguided idealists, that society shares the guilt of its criminals; that most malefactors are victims of their environment. If this is true it was much more true before the war when

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<sup>120</sup> One Nation Group, *The Responsible Society*, 9.

<sup>121</sup> Geoffrey Pearson, *Hooligan: A History of Respectable Fears* (London: Macmillan, 1983), 14.

<sup>122</sup> One Nation Group, *The Responsible Society*, 62-63.

unemployment and bad housing offered greater excuses than they do now – and crime was less prevalent and less violent”.<sup>123</sup> The rise of affluence thus had far reaching implications for how personal responsibility was imagined. The authors of the pamphlet did not engage with the idea – logical from a Christian point of view and held by many Approved Schools workers – that the noxious moral environment of contemporary society diminished the personal responsibility of young offenders. This was a much more collectivist notion of Christianity and one which the One Nation Group was moving away from. Regardless of this, it is important to notice that the idea of absolute individual responsibility did not entail any calls for harsher punishment or changes to penal policy at this point in time.

A House of Commons debate taking place in November 1960 discussing a new Criminal Justice Act clearly showed how far attitudes had shifted from 1948. It indicated that there was a growing body of opinion that felt that the reformation of the criminal – albeit laudable in itself – should be secondary to deterrence. Conservative MP and Cambridge academic Sir Kenneth Pickthorn argued that society must make it “easier for the poor devil who has been caught to believe that his misfortunes, even his punishment, are his own fault”. Here the affinity to the ideas on personal responsibility put forth by the One Nation Group was evident. Unsurprisingly, Pickthorn argued for a more minimalistic role for the state within the penal system: “the moral improvement of the criminal, like most of the other higher objects of existence, should be an indirect object, that the object of imprisonment should be the prevention of crime and that the State's business in the odious duty of punishing is to be justly preventive of injustice”. He questioned the assumption that reformation was superior to deterrence as a “fundamental error”. However, he did not align himself with reactionary calls for harsh punishment making a dismissive comment about the “lunatic fringe of floggers” within his own party.<sup>124</sup>

Another issue that made deterrence seem more attractive than reformation was that the old traditional value system was perceived as having been fatally undermined. Conservative MP William Francis Deedes quoted a Borstal governor:

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<sup>123</sup> One Nation Group, *The Responsible Society*, 60.

<sup>124</sup> *Hansard*, HC Deb 17 November 1960 vol. 630 cc. 595-596.

Lads now coming into borstal do not speak the same language as the staff. When we discuss matters of ethics, dishonesty, deceit, lying and show that we consider the boys to have wrong standards—we are looked upon as not being part of this world.

Deedes was a member of the One Nation Group and one of the co-authors of *The Responsible Society*. He went on to argue that a balance had to be struck “between punishment and remedial treatment” and that punishment should not become “a dirty word”.<sup>125</sup>

Conservative MP Thomas Iremonger, a journalist and barrister, repudiated the assumption that “in some mysterious way, the penal system is a tap which controls the volume of crime and that legislation or administration can form the moral quality of society in the same way that discipline in a good home or school or family can form the moral quality of a family”. Thus he rejected the logic that had underpinned penal welfare in the immediate postwar period that the state – through its social services – could preserve the moral fabric of society. His diagnosis of current moral malaise fitted well with ideas of the One Nation Group that individual responsibility was undermined by excessive reliance on the state:

This great weakness [of modern societies] is that material prosperity gives rise to surprising and rather disturbing proportions of moral destitution. The fundamental cure for this weakness is a universal responsibility of society as a whole. It is not a responsibility which can properly be put upon the Government or upon this legislature, but, for all that, the legislature and the Government have a responsibility for first aid, treatment and hygiene in dealing with the symptoms and more simple manifestations of these fundamental weaknesses.<sup>126</sup>

Thus Iremonger did not reject the role of the state in penal welfare but rather the assumption that it could get to the root of crime.

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<sup>125</sup> *Hansard*, HC Deb 17 November 1960 vol. 630 c. 635.

<sup>126</sup> *Hansard*, HC Deb 17 November 1960 vol. 630 cc. 645-647.

In fact, Iremonger went to considerable effort to defend the value of the reformation of offenders as a central part of the penal system but he made clear that he was guided by pragmatic concerns:

I think that, as a matter of fact, that the most effective means of protecting society is in the reformation of the individual offender once he has been caught. I do not think that reformation is an end in itself as a part of the penal system. In other capacities as, I hope, a humanitarian, and as one who puts high value on the individual human being, I can see reformation as having a value in itself, but as a Member of this House and as responsible to my constituents, I put the protection of society as the first priority, and I am only interested in reforming offenders in the context of a penal system in so far as I think it is the best way to protect my constituents from the harm which they may otherwise do.<sup>127</sup>

Iremonger thus did not subscribe to the idea that reformatory justice was necessary for a society to call itself civilised. He had written a book entitled *Disturbers of the Peace* in which he defended the reformatory approach but rejected the civilisation argument: “The object of the penal system is not to allow over-civilised people to enjoy being civilised to uncivilised ones, it is to try to stop civilised people getting hurt by uncivilised ones”.<sup>128</sup>

Rejecting the calls to ‘bring back the birch’ Iremonger argued that: “the young thugs deserve and should get very much more severe and prolonged constructive treatment than the mere beating of an errant schoolboy. The young thug is going to spend the greater part of his life in society, after all; and our duty therefore is to make him a safe member of it. To re-form his character is the best way to protect society”. Similarly, he criticised the notion of the role of the probation officer as extending the mercy that “a civilized community” owed offenders as out of touch with public sentiments. In spite of this, he found that “the attitude and practice of probation officers is the one best calculated to achieve the maximum practical result within the penal system”.<sup>129</sup> Thus Iremonger, while still an advocate of the penal welfare state, rejected one of the fundamental tenets from which it drew its

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<sup>127</sup> *Hansard*, HC Deb 17 November 1960 vol. 630 c. 646.

<sup>128</sup> T. L. Iremonger, *Disturbers of the Peace* (London: Johnson, 1962), 116.

<sup>129</sup> Iremonger, *Disturbers of the Peace*, 116, 50.

moral legitimacy – namely that it was the moral duty of the state to reform offenders. Instead the only argument for reformation was that it was in the interest of the community.

The idea that moral malaise brought about by irresponsibility resulted in crime – most notably juvenile delinquency – became increasingly common in the 1960s. In August 1961, independent MP Alan Brown – who had just defected from Labour and would soon join the Tories – expressed dismay about the lack of responsibility in society. Brown made clear that “juvenile delinquency is not only a social tragedy but a social evil, and an evil which presents a direct threat to the wellbeing of our nation”.<sup>130</sup> Brown located the blame for juvenile delinquency squarely with the parents:

The present-day tendency to avoid parental responsibilities by passing such responsibilities to the police and to the child-care service of the local authority is a feature of modern parenthood which I consider to be deplorable. Furthermore, the Welfare State seems to have given rise to a class of parents who are selfish, irresponsible and inconsistent. Confusion abounds to confront youth today. Religious teaching and beliefs and the long-established sense of moral values are all being scoffed at and discarded by the adult population, as the world rapidly advances in so-called scientific knowledge [...] Nothing should be done to undermine the authority of the father as the head of the family. The rights of the parent should be respected by the State at all times, and no responsibility which is clearly and morally the prerogative of the father should be arbitrarily surrendered to officials of local authorities.<sup>131</sup>

The welfare state was thus seen as undermining Christian notions of responsibility. The notion that society was becoming irresponsible was recurrent throughout the 1960s. However, as we have seen here it did not always lead to calls for harsh punishment.

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<sup>130</sup> *Hansard*, HC Deb 04 August 1961 vol. 645 c. 1892.

<sup>131</sup> *Hansard*, HC Deb 04 August 1961 vol. 645 c. 1899.



The leadership of the Conservative Party remained dedicated to reformative justice even in the face of the punitive campaigns of hangers and floggers.<sup>132</sup> Nor did the argument for more emphasis on personal responsibility leave much impact with the leadership. In 1964 Home Secretary Henry Brooke had published a pamphlet entitled *Against the Evil of Delinquency*. It contained straightforward support for the notion that society shared the blame for criminal behaviour and its responsibility for reforming delinquents: “What the boy [on probation] wants is a job, somewhere to live, and friendships of the right sort. On all of us, if we are not ready to help, lies a share of responsibility for second and third offences”.<sup>133</sup> He also supported his argument using a deeply Christian language:

A great deal of misbehaviour is due simply to greed, covetousness, malice, selfishness, or mere mischief. But it cannot all be thus easily explained in terms of original sin. A great deal is the outward symptom of stresses and strains and maladjustments within society, which we need to identify and, if we can, remedy. Here we are getting down to the roots. It is no good condemning plants for not growing and blossoming as they should, if the soil is sour.<sup>134</sup>

Here Brooke drew heavily on the Christian rationality of penal welfare employing Christ’s Parable of the Sower from Matthew 13. In it, Christ likened susceptibility to receive and absorb the word of God in an individual to a seed being planted in good soil. A seed planted in stony soil would have no proper roots and was like someone with weak faith abandoning it immediately in the face of persecution. On the other hand, preoccupation with worldly riches was likened to a seed planted amongst thorns. This allusion to the New Testament would have been understood by Brooke’s audience who – even if they were not believers – would have a much deeper knowledge of the Bible than most people today. Brooke was the grandson of the famous Anglican clergyman Stopford Augustus Brooke while his wife Barbara – also a prominent Conservative politician – was the daughter of a clergyman. Their

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<sup>132</sup> Jarvis, *Conservative Governments*, 56-62.

<sup>133</sup> Henry Brooke, *Against the Evil of Delinquency* (Conservative & Unionist Central Office, 1964), 8.

<sup>134</sup> Brooke, *Against the Evil of Delinquency*, 8.

*DNB*-biographer describes them as having had a happy marriage “based on shared religious values”.<sup>135</sup>

Furthermore, Brooke pointed out that “Moral indignation is valueless if it is pharisaical. It gains value only when it is a spur to action”.<sup>136</sup> The Pharisees were the hypocritical rabbis that Christ likened, in Matthew 13:27, to “whited sepulchres, which indeed appear beautiful outward, but are within full of dead men's bones, and of all uncleanness”.<sup>137</sup> Thus Brooke implied that indiscriminate moral condemnation of delinquents instead of looking into causes was sinful. He had made this even clearer in a speech he delivered at a conference on juvenile delinquency printed in the *Approved Schools Gazette*. Brooke framed the aspiration to understand delinquency as a moral duty and stressed that “the moral choices of ordinary individual people like you and me” together with “our attitudes and our sense of values... will determine the moral atmosphere of our country”. He ended his speech by an exhortation: “Before we go to bed tonight we should all do well to read the parable of the Pharisee; to take part in a conference like this about the shortcomings of others puts us in deadly danger of his sin”.<sup>138</sup>

When the idea of Christianity as underpinning the moral fabric of the nation collapsed, this argument lost its force. Some began to doubt the viability of Christian reformation in a context in which Christian ideals failed to resonate with the majority of the population. In August 1966 Tory MP Gilbert Longden, one of the co-authors of *The Responsible Society*, argued that a large portion of the British population were “moral nihilists” having “abandoned both religious belief and the behaviour patterns based on it”.

Too many parents and too many teachers have abdicated the duty of bringing up children in the fear of the Lord, or if non-Christians—and they are a majority of the nation—prefer it, have abdicated the duty of teaching their children to choose correctly between right and wrong.

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<sup>135</sup> Richard Davenport-Hines, “Brooke, Henry, Baron Brooke of Cumnor (1903–1984),” in *Oxford Dictionary of National Biography* (Oxford University Press, 2004-), accessed 8 March, 2017, doi:10.1093/ref:odnb/37227.

<sup>136</sup> Brooke, *Against the Evil of Delinquency*, 9.

<sup>137</sup> Matthew 13:27 (Authorised Version).

<sup>138</sup> Henry Brooke, “Conference on Juvenile Delinquency,” *Approved Schools Gazette*, February 1963, 503.

Above all, the best kind of discipline, self-discipline, seems to have departed from us. We are no longer a responsible society.<sup>139</sup>

That the state had been given the responsibility to reform delinquents was seen as another instant of the abdication of responsibility. Much popular culture was “calculated to excite lust and violence in people who no longer believe in, and are no longer taught, self-control” which Longden argued threatened “to turn our cities into Chicagos of the 1920s”. Thus punishment was the only recourse: “The best way in which the bench can help in this national predicament is to impose sentences which will deter”.<sup>140</sup> Longden thus distanced himself from the support for reformatory justice that he had undersigned in *The Responsible Society*. For him, the reason for this change of heart was the collapse of Christianity.

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The gradual erosion in the 1950s and eventual collapse in the early 1960s of the idea of a ‘national moral fabric’ rooted in Christianity had far-ranging consequences for how penal welfare was framed. The rise of the affluent consumer culture shifted the emphasis away from conformance to Christian norms towards hedonistic self-expression. Affluence impacted negatively on the moral legitimacy of penal welfare in two ways. First of all, it demolished the idea of poverty as a fundamental criminogenic factor. Secondly, it became increasingly evident that large sections of the population did not wish to conform to Christian codes of behaviour. They may not have done so before but the increasing attention to alternative life styles in the mass media brought home to Christians how secularised behaviour had become. Thus the legitimacy of the state imposing normative values and making judgements on the life-styles of individuals no longer appeared as unproblematic as it had done in 1947 – the year when the bill for the new Criminal Justice Act was debated. In the 1950s, the freedom of the individual to choose his or her own way of live – even if

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<sup>139</sup> *Hansard*, HC Deb 08 August 1966 vol. 733 c. 1093.

<sup>140</sup> *Hansard*, HC Deb 08 August 1966 vol. 733 c. 1096.

sinful – became increasingly recognised. The Wolfenden report that suggested that crime and private sin should be separated was testimony to this.

Furthermore, Conservative forces – embodied by the One Nation Group – challenged the social welfare provided through the postwar settlement. They saw reliance on the state as encouraging individual irresponsibility and undermining the moral fabric of the nation. The appeal to individual responsibility also spilt over into discussions about criminal justice. This did not mean, however, that they necessarily rejected penal welfare. *The Responsible Society* (1959) did not represent an intellectual turn towards punitiveness although it did reframe individual responsibility in relation to society. It became common for Conservatives to defend penal welfare solely because it was in the interest of society. Thus the argument that society owed something to the offender and that a reformatory approach was inseparable from a civilised society was cast aside.

The relatively sudden realisation that Britain was no longer a Christian nation in the early 1960s served to further undermine the legitimacy of penal welfare. In the late 1960s and 1970s, it would open up space for radicals to attack it as an oppressive imposition of normative values. More immediately, it led some Conservatives to call into question the viability of a reformatory approach in a normless society. Punishment thus appeared the only recourse. Also, in keeping with their minimalistic vision for the state, it was considered inappropriate that it should concern itself with reformation. In this context, the idea that the state should involve itself in moral reformation seemed part of the wider problem of social services undermining social responsibility.

It must be remembered that the penal welfare state initially survived these tremors. It was not until the rise of Margaret Thatcher that ideas about rolling back penal welfare permeated the Tory leadership. The recommendation of the Wolfenden committee that morality should be deregulated was not followed by the people in power until Roy Jenkins' tenure as Home Secretary in 1967. However, the strong moral legitimacy of penal welfare had been rooted in the idea of a Christian moral order and when this idea began to fall apart, this legitimacy became increasingly vulnerable. Henry Brooke's 1964 pamphlet *Against the Evil of Delinquency* was the last time a senior member of cabinet defended penal welfare in a language fused in

discursive Christianity. From then on it was increasingly justified along pragmatic lines. This would leave it vulnerable to attack from various political persuasions – both Left and Right. In the 1960s, there were plenty of forces whose agenda was the rolling back of the penal welfare state that would reach full force in the 1970s. It is to these events that we will now turn.

## Chapter 4

### New Left, New Right, and the moral (il)legitimacy of penal welfare in post-Christian Britain

Penal welfarism in Britain is dead. As a discursive framework it perished in the 1970s while it was not until 1993 – under Michael Howard’s tenure as Home Secretary – that its demise seriously registered on the level of criminal justice policy. From then on, one can truly speak of the old reformatory ethos that dominated the first three quarters of the twentieth century having been replaced by the punitive philosophy of today. What, then, explains the collapse of penal welfare and the ‘punitive turn’? A common explanation for the former has been the crisis of confidence in the ‘treatment paradigm’ that followed Robert Martinson’s influential 1974 article on the ineffectiveness of penal reform. Entitled ‘What Works?’, the pessimistic conclusion was that nothing did. Using statistics, the article showed that rehabilitative measures – such as probation – had no effect on recidivism.<sup>1</sup> It should be remembered that the reformatory ideal had never been based on evidence. Its main justification was moral and it was rooted in faith of the possibility to reform individual delinquents. It was not for nothing that Labour MP Sydney Silverman in 1947 celebrated the Criminal Justice Bill as “a great act of faith”.<sup>2</sup> When people argued that reformation was better for society than deterrence, and that the aim should be to create citizens rather than outcasts, their arguments were made within a Christian moral framework that did not need to rely on empirical evidence. Another common explanation for the collapse of penal welfare has been the rise of ‘penal populism’ in which politicians have capitalised on public fears about crime for electoral gain. No doubt, both the crisis of confidence in rehabilitation and ‘penal populism’ posed significant challenges to penal welfare discourse but neither can – either on its own or together – explain its demise.

Katherine Becket has rightly pointed out that the meaning of crime as a social problem is constructed culturally through “interpretative, representative, and political

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<sup>1</sup> Robert Martinson, “What works? Questions and Answers about Prison Reform,” *The Public Interest* 35 (1974): 22–54.

<sup>2</sup> *Hansard*, HC Deb 27 November 1947 vol. 444 c.2186.

processes”. Social actors – or claims-makers – thus have to compete for public acceptance of their framework for making sense of crime and misbehaviour. Thus, as Beckett argued, the framing of ‘the crime problem’ by political elites cannot be taken as a straightforward reflection of popular attitudes. Far from merely responding to popular concerns, these elites play a significant role in shaping attitudes. However, this does not mean that claims-makers can shape public opinion in whatever way they please. Their success depends on their ability to make sense of lived experience in a way that resonates with “popular wisdom and salient cultural themes”.<sup>3</sup> This provides a helpful model for understanding the success and subsequent collapse of penal welfare in the twentieth century. A recurrent theme throughout this thesis has been that penal welfare was successful because it framed the reformation of the delinquent as a moral imperative rooted in Christian discourse. To explain the demise of penal welfare, it is thus necessary to explain its loss of moral legitimacy. This was a result – both directly and indirectly – of what Callum Brown has called – the death of Christian Britain.<sup>4</sup> As previously pointed out, this thesis has a different definition of Christian Britain than Brown seeing it as meaning that the nation was imagined as a Christian entity. In this it follows the approach of Sam Brewitt-Taylor.<sup>5</sup>

Up until the 1960s, the penal reformers were immensely successful in framing delinquency and its solutions through Christian discourse in a way that resonated with commonly held assumptions. By the same token, the collapse of the dominant position of Christianity as a cultural discourse meant that space opened up for competing ideologies to frame the issue in ways that undermined the moral legitimacy of penal welfare. In the 1970s, the most important ideological movements competing to impose their frameworks for understanding delinquency were the New Right and the New Left. In many ways these ideologies were polar opposites but they were united in challenging – albeit for very different reasons – the moral legitimacy of penal welfare. A direct consequence of secularisation was that – with the moral value system rooted in Christianity no longer regarded as self-evident – the

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<sup>3</sup> Katherine Beckett, *Making Crime Pay: Law and Order in Contemporary American Politics* (Oxford: Oxford University Press, 1997), 5-7.

<sup>4</sup> Callum G. Brown, *The Death of Christian Britain: Understanding Secularisation, 1800–2000*, 2<sup>nd</sup> ed. (Routledge: London, 2009), 1.

<sup>5</sup> Sam Brewitt-Taylor, “The Invention of a ‘Secular Society’? Christianity and the Sudden Appearance of Secularization Discourses in the British National Media, 1961–4,” *Twentieth Century British History* 24, no. 3 (2013): 327-350.

New Left increasingly came to view penal welfare as an illegitimate project of imposing normative values on individuals. Often, this was wedded to a Marxist assumption that welfare, in general, and penal welfare, in particular, served the interests of the capitalist classes. At the other end of the political spectrum, the New Right framed secularisation and permissiveness as the result of the moral bankruptcy of the collectivism of the welfare state blaming it for Britain's social, economic, and moral malaise. As an alternative to collectivism, they posited absolute individual responsibility for personal circumstances. For obvious reasons, this constituted a complete repudiation of the fundamental assumptions underpinning penal welfarism. Thus, the ultimate cause of the demise of penal welfare should be located in the simultaneous assaults on its moral legitimacy by the New Right and the New Left.

Thus this chapter will question some of the assumptions of current scholarship. Academics have often contrasted New Right liberalism in the economic sphere with its social conservatism – even authoritarianism – towards issues relating to morality and juxtaposed its success with the former to its failure with the latter. Richard Cockett has argued that the success of the New Right was rooted in the ethos of liberation springing up in the 1960s. However, according to Cockett, the spirit of the 1960s was as much about moral freedom as about economic freedom. In this respect, the New Right proved itself completely out of touch “with the social and moral aspirations” of the sixties in a way similar to how the New Left was out of touch with “economic aspirations”. Cockett saw this as “where the New Right fell foul of the 1960s” and argued that it was New Labour that became the real “beneficiaries” of the 1960s by merging its “social and moral legacy of the 1960s” with “economic liberalism”.<sup>6</sup> Cockett's argument about the failure of the New Right to come to terms with permissiveness was convincing. However, the idea that the New Right fought a losing battle in framing the morality of the nation, while accurate in some respects, is only part of the picture. Thatcher was certainly unsuccessful in reinvigorating traditional morality. Where she was infinitely successful – and this will be dealt with in this chapter – was in reframing moral responsibility. This stretched into the sphere of criminal justice and into economic

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<sup>6</sup> Richard Cockett, “The New Right and the 1960s: the Dialectics of Liberation,” *New Left, New Right and Beyond Taking the Sixties Seriously*, ed. Geoff Andrews, Richard Cockett, Alan Hooper and Michael Williams (Basingstoke: Palgrave Macmillan, 1999), 97, 101, 103.



welfare. Thatcher managed to break with the postwar consensus that society was partly responsible for the moral health – and thus behaviour – of its citizens.

Scholars dealing with the Thatcherite New Right have traditionally tended to neglect its Christian dimensions. However, in recent years, much-needed corrections to the failure of historians to understand the Christian roots of Thatcherism have been furnished by Matthew Grimley and Eliza Filby.<sup>7</sup> Grimley pointed out how religion and morality occupied a central position in Conservative strategy in the 1970s giving coherence to disparate social and economic policies. Thatcherism located the economic crisis of the 1970s as part of broader crisis of values calling for the remoralisation of society. Grimley rightly criticised previous scholarship for reducing Thatcherism to the laws enacted during her premiership pointing out that even though Thatcher did little to reverse the permissive legislation of the 1960s, anti-permissiveness was nonetheless central to her Christian ideology.<sup>8</sup> The same can be said of the government's approach to penal welfare that combined harsh rhetoric with relative continuity with the past at the legislative level.

Eliza Filby has shown how the New Right asserted the Christian basis of capitalism while rejecting the moral superiority of egalitarianism and socialism. Here they emphasised individual free will to choose the path of righteousness. Filby also showed how the anti-permissiveness campaigns of the so called moral lobby of the 1970s was motivated as much by the Church's support of – or at least pusillanimity in the face of – permissiveness as by 'the new morality' itself. They viewed themselves as taking up the position as the defenders of morality that the Church had abdicated. In the 1980s, the Thatcherite interpretation of Christianity increasingly brought the Prime Minister into conflict with the leaders of the Anglican Church who still took an avowedly welfarist stance.<sup>9</sup>

Ironically, it is thus appropriate to locate the New Right reassertion of Christianity in the 1970s as a consequence of the collapse of Christian dominance in

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<sup>7</sup> Matthew Grimley, "Thatcherism, Morality and Religion," *Making Thatcher's Britain*, ed. Ben Jackson and Robert Saunders (Cambridge University Press: Cambridge, 2012), 78-94; Eliza Filby, "God and Mrs Thatcher: Religion and Politics in 1980s Britain" (PhD thesis, University of Warwick, 2010); parts of Filby's thesis was also revised and turned into a book as *God and Mrs Thatcher: The Battle for Britain's Soul* (London: Biteback Publishing, 2015).

<sup>8</sup> Grimley, "Thatcherism, Morality and Religion," 87, 78-79, 88-89.

<sup>9</sup> Filby, "God and Mrs Thatcher," 147-148, 145. For the conflict between the New Right and the Church of England, see 64-99.

the 1960s. As Grimley has argued Thatcher was able to harness vestiges of ‘discursive Christianity’ taking advantage of the diminishing of authority of religion articulating the disillusionment of ordinary Christian people with the Anglican clergy. Grimley also pointed out that Thatcher’s appeals to Christianity were highly idiosyncratic selectively drawing on a wide range of spiritual authorities. However, her “half-remembered, ‘Sunday School’ Christianity” would appeal to voters “whose own religion was increasingly only a half-remembered relict of childhood”.<sup>10</sup> The fact that the Church of England had, as has been shown by Sam Brewitt-Taylor, abdicated their position as the moral voice of the nation, created a vacuum that made it all the more easy for the New Right to formulate their alternative interpretation of Christianity.<sup>11</sup> The Thatcherites did not deny their responsibility to uphold the moral fabric of the nation. Rather, they posited a radically different strategy to that underpinning the idea of penal welfare. Rather than supporting the moral fabric of the nation, welfare was seen as undermining it.

The New Left was as critical of penal welfare as the New Right. Here the term ‘New Left’ is used in a broad sense to denote not just the Marxist ideology that was characteristic of the British New Left but also the countercultural movement – characteristic of the American New Left – focusing on individual rights and social justice without espousing Marxism. It is easy to understand the reasons for the hostility of the New Left towards reformism rooted as it was in the aim to make individuals conform to the normative value system. In 1968 the National Deviancy Conference was founded by a group of radical sociologists including Stanley Cohen, Paul Rock, Laurie Taylor, David Downes, and Jock Young among others. The National Deviancy group regarded reformism as complicit in social control while its attempt to make individuals conform to dominant values was regarded as oppressive. Delinquent acts were delinquent because they were labelled as such by those in power. This essentially turned the old debate about individual responsibility on its head locating the cause of crime – not in a criminogenic social environment – but in the social construction of the category. A central aim of the group was to defend the so-called ‘delinquent’ youth subcultures maligned by much of society merely because they did not conform to dominant values.

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<sup>10</sup> Grimley, “Thatcherism, Morality and Religion,” 93, 90.

<sup>11</sup> Brewitt-Taylor, “The Invention of a ‘Secular Society’?”

Some members of the group incorporated these ideas into a Marxist framework arguing that the labelling of certain acts as delinquent along with efforts to reform the offenders were tools for capitalist dominance. Furthermore, cultural theorists associated with the Centre for Contemporary Cultural Studies in Birmingham led by Stuart Hall came to view delinquent acts as a form of resistance to capitalism.<sup>12</sup> The New Left sociologists – whether they rejected or affirmed Marxism – shared a distrust of the establishment and tended to view the state as an agent of oppression. The approach of the New Left towards delinquency is in sharp contrast to the morally conservative Old Left. One of the central aspects of the New Left was the shift towards post-Christian values in matters of private morality together with the upholding of the freedom of individuals not to conform to social values. They also differed from traditional social democrats with regards to strategy in that they did not want to work through the state which they regarded with suspicion.

The question thus becomes why the New Right won the battle for replacing the old Christian framework for understanding delinquency. The Thatcherite emphasis on absolute individual responsibility was easy for the public to understand and it possessed internal coherence. Not unlike Thatcherism, the old Christian discourse of penal welfare had appealed to commonly held cultural ideas about moral rectitude but it located moral failure – not primarily in the individual – but in noxious moral environments. Above all, it viewed penal welfare as serving, in equal measure, both the offender and society. However, it was not the old Christian framework for understanding delinquency that had been promoted by the old Approved Schools headmasters and Lord Feversham that the New Right had to compete with but rather with that of the New Left. As we shall see, the New Left never managed to resolve the tension between personal responsibility or agency and structural determinism. Furthermore, the idea that crime was only crime because it was labelled as such would, for obvious reason, have little appeal to ordinary people. It also failed to engage with crimes that objectively hurt people such as domestic

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<sup>12</sup> For an account of the connection between the National Deviancy Conference and the Centre for Contemporary Cultural Studies, see Dennis Dworkin, *Cultural Marxism in Postwar Britain: History, the New Left, and the Origins of Cultural Studies* (Durham and London: Duke University Press, 1997), 154-167; see also Bill Osgerby, “Stanley Cohen’s *Folk Devils and Moral Panics* Revisited,” *Reassessing 1970s Britain*, ed. Lawrence Black and Hugh Pemberton (Manchester: Manchester University Press, 2013), 187-211.

violence, rape, child abuse, and assault. In this, they were detached from the lived experience – which also includes anxieties – of ordinary people. Thus, this chapter will argue that the framework of the New Right gained acceptance because of the lack of a viable alternative and by acquiring the image of taking – unlike the Left – the public’s anxieties about crime seriously. Furthermore, as we shall see, Thatcher managed to locate her approach to personal responsibility, not in opposition to that of the old penal reformers or the Old Left, but in opposition to New Left ideologies that had a tendency to selectively deny personal responsibility. It is thus not a question of whether the assault by the New Right or the New Left was more significant but rather what they did together.

While the Parliamentary Left in the form of the Labour Party still believed in penal welfare, they struggled to formulate a coherent alternative to the Thatcherite approach in the 1980s. They could no longer draw on the old discourse in which penal welfare drew a self-evident legitimacy from its importance in upholding the moral fabric of the nation. Furthermore, there was little discursive space for articulating a traditionally welfarist approach to crime in a context in which both the New Left and the New Right attacked it in harsh terms as morally illegitimate.

To understand how the New Left made sense of delinquency, this chapter will draw mostly on academic publications by radical sociologists and cultural theorists of the 1970s. For the New Right, a wider range of sources will be used including speeches by central New Right figures – such as Thatcher, Keith Joseph, and Alfred Sherman – as well as election manifestos, other publications of the Conservative Party, correspondence, and circulated papers. The necessity of using different types of sources for understanding the New Left and the New Right respectively was not a coincidence. The New Left – when it came to criminology – made little attempt to influence popular opinion, seldom expressing their ideas outside the circle of social workers and academia. There were also strong internal contradictions within much of New Left thinking about personal responsibility and agency and their relationship to structures. By contrast, the New Right was much more populist in approach with Thatcher taking advantage of the decline in religious authority to impose her own interpretation of Christianity as entailing absolute personal responsibility. This chapter will also deal briefly with the influence that radical sociology had on social workers by looking at the manifesto for a group of

radical social workers. It will also consider how radical sociologists influenced more moderate professionals. Looking at election manifestos and Parliamentary debate, this chapter will also delineate how the attitude of the Labour Party towards penal welfare in the late 1970s and 1980s through Parliamentary debates and election manifestos. Lastly, the translation of punitive discourse into policy in the 1990s in a way that brought about the ultimate demise of penal welfare in the 1990s will be considered through looking at the implications of various pieces of legislation.

## **I. The New Left and penal welfare**

### *The National Deviancy Group and the Post-Christian view of the 'Delinquent'*

As was stated above, a group of sociologists got together in 1968 to form the National Deviancy Conference. Their common goal was to challenge the premises of traditional criminology which they saw as imbued with value judgements and complicit in the oppression of marginal groups. They held annual conferences at the University of York between 1968 and 1973 and many edited volumes resulted either directly from these conferences or from the collaborative efforts of the key members. In 1971 these meetings led to the group's first publication in the form of an edited volume entitled *Images of Deviance*. The book's editor, Stanley Cohen, wrote an introduction in which he set out the aims of the National Deviancy group. Cohen's introduction provided a good summary of the standpoints that united the group which contained many different ideological strands rather than Cohen's own personal opinions.

The post-Christian attitude of the group was always abundantly clear. In his introduction to the volume, Cohen made clear that deviance was not intrinsic to any act but rather a label attributed to it from the outside: "deviance is not a quality intrinsic in any behaviour or person but rests on society's reaction to certain types of rule-breaking". This was inspired by the transactional theory of American sociologist Howard Becker. This meant that a social problem did not constitute merely a fixed

condition but a necessary component was also “the perception and definition by certain people that this condition poses a threat which is against their interests”.<sup>13</sup> “The concept of crime”, they argued, was “meaningful only in terms of certain acts being prohibited by the state, and a problem can only be a problem to somebody”.<sup>14</sup> This constituted a radical departure from the view on delinquency that had characterised both Left and Right during the earlier postwar period. The causes attributed to delinquency and the best ways to deal with them had varied according to political ideology or other convictions. What constituted ‘bad behaviour’ itself had varied little: Conservative peers such as Feversham and Left-wing intellectuals such as Fyvel expressed very similar values. The sociologists constituting the National Deviancy Conference, on the other hand, saw the labelling of delinquents as serving to reassert dominant values: “we can only know what it is to be saintly by being told just what the shape of the devil is. The rogues, feckless fools and villains are presented to us as if they were playing parts in some gigantic morality play”.<sup>15</sup> They sided unambiguously with the people exposed to labelling.

They strongly criticised the way traditional social science, particularly criminology, had accepted the premises of the dominant value system. In short, criminologists talked about deviance as though it were an unproblematic, objective concept:

A conception of deviance is not simply a shorthand description. It carries within it a range of evaluative, moral and practical implications. For too long criminologists have either ignored these implications or readily accepted the directions they pointed to. Both these strategies are theoretically and morally indefensible.

The immoral component consisted of criminologists working to make laws more effective as well as legitimising dominant views on delinquent. Cohen argued that no sociologist would study the ‘race problem’ in order to find the most effective way to get rid of ‘coloured’ residents: “In some cases of deviance and social problems, the

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<sup>13</sup> Stanley Cohen, “Introduction,” *Images of Deviance*, ed. Stanley Cohen (Hammondsworth: Penguin Books, 1971), 14.

<sup>14</sup> Cohen, “Introduction,” 17.

<sup>15</sup> Cohen, “Introduction,” 10.

position is analogous”.<sup>16</sup> There was a strong internal contradiction between the argument that ‘immoral’ behaviour was only immoral in virtue of being labelled as such and the claim that the labelling itself was ‘morally indefensible’. Implicitly, it appealed to the value system of permissiveness as the morally defensible alternative. This would fail to have any appeal to those who regarded the old Christian conception of deviance as absolute. The contradiction between the assumption that moral values possessed no intrinsic legitimacy and their championing of their own permissive values as the only moral option was never adequately resolved by the National Deviancy Conference.

In place of the approach of traditional criminology, Cohen suggested a sceptical point of view: “The research worker must question and not take for granted the labelling by society – or certain powerful groups of society – of certain behaviours as deviant or problematic”.<sup>17</sup>

All these considerations imply – at the very least – that criminologists should be more honest and explicit about what their values are and what they are aiming to do. If they want to be technologists to help solve the state’s administrative and political problems, let them state this.<sup>18</sup>

However, it was not so much that the older school of criminology had been dishonest but rather that they worked with in a framework in which conformance to the norms of society was a self-evident goal that did not need moral justification. Pre-1963 the statement above would have made little sense. The *raison d’être* of penal welfare was not imagined as solving the state’s problems as much as creating a nation of Christian citizens. This possessed an appeal that went beyond political ideology.

The members of National Deviancy Conference were highly suspicious of the welfare approach to crime especially when manifesting itself in scientific treatment. They saw it as legitimising social control. They did not buy into the pretensions of the scientific approach to crime as a progressive form of treatment. With the increased authority of psychiatry, the good/evil dichotomy was increasingly replaced with a healthy-sick dichotomy but they essentially fulfilled the same function in

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<sup>16</sup> Cohen, “Introduction,” 21.

<sup>17</sup> Cohen, “Introduction,” 17.

<sup>18</sup> Cohen, “Introduction,” 22.

asserting normative values. Progressiveness, it was argued, was often “merely authoritarian techniques of social control under the guise of benevolent science”.<sup>19</sup>

The mainstream of criminology, though, particularly in Britain, has identified with strategies, values and aims remarkably close to what the public demands and expects of them, and the implications of sociological theories have either not been made explicit or not permeated through. It would be surprising, given the historical connexion between criminology and control or welfare concerns, to find otherwise. More often than not, these concerns have expressed themselves in ‘soft’ ways, and students of crime and deviance are invariably accused of being do-gooders or sentimental busybodies. In these roles, they have played an important part in removing the more barbaric irrationalities of our legal and penal system. But the welfare approach embodies a conception of deviance close to that of the general public’s, and in their well-meaning attempts to educate prison officers, policemen or magistrates, criminologists are playing out the role which society happily allocates to them.<sup>20</sup>

Thus, in spite of recognising that penal welfarism had played a part in alleviating cruelty in the justice system, they felt that it was complicit in the reproduction of the dominant value system. The idea that ‘the welfare approach’ was problematic because it embodied the values of the general public placed the radical sociologists in an awkward position. The fact that they set out to frame delinquency in a way that was fundamentally opposed to that of most people meant that their framework was unlikely to have popular appeal. Furthermore, the claim that the progressives fulfilled a role “allocated to them” by society was very vague and did not take divergent opinions or interests within society into account. Penal reformers had worked hard on changing the public’s conception of deviance. They did this by appealing to widespread Christian values and new hopes pinned on scientific treatment.

In general, Cohen was vague on what strategies should supplant those of traditional criminology. He argued for subcultural support and the defence of the

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<sup>19</sup> Cohen, “Introduction,” 10-11.

<sup>20</sup> Cohen, “Introduction,” 13-14.



meaning a ‘delinquent’ gave to his own actions rather than accepting the meaning imposed on it by the social scientist or the Establishment.<sup>21</sup> He also stressed co-operation with social workers, many of whom, he argued, had begun “to question the ideological bases of their profession”.<sup>22</sup> He saw the possibility for productive policy changes emerging through dialogue between sociologists of deviance and social workers.<sup>23</sup> This represented a shift away from focusing on working through the state. From today’s perspective, the notion that it would be possible to bring about policy changes without securing the state’s support for them seems overly optimistic and naïve.

*The Marxist approach – The New Criminology and the Centre for Contemporary Cultural Studies*

For some members of the National Deviancy group, the sociology of deviance did not place enough emphasis on the structural factors in delinquency. Sociologists Jock Young, Paul Walton, and Ian Taylor founded what they called ‘the new criminology’, or alternatively ‘critical criminology’, based on Marxist theory first put forth in *The New Criminology: For a Social Theory of Deviance* published in 1973.<sup>24</sup> Shortly thereafter, the Centre for Contemporary Cultural Studies run by Stuart Hall also put forth a Marxist critique of deviance pointing out that delinquency was actually a form of resistance through rituals.<sup>25</sup> Both of these approaches embodied a view of criminal law and practices based on structural Marxism meaning that the state necessarily reproduces an approach to law and order in the interests of the capitalist classes.

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<sup>21</sup> Cohen, “Introduction,” 15, 18-20.

<sup>22</sup> Cohen, “Postscript,” *Images of Deviance*, 249.

<sup>23</sup> Cohen, “Postscript,” 250-251.

<sup>24</sup> Jock Young, Ian Taylor, and Paul Walton, *The New Criminology: For a Social Theory of Deviance* (London: Routledge Kegan Paul, 1973).

<sup>25</sup> Stuart Hall and Tony Jefferson, *Resistance through Rituals: Youth Subcultures in Post-War Britain*, 2<sup>nd</sup> ed. (New York: Routledge, 2006. First published in 1975 as *Working Papers in Cultural Studies* no. 7-8 by the Centre for Contemporary Cultural Studies). All page references are to the Routledge edition.

In *The New Criminology*, Jock Young, Paul Walton, and Ian Taylor argued that crime had been depoliticised as part of a ruling strategy of the elites. The grand social theories of Marx and Durkheim had been rejected in favour of empirical theories. Thus few criminologists had dealt with the ways in which political initiatives that give rise to (or abolish) legislation “that defined sanctionable behaviour in society or ensure enforcement of that legislation, are intimately bound up with the structure of the *political economy* of the state”. Rather they argued, a truly social theory of deviance needed to investigate the ways in which “structures of power, wealth, and morality” shaped social reactions against delinquency thus sustaining “the authority of existing social arrangements”. The choices available to the deviant should primarily be understood in terms of his “structural location” whereas social reaction should be understood in terms of the position of the instigators.<sup>26</sup> The economy of crime thus had to do with vested interests. This was a common Marxist position during the 1970s. It can be seen in Douglas Hay’s famous 1975 essay arguing that the criminal justice system of the eighteenth century was a ruling class conspiracy underpinning the sanctity of property.<sup>27</sup>

Thus the authors of *The New Criminology* put forth a Marxist critique of existing approaches to deviancy. What was necessary, they argued, was a criminology “committed to the abolition of inequalities of wealth and power, and in particular of inequalities of property and life-chances”. A “fully social theory of deviance” (i.e. Marxist) was the only possible way to avoid correctionalism. What needed to be understood was that:

[T]he causes of crime must be intimately bound up with the form assumed by the social arrangements of the time. Crime is ever and always that behaviour seen to be problematic within the framework of those social arrangements: for crime to be abolished, then, those social arrangements themselves must also be subject to fundamental social change.<sup>28</sup>

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<sup>26</sup> Young, Taylor, and Walton, *The New Criminology*, 273-274.

<sup>27</sup> Douglas Hay, “Property, Authority and the Criminal Law,” *Albion's Fatal Tree: Crime and Society in Eighteenth-Century England*, ed. Douglas Hay *et al* (London: Allen Lane, 1976), 17-75.

<sup>28</sup> Young, Taylor, and Walton, *The New Criminology*, 281-282.

They went as far as to argue that to new criminologists deviance was normal in the sense that men both “in the prisons that are contemporary society and in the real prisons” were “asserting their human diversity”. Their task was “to create a society in which the facts of human diversity, whether personal, organic or social, are not subject to the power to criminalize”.<sup>29</sup> How this would affect crimes such as rape, domestic violence, and child abuse was not dealt with. Of course, this does not mean that the authors condoned such acts or viewed them as anything other than horrific. However, they failed to make clear where the categorical declaration of the moral illegitimacy of the law left state involvement in preventing and punishing such crimes that did not fit as easily into their socialist theoretical framework.

It was also left vague whether the abolition of crime meant that it would no longer be committed because the structural issues encouraging it would be removed or because there simply would no longer be anyone with the power to criminalise.<sup>30</sup> There were elements of both in the text. One is left with the impression that capitalism is both criminogenic in driving people to commit anti-social acts and in labelling acts as delinquent. At the end, this contradiction was not resolved in the text. It is hard to imagine that this utopic discourse would appeal to people worried about the effects of crime in their community.

The Marxist criminologists viewed the welfare approach to criminology as equally complicit in this capitalist system. Through scientific discourse, Jock Young argued, “social reaction is seen to arise out of neutral assessment, bearing no relationship to the deleterious influence of conservative (or other) ideologies. In this fashion, ‘enlightened’ or ‘rehabilitative’ social reaction can be presented as dispassionate and innovative and the expert is dissociated from the ongoing constellation of social reactive forces which maintain the deviant in a stigmatized position”.<sup>31</sup> Even the idealism of well-meaning reformers will be co-opted by the interests of the powerful. Decriminalisation characterising the 1960s, Young argued, was similarly a ruling class strategy to cope with rising costs rather than representing any true changes in attitudes. Thus, penal welfarism was a strategy to keep certain

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<sup>29</sup> Young, Taylor, and Walton, *The New Criminology*, 282.

<sup>30</sup> Young, Taylor, and Walton, *The New Criminology*, 282.

<sup>31</sup> Jock Young, “Working-Class Criminology,” in *Critical Criminology*, ed. Jock Young, Paul Walton, and Ian Taylor (London: Routledge & Kegan Paul, 1975; repr., Oxford: Routledge, 2012), 66. Page references are to the 2012 edition.

behaviours stigmatised whereas decriminalisation (presumably referring to issues such as homosexuality and abortion) were seen in terms of pragmatism. Thus the strategy of the radical criminologist should not be the gradual reform of the system but rather “to show up the law, in its true colour, as the instrument of the ruling class” and that “its legitimacy is a sham”.<sup>32</sup> They argued that: “The intellectual task of a socialist criminology is to provide a materialist analysis of deviancy, and strategy which will link such theory to a real social practice”.<sup>33</sup>

The group around Stuart Hall centred around the Birmingham Centre for Contemporary Cultural Studies also approached the issue of youth delinquency from a Marxist perspective. However, while the approach of the New Criminologists had focused on criminal law as in itself embodying capitalist oppression, the CCCS looked at how the subculture of working-class youth fitted into contemporary class struggles. Here Antonio Gramsci’s concept of hegemony was central. For Gramsci, hegemony was the state when the capitalist ruling classes managed to gain consent for their cultural framework for understanding society and social rules. In other words, hegemony was achieved when the ruling class successfully manages to present its cultural values as commonsensical. The strategy of the ruling classes is to weaken opposing ideologies and practices.<sup>34</sup> In the 1950s, according to the CCCS, the capitalist classes managed to hide these mechanisms through promoting the myth of affluence. In the face of economic shifts that uprooted working class cultures, communities and social relationships, the ideology of affluence misled the working class into believing they had a stake in the system whereas in reality the benefits were unevenly distributed.<sup>35</sup> However, hegemony could never actually resolve actual class conflicts since they were inherent in actual inequalities.

Thus whether it took the form of negotiation, resistance or struggle, “the relations between a subordinate and a dominant culture” were “always intensely active, always oppositional, in a structural sense”.<sup>36</sup> This meant that all working-class youth subcultures constituted a response – whether actively rebellious or not – to their subordinated social position. Thus the particularly problematic postwar years

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<sup>32</sup> Young, “Working-Class Criminology,” 89.

<sup>33</sup> Young, “Working-Class Criminology,” 91.

<sup>34</sup> John Clarke, Stuart Hall, Tony Jefferson, and Brian Roberts, “Subcultures, Cultures and Class,” *Resistance through Rituals*, 28-31.

<sup>35</sup> Clarke, Hall, Jefferson, and Roberts “Subcultures, Cultures and Class,” 28.

<sup>36</sup> Clarke, Hall, Jefferson, and Roberts “Subcultures, Cultures and Class,” 34.

– with intense economic dislocation – led to highly ritualised and symbolic subcultural responses.<sup>37</sup> Thus the upper class suit of the Teddy boy came out of his “near-lumpen real careers and life-chances”.<sup>38</sup> Tony Jefferson’s contribution to the volume went into more detail on the struggle of the Teddy boys. In the face of growing structural inequality and declining social status, the appropriation of upper class dress was a way to acquire status.<sup>39</sup> The group loyalty of the Teds was a “reaffirmation of traditional slum working-class values” destroyed by postwar reconstruction. The aggressiveness of Teddy boys can thus, according to Jefferson, be explained as serving a meaningful purpose. This explained the readiness of Teddy boys to resort to violence when it came to insults about their dress or defending the territory of their group.<sup>40</sup> Jefferson even went as far as to argue that racially motivated attacks against immigrants should be viewed as a defence of status. The Teddy boys saw their situation worsen conterminously with the influx of immigrants and thus “displaced their frustration onto them”. This explained the Notting Hill race riots. However, the ‘real’ causes of the violence could never be acknowledged since it would challenge the hegemony of the ruling classes based as it was on the myth of affluence:

[I]n an age of ‘affluence’ the real structural causes could not be admitted, and predictably, were not. Instead, the nine unskilled working class adolescents who started the Notting Hill riots, were savagely sentenced to four years’ imprisonment apiece. The obvious scapegoating involved, as in all similar cases of scape-goat punishments, was, and still is, a sure sign of mystification at work – the protective cloak of the ruling classes being drawn closer to prevent its real interests becoming too visible.<sup>41</sup>

The implication was that the nine youths were not responsible for their actions at all but rather unjustly blamed for what was really the fault of the capitalist system. It is hard not to see the contradiction between the depiction of these youths as active agents while at the same time blaming their behaviour on structural issues. This framework for understanding violent behaviour affirmed individual agency yet, at

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<sup>37</sup> Clarke, Hall, Jefferson, and Roberts “Subcultures, Cultures and Class,” 36.

<sup>38</sup> Clarke, Hall, Jefferson, and Roberts “Subcultures, Cultures and Class,” 37.

<sup>39</sup> Tony Jefferson, “Cultural Responses of the Teds,” *Resistance through Rituals*, 70.

<sup>40</sup> Jefferson “Cultural Responses of the Teds,” 68.

<sup>41</sup> Jefferson “Cultural Responses of the Teds,” 68-69.

the same time, offenders were not themselves responsible. Even accepting the assumption that the racist attacks which seriously injured many West Indian immigrants had its roots in frustration with a situation brought about by capitalist exploitation, it still was not clear why this should completely exculpate the perpetrators. It was not made clear why the way the white rioters scapegoated – especially in light of their agency – the West Indian community should not be regarded as morally reprehensible in the same way as scapegoating by the state.

John Clarke explained the Skinhead subculture in a similar way. The attacks carried out by skinheads against ‘Pakis’ and ‘Queers’ were expressions of group solidarity in the face of “oppressive and exploitative forces”. The skinheads’ aggressiveness was essentially defensive and coming out of traditional working-class collective consciousness. At a time of displacement and undermining of working-class communities, the skinheads recreated their community at a symbolic level.<sup>42</sup> Again there was a complete absence of any acknowledgement that these violent actions entailed culpability on the part of the perpetrators.

If the CCCS could be accused of moral relativism in their analysis of youth delinquency, the same can certainly not be said for their approach to the agencies of social control. This topic was dealt with at great length in the 1978 book *Policing the Crisis* co-written by Stuart Hall, Chas Critcher, Tony Jefferson, John Clarke, and Brian Roberts. Continuing to analyse society through their Gramscian framework, they approached the issue of ‘moral panics’ about mugging. Sidestepping the issue of moral blame for muggings, they argued that the moral culpability of individuals were unimportant in relation to structure: “To blame the action of individuals within a given historical structure, *without taking that structure itself into account*, is an easy and familiar way of exercising the moral conscience without bearing any of its costs. It is the last refuge of liberalism”.<sup>43</sup> They contextualised the reaction against mugging through a far more comprehensive analysis of the role of the state in

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<sup>42</sup> John Clarke, “The Skinheads and the Magical Recovery of Community,” *Resistance through Rituals*, 81.

<sup>43</sup> Stuart Hall, Chas Critcher, Tony Jefferson and John Clarke, *Policing the Crisis: Mugging, the State, and Law and Order* (London: Macmillan, 1978; 2<sup>nd</sup> ed., Basingstoke: Palgrave Macmillan, 2013), 183. Emphasis in original. Page references are to the 2<sup>nd</sup> edition.

striving for hegemony than they had presented in *Resistance through Rituals*. According to the authors, the law always served the interest of capitalism.<sup>44</sup>

To put the matter more simply, in a class society, based on the needs of capital and the protection of private property, the poor and propertyless are *always* in some sense on ‘the wrong side of the law’, whether they actually transgress it or not: ‘the criminal sanction is the last defence of private property’. All crime control (whether against crimes undertaken for conscious ‘social’ motives or not) is an aspect of that larger and wider exercise of ‘social authority’; and in class societies that will inevitably mean the social authority exerted by the powerful and the propertied over the powerless and propertyless.<sup>45</sup>

They drew on Hay’s argument that argued that criminal law in the eighteenth century was a “ruling class conspiracy” in which the propertied classes protected their property by the threat of capital punishment and used pardons to keep the lower class indebted exuding a false air of magnanimity.<sup>46</sup> Hall and the others built on this argument arguing that the reforms to a more humane system in the nineteenth century were also part of ruling class strategies to secure capitalism. This shift, they argued, was tied to the transition from landed capital to industrial capital – and the new class struggles this brought about – thus they needed to present the law as impartial. The former system had actually shown more weakness in its lack of consent. The “capitalist state itself” constituted “the organising centre of a new set of ruling-class alliances”.<sup>47</sup> Thus the motor of penal progress was always the self-interest of the ruling-class.

The authors saw the establishment of the postwar welfare state, together with the myth of affluence, as the means with which the ruling classes managed to achieve, albeit temporarily, complete hegemony. The state incorporated the organised working class in the nation’s economic management as a partner thus containing working class pressure and gaining consent.<sup>48</sup> “The concessions on welfare and full employment secured just the measure of popular legitimacy the

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<sup>44</sup> Hall, Critcher, Jefferson and Clarke, *Policing the Crisis*, 208.

<sup>45</sup> Hall, Critcher, Jefferson and Clarke, *Policing the Crisis*, 190.

<sup>46</sup> Hay, “Property, Authority and the Criminal Law,” 52, 48-49.

<sup>47</sup> Hall, Critcher, Jefferson and Clarke, *Policing the Crisis*, 193.

<sup>48</sup> Hall, Critcher, Jefferson and Clarke, *Policing the Crisis*, 213.

revival of capitalism required. From this centrist ground... the expansion of a popular consumers' capitalism was launched". Thus, the Tories "accepted the Welfare State as a 'necessary' social cost' – a modifying principle – of the new capitalism 'with a human face'". However, they firmly rejected the notion that Labour had been part of a plot:

What mattered was that these innovations were made within the logic of the capitalist development, not against it. And this permitted such inroads as they represented to be redefined in practice by the party of capital [the Tories] into its key and legitimating supports. Capitalism has frequently developed by way of such unintended consequences, driven forward by the contradictions, often put on the agenda by enlarged working-class strength, which it must surmount.<sup>49</sup>

However, due to the progressive economic decline of the 1960s, the state was no longer able to offer increasing standards of living while ensuring profit for capitalists. Thus, the consensual basis of hegemony eroded and class struggle became evident once more. The state, therefore, increasingly turned towards coercion. The failed 'revolutions' of 1968 was a "godsend" for the ruling classes in that it legitimised harsh reactions. Permissiveness, crime, as well as political protest became conceptualised as a general threat to the 'Social Order'.<sup>50</sup> This was where moral panics about crime fitted into capitalist interests.

To put it crudely, the 'moral panic' appears to us to be one of the principal forms of ideological consciousness by means of which a 'silent majority' is won over to the support of increasingly coercive measures on the part of the state, and lends its legitimacy to a 'more than usual' exercise of control.<sup>51</sup>

Thus by scapegoating certain outsider groups as the real threat against the community, attention was diverted from the real class struggle.

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<sup>49</sup> Hall, Critcher, Jefferson and Clarke, *Policing the Crisis*, 229.

<sup>50</sup> Hall, Critcher, Jefferson and Clarke, *Policing the Crisis*, 247.

<sup>51</sup> Hall, Critcher, Jefferson and Clarke, *Policing the Crisis*, 221.



### *Radical social work*

Although it is beyond the scope of this chapter to determine how influential radical sociology was on everyday social workers, it is clear that it was not insignificant. The main forum for radical social workers was the organisation Case Con which published an eponymous quarterly magazine between 1970 and 1977. In their 1975 manifesto, they embodied most of the ideas put forward by criminologists such as Jock Young: “One important tool of professional social work has been casework – a pseudoscience – that blames individual inadequacies for poverty and so mystifies and diverts attention from the real causes – slums, homelessness and economic exploitation. The casework ideology forces clients to be seen as needing to be changed to fit society”.<sup>52</sup> Like Jock Young and Stuart Hall, they saw the state as an instrument of the capitalist classes:

An understanding of the state is a vital prerequisite to effective action because, far from being neutral, the state in any class society represents the interests of the ruling class and has at its disposal the instruments necessary to keep it in power. Thus, in Britain, the state safeguards the interests and development of British capitalism. Only on this basis can we make sense of the developments in the welfare state since the war and understand *how we must organize*. If the state cannot be neutral, it is important to analyse the expectations placed on social workers by the state, as our employer, and to assess, in the light of this, where and how action supporting the class struggle is most effective.<sup>53</sup>

Obviously this ruled out working with the state: “The crux of all our actions must be to organize independently of the state and in the interests of the working class. These interests are in opposition to those of capitalism and its administrative tool – the state”.<sup>54</sup>

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<sup>52</sup> Case Con, “Appendix: Case Con Manifesto,” *Radical Social Work* ed. Roy Bailey and Mike Brake (London: Edward Arnold, 1975), 145-146.

<sup>53</sup> Case Con, “Appendix: Case Con Manifesto,” 146.

<sup>54</sup> Case Con, “Appendix: Case Con Manifesto,” 146.

In their introduction to the edited volume entitled *Radical Social Work*, Roy Bailey and Mike Brake argued that the welfare state was a hegemonic tool for ruling class interest.<sup>55</sup> They maintained that social work needed to be socialist:

Radical work, we feel, is essentially understanding the position of the oppressed in the context of the social and economic structure they live in. A socialist perspective is, for us, the most human approach for social workers. Our aim is not, for example, to eliminate casework, but to eliminate casework that supports ruling-class hegemony. To counteract the effects of oppression, the social worker needs to innovate a dual process, assisting people to understand their alienation in terms of their oppression, and building up their self-esteem.<sup>56</sup>

This fundamentally undermined the legitimacy of penal welfare oriented towards moral reform.

Radical sociology was not necessarily Marxist or socialist. Stanley Cohen's interest in influencing the practices of social workers had been obvious already in the first publications of the National Deviancy Conference. He too contributed a chapter to the book *Radical Social Work* in which he advised social workers. He argued that they should avoid stigmatising individuals and leave youths alone as far as possible. He argued that social workers should use non-interventionist tactics in cases where the legal system was interfering too far. Cohen saw the "rhetoric of treatment and rehabilitation in juvenile courts and correctional institutions" as disguising "the reality of punishment" and thus, he argued, the social worker should avoid "the seductive powers of the treatment model". Social workers, he argued, "should stop trying to resolve the contradictions between their dual commitment to welfare and control by pretending that the control element does not exist".<sup>57</sup> However, he advised against letting Marxist desires for structural change hinder the alleviation of the plight of clients within the current system: "They have, objectively, been exploited and victimized, railroaded and stigmatized, punished and excluded – and they see themselves like this. Most of them would prefer the 'methods' with which they are

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<sup>55</sup> Roy Bailey and Mike Brake, "Introduction: Social Work in the Welfare State," *Radical Social Work*, 3.

<sup>56</sup> Bailey and Brake, "Introduction: Social Work in the Welfare State," 9.

<sup>57</sup> Stanley Cohen, "It's All Right for You to Talk: Political and Sociological Manifestos for Social Work Action," *Radical Social Work*, 81-82.

handled to be changed and would presumably not want to hang around until the power structure shifts for this to happen”.<sup>58</sup> He rejected the Marxist approach of not offering practicable help to the oppressed because “it blunts contradictions in the system”.<sup>59</sup> Neither did he accept an all-out reformist approach since this would lead the social worker to shy away from radical change. Rather, one should refuse to choose between revolution and reform: “One must always work at what is close at hand and always in the direction of abolition. Concentrate on abolishing the legitimacy to a system one regards as wrong, whatever masks it uses to disguise its true nature”.<sup>60</sup>

In addition to the influence of radical sociology in creating radical social workers, it played a role in changing the attitude of moderate voices. In a 1979 article in *British Journal of Social Work*, criminologist A.E. Bottoms and the Research Officer of the South Yorkshire Probation Service William McWilliams completely rejected the treatment paradigm. McWilliams had formerly been a senior probation officer as well as having worked for the Home Office Research Unit. They rejected the analogy between crime and pathology because crime was voluntary whereas disease was involuntary. In repudiating the medical explanation for crime, they referred to *The New Criminology* (1973) by Young, Walton, and Taylor. The treatment model was faulty because it focused on individual treatment when many crimes had social causes.<sup>61</sup> Furthermore, the coercion element involved in probation was also seen as unjust:

For if a probation officer ineluctably believes in his powers of treatment, and in his right to force others to submit to them, then eventually he will almost certainly reach two conclusions. First, he will decide that he has a right to take compulsory power over people’s lives additional to that which is justified by the offence, in order to make the treatment ‘work’. Second, he will tend to ignore the so-called ‘client’s’ view of the situation, and to define the situation entirely in his (the treater’s) terms. It is the results of these pieces of implicit arrogance (which, to set the

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<sup>58</sup> Cohen, “It’s All Right for You to Talk,” 79.

<sup>59</sup> Cohen, “It’s All Right for You to Talk,” 88.

<sup>60</sup> Cohen, “It’s All Right for You to Talk,” 93.

<sup>61</sup> A.E. Bottoms and William McWilliams, “A Non-Treatment Paradigm for Probation Practice,” *British Journal of Social Work* 9, no.12 (1979): 161.

record straight, the authors have themselves subscribed to in the past as practising probation officers) that may be criticized as unjust.<sup>62</sup>

Here we see a clear example of how many of the objections of radical sociology to penal welfare had filtered down to the attitudes of social workers even if they did not adhere to the political agenda of its proponents. The moral objection to “*imposed meaning*” in the essays McWilliams wrote in the 1980s on the history of Probation Service (dealt with in chapter 2) came out of the objections of the radical sociologists.<sup>63</sup> This was why he found imposed values morally objectionable.

## **II. Thatcherism, the New Right, and the assault on (penal) welfare**

In the battle to define the causes of delinquency, the New Right was infinitely more successful than the New Left with the former’s understanding of the problem dominating discourse and policy to this day. For the New Right, assaulting penal welfare was about restoring individual responsibility and was framed by the assumption that the choice between good and evil was located exclusively in the free will of the individual. This was part of its general assault on the welfare state that emphasised the individual’s responsibility for their own economic situation. Although not prioritised at the level of policy during her term in office, nowhere were the wider implications and long-term consequences of Thatcherism more devastating than in the area of penal welfare.

The New Right accused the Left – what it referred to as Socialism – of disallowing personal responsibility in crime relying instead on structural determinism. As a description of the positions of some of the most prominent criminologists and cultural theorists dealing with crime, this was not unfair. As we saw in the section above, this was essentially the argument of the CCCS and the Marxist faction of the NDC. The New Right held that in removing responsibility from individuals and locating it in the state, Socialism had fostered a collectivist

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<sup>62</sup> Bottoms and McWilliams, “A Non-Treatment Paradigm for Probation Practice,” 161.

<sup>63</sup> William McWilliams, “The English Probation System and the Diagnostic Ideal,” 242. Emphasis in original.

society that had led to moral decay. This was rooted in strongly Christian assumption – mostly implicit but sometimes explicit – that goodness was rooted in the efforts of individuals.

It is very interesting to note that the three founders of the Centre for Policy Studies (CPS) – Margaret Thatcher, Keith Joseph, and Alfred Sherman – all drew heavily on religion in framing their arguments. This think-tank had a fundamental influence on New Right philosophy. The CPS is most famous for its role in promoting free-market ideology but it was also animated by a desire to return the nation to Christian moral values. The key way in which Christianity influenced the discourse of the New Right was through the concept of individual responsibility rooted in free will. This meant that individuals were responsible for their own material circumstances but it also cut to the heart of one of the central issue of penal welfarism. Thatcherite logic positioned responsibility for a criminal act squarely in the moral shortcoming of the individual rejecting all other aspects.

Thus the New Right attributed crime to moral failure. In this they did not differ from the probation officers before the 1950s or the Approved Schools headmasters until the abolition of the system. What distinguished the Thatcherites from the old penal reformers was that they located responsibility squarely with the individual. As Thatcher put it in 1988 delivering her infamous ‘Sermon on the Mound’, “We are all responsible for our own actions. We can't blame society if we disobey the law”.<sup>64</sup> This corresponded perfectly to how Thatcher and the New Right envisaged individual responsibility for material conditions. The New Right also managed to turn the old welfarist discourse about the noxious moral environment on its head. For them, the noxious moral environment was the one fostered by the collectivist welfare state – often conflated with socialism. Margaret Thatcher argued this in highly religious terms in 1981: “The Devil is still with us, recording his successes in the crime figures and in all the other maladies of this society, in spite of its relative material comfort”.<sup>65</sup> Thatcher stressed the need to reassert absolute values: “People need to be reassured that there are moral truths. What is wrong with modern society is not material deprivation but disorientation. The compass has been

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<sup>64</sup> Margaret Thatcher, Speech to General Assembly of the Church of Scotland, 21 May 1988, MTFW (Margaret Thatcher Foundation Website) 107246.

<sup>65</sup> Margaret Thatcher, Speech at St Lawrence Jewry (“I believe - A speech on Christianity and Politics”), 30 March 1978, MTFW 103522.

lost and people are giddy”.<sup>66</sup> The noxiousness of the collectivist postwar welfare state consisted mainly in that it eliminated the space for the individual to be virtuous through their own efforts.

Collectivism will make the choice of good and evil redundant [...] The collectivist wants all people to be good and all people to be happy – in his way – he chooses what is good and what makes people happy. But, in practice, dragooning people to goodness and happiness makes them bad and unhappy. And the reason for that is simple. Human beings have one God-given right. The right to choose. Not a right to happiness or to be good. But a right to choose, for themselves, to be good or to be bad.<sup>67</sup>

Thatcher was not referring specifically to the criminal justice system when she wrote this passage but rather to the welfare state in general. However, as this thesis has previously argued, penal welfare must be viewed as part of the welfare state. The implications of Thatcher’s position on the central tenets of penal welfare are clear. Penal welfare seldom denied individual responsibility completely but located part of the responsibility for criminal behaviour within circumstances outside the individual’s control. From this perspective, it was the role of the state to remove or mitigate the conditions that bred delinquency. Thatcher had different ideas: “We must always beware of supposing that somehow we can get rid of our own moral duties by handing them over to the community; that somehow we can get rid of our own guilt by talking about “national” or “social” guilt. We are called on to repent our own sins, not each others’ sins”.<sup>68</sup>

In all the speeches by Margaret Thatcher that dealt with religion, the centrality of responsibility and choice between good and bad invariably occupied a central position.<sup>69</sup> In her 1977 speech, she argued:

Choice in a free society implies responsibility on the part of the individual. There is no hard and fast line between economic and other forms of personal responsibility to self, family, firm, community, nation,

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<sup>66</sup> Margaret Thatcher, MT notes for conference speech (“what is wrong with modern society is not material deprivation but disorientation”), 16 October 1981, MTFW 114225.

<sup>67</sup> Thatcher, MT notes for conference speech, 16 October 1981, MTFW 114225.

<sup>68</sup> Margaret Thatcher, Speech at St Lawrence Jewry, 4 March 1981, MTFW 104587.

<sup>69</sup> Filby counted the number of key speeches dealing with Christianity to four, “God and Mrs Thatcher: Religion and Politics in 1980s Britain”, 188.

God. Morality lies in choosing between feasible alternatives. A moral being is one who exercises his own judgment in choice, on matters great and small, bearing in mind their moral dimension, i.e. right and wrong. Insofar as his right and duty to choose is taken away by the state, the party or the union, his moral faculties, i.e. his capacity for choice, atrophy, and he becomes a moral cripple in the same way as we should lose the faculty of walking, reading, seeing, if we were prevented from using them over the years [...] The Socialists would take away most or all of these choices.<sup>70</sup>

In her 1978 speech she maintained that “we are all responsible moral beings with a choice between good and evil”. Freedom, she argued entailed struggle: “it creates moral dilemmas for you; it requires self-discipline; it imposes great responsibilities; but such is the destiny of Man and in such consists his glory and salvation”.<sup>71</sup> That the welfare state went against Christianity was made clear in the draft for the 1981 speech: “What our collectivists offer is not the reality of the barbed wire, of the secret police of the one-party state. They offer instead the dream of a society without struggle, without effort, without choice, a society “where there is no joy but calm” and “where slumber is more sweet than toil”. It is the eternal dream of a lotus – and of abundance through idleness. The dream is an attractive one to those who find no joy in effort, no satisfaction in self-reliance”.<sup>72</sup>

The other founding members of the CPS shared Thatcher’s view. Alfred Sherman, while himself Jewish, attributed the “disastrous social and economic policies undertaken during our life-time” to “the de-Christianisation of social and political thought in this country, and its subjection to an incoherent philosophy containing Rousseauism, Pelagianism [the belief that original sin did not taint human nature], materialistic determinism, moral relativism, and which ends by rejecting not only the idea of personal responsibility but the idea of good and evil which is inseparable from it”. Again we can see the idea that the materialistic determinism supposedly underpinning the welfare state was responsible for undermining personal responsibility and by extension goodness. Sherman made no bones about his

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<sup>70</sup> Margaret Thatcher, Speech to Greater London Young Conservatives (Iain Macleod Memorial Lecture), 4 July 1977, MTFW 103411.

<sup>71</sup> Thatcher, Speech at St Lawrence Jewry, 30 March 1978.

<sup>72</sup> Thatcher, MT notes for conference speech, October 16 1981.

conviction that this stemmed from moral decay: “The reality of evil and sin is too harsh for people to face. They therefore take refuge in a philosophy which blames evil behaviour on material conditions and institutions, and thereby promises that government action to change society will obviate sinful behaviour, but ends by condoning sin and blaming society”.<sup>73</sup> Thus the welfare state and permissive rot could both be attributed to collectivism. Again the implications for penal welfare were clear. Evil was rooted in the individual and could not be blamed on environmental conditions.

Keith Joseph’s 1974 speech in Birmingham, in which he uttered the notorious words “our human stock is threatened”, is now most famous for irreparably ruining his chances for the leadership of the Tory Party. However, aside from these ill-chosen words, this speech communicated the same sense of moral decay due to secularisation as did Thatcher and Sherman. Joseph adhered to the same narrative of decline: “Such words as good and evil, such stress on self-discipline and on standards have been out of favour since the war with the new establishment. They have preferred instead the permissive society and, at the same time, the collectivised society”. Thus the blame was squarely positioned with the welfare state:

The Socialist method would take away from the family and its members the responsibilities which give it cohesion. Parents are being divested from their duties to provide for their families economically, of their responsibilities for education, health, upbringing, morality, advice and guidance, of saving for old age, for housing. When you take responsibility away from people you make them irresponsible. Hand in hand with this you break down traditional morals, the framework of behaviour, concepts of right and wrong, it is easier to subvert the social framework and replace it by their new monolithic edifice.

Joseph concluded his speech by stressing the need to “remoralise our national life”.<sup>74</sup>

The assumptions implicit in the line of thinking shared by Thatcher, Joseph, and Sherman were directly translated into the rhetoric and, albeit to a lesser extent,

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<sup>73</sup> Alfred Sherman, Sherman minute to MT (“Proposal for a talk/lecture on “A Christian View of Society””), 1 May 1980, MTFW 119486.

<sup>74</sup> Keith Joseph, Speech at Edgbaston (“our human stock is threatened”), 19 October 1974, MTFW 101830.



the policies of the New Right when it came to criminal justice. The New Right completely turned its back on penal welfare emphasising deterrence over rehabilitation and the policeman over the probation officer. This was part of what has been called the Thatcherite law and order discourse. The importance of the police force was made apparent in the 1976 Conservative pamphlet *The Right Approach*: “A nation which fails to support its police will not succeed in protecting its citizens’ freedoms”.<sup>75</sup> Similarly, the 1979 Conservative election manifesto emphasised the necessity of “strong, efficient police forces with high morale”.<sup>76</sup> Neither *The Right Approach* nor the manifesto even mentioned the Probation Service. The manifesto also emphasised that for “violent criminals and thugs really tough sentences are essential”. It also argued that “We need more compulsory attendance centres for hooligans at junior and senior levels. In certain detention centres we will experiment with a tougher regime as a short, sharp shock for young criminals”.<sup>77</sup>

In 1978, a paper by William Whitelaw and David Howell entitled *Law and Order: A New Resolve* was circulated by the Conservative Research Department in the shadow cabinet. The paper emphasised the need for “Social Policies which will give incentive to work and effort, strengthen the family bond, emphasise the personal, as against the collectivist, foundations of a law-abiding society, encourage voluntary services and participation at all levels in community work”. This reaffirmed the New Right assumption that crime was rooted in the collectivist moral rot. The importance of a strong police force was emphasised. The paper advocated short but sharp sentences to deter offenders while easing the problem of prison overcrowding. It also acknowledged the evidence that long-term sentences contributed to recidivism. Thus the paper was not completely insensitive to the reformatory aspect but it was framed within a deterrent setting. The offender was reformed in so far as he was successfully deterred. Non-custodial sentences were also favoured but the way they were imagined here was a far cry from the social work approach of the Probation Service. Whitelaw and Howell suggested “community service orders and work focus programmes – schemes under which offenders are organised into full-scale work teams to carry out agreed community

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<sup>75</sup> Conservative Party, *The Right Approach: A Statement of Conservative Aims* (Conservative Central Office, 1976), 46.

<sup>76</sup> Conservative General Election Manifesto 1979, MTFW 110858.

<sup>77</sup> Conservative Election Manifesto 1979.

projects”.<sup>78</sup> This notion of reformation through work and effort fitted perfectly with the assumption that crime stemmed from the something-for-nothing attitude fostered by collectivism.

This law and order rhetoric was also prominent in Parliamentary debate. This was to be expected since part of the Conservative strategy to win the 1979 general election was to present Labour as ‘soft’ on crime and out of touch with the fears and anxieties of law abiding citizens. In a House of Commons debate of 27 February 1978, the Deputy Leader of the Tories, William Whitelaw, raised a motion that the salary of Labour Home Secretary, Merlyn Rees, be reduced by a thousand pounds because of his failure to “discharge his responsibility as Home Secretary for the protection of our citizens”.<sup>79</sup> This provoked a debate in the House about law and order which showed how far the reformative ideal had been undermined during recent years. Tory MP Sir Peter Rawlinson argued that:

The debates of the last 25 years have been bedevilled by so many opinion-formers and quasi and real academics who have lectured us year after year in sociological or psychological terms, and have succeeded in capturing Ministers, Members of Parliament and the media in seeking somehow to excuse and interpret ordinary wickedness and cruelty as the fault of anyone save the criminal himself.<sup>80</sup>

Whitelaw conjured up the image of “hardened young thugs who thumb their noses at authority and laugh at all the present penal arrangements”. He argued that much tougher punishment was needed: “The problem of the hardened young thug who is not affected by any penalty must be faced. Regimes in detention centres must be accompanied by an experimental project of short, sharp, shock treatment and severer discipline”.<sup>81</sup> Apart from harsher punishment, the strength and status of the police force needed to be propped up.

The police service must be given unstinting backing and support. It must have pay, conditions and status in society which will improve morale,

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<sup>78</sup> Shadow Cabinet, Circulated Paper (Whitelaw & Howell “Law and Order: A New Resolve”), 23 February 1978, MTFW 110256, 1, 4.

<sup>79</sup> *Hansard*, HC Deb 27 February 1978 vol. 945 c. 36.

<sup>80</sup> *Hansard*, HC Deb 27 February 1978 vol. 945 c. 75.

<sup>81</sup> *Hansard*, HC Deb 27 February 1978 vol. 945 c. 44.

stop the early resignation of experienced officers and attract the right type of recruits for the future. The strength of the police forces must be built up to authorised establishments, and then establishments must be increased to provide more bobbies on the beat, more anti-vandalism squads and more officers for community relations work.<sup>82</sup>

It is indicative of the climate of debate that the importance of the police was given such central emphasis in discussing crime. Up until the 1970s, probation officers rather than the police had been seen as the key to preventing crime.

Like the advocates of penal welfare of the first six decades of the twentieth century, Thatcher's agenda was to reinvigorate the nation's moral fabric. On this issue, it is hard to imagine that there would be much disagreement between the members of the Clarke Hall Fellowship or the Approved Schools headmasters, on the one hand, and Thatcher's New Right, on the other. They all regarded Christianity as the self-evident source of morality and the moral health of the nation. The fundamental difference was how they imagined that this moral fabric should be upheld. Advocates of penal welfare had viewed it as a duty of the state to provide a wholesome physical and moral environment in which individuals could flourish. The New Right, on the other, hand viewed exactly this as the cause of moral decay. For them, the only way morality could flourish was through individuals choosing and making the effort to be virtuous whereas state involvement undermined this thus making people morally irresponsible.

### **III. Consequences of the combined assault by the New Left and the New Right on penal welfare**

#### *The approach to crime of the Parliamentary Left*

The Labour Party's attitude to crime and criminal justice in the late 1970s and 1980s was characterised by continued commitment to penal welfare albeit without faith in

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<sup>82</sup> *Hansard*, HC Deb 27 February 1978 vol.945 c. 46.

the reformatory ideal. Most importantly, they no longer drew on the old discourse that framed the interest of the community and the offender as coterminous. Looking at the Labour election manifestos from this period gives us a clear idea of how Labour communicated its approach to crime to the public.

The 1979 election manifesto made clear their commitment to defend citizens from crime: “The protection and enhancement of human rights and civil liberties is an indispensable part of a wider democracy. We will fight against crime and violence which affect all Western societies. We will continue to back the police with proper resources and manpower. The police are substantially better-paid and equipped today than they were under the Tories. At the same time, we shall attack the social deprivation which allows crime to flourish”. It went on to state that: “Our policies on fighting deprivation and social injustice, on arresting the decay of our inner cities, on youth employment and helping the family, will all contribute to a happier and more law-abiding society”.<sup>83</sup> In locating the causes of crime in deprivation and social problems, the Labour Party clearly positioned itself against Thatcherite ideology. The manifesto made clear that the way to tackle crime was to remove criminogenic environments. However, it avoided the topic of how to deal with those who had already become offenders. The Labour Party’s affirmation of the principles of penal welfare was limited to the promise that, if elected, they would “provide more resources for the prison and probation services”. Here they failed to make the connection between public safety and penal welfare explicit. Rather they seemed to accept the Conservative notion that the police was more important than the probation officer in protecting the community.

Before losing the 1979 General Election, the response of the Labour Party in Parliament to Conservative calls for toughness on crime was mainly defensive and, with one notable exception, did little to defend the reformatory ideal. Home Secretary Merlyn Rees stressed that the causes of crime were complicated and accused the Conservative of simplifying the issue for electoral reasons: “The growth in the crime rate has happened whichever political party has been in power and in my view will continue to rise, judging by world conditions, whichever party is in power after the next General Election”. This was a clear attempt to depoliticise the

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<sup>83</sup> Labour election manifesto 1979, “The Labour Way is the Better Way”, accessed 20 April, 2016, <http://www.politicsresources.net/area/uk/man/lab79.htm>.

crime issue that the Tories were capitalising on for electoral gain. However, it also gave the impression that the Labour Party did not have a solution to the problem – something the Tories claimed to have. Rees also subscribed to the logic that the key way to fight crime was through the police repudiating the notion that the Labour Party was weak on crime by pointing out that the London Police had grown under Labour.<sup>84</sup>

Labour MP and judge, Edward Lyons, argued that some crimes needed to be punished harshly but that the social context breeding crime needed to be taken into account.

Although the punishment of crime comes in at the end, one ought to be looking all the time at what causes people to act in this anti-social way in the first place. I fully accept that when one perceives crime and people are convicted, one has to punish them. Therefore, I am among those who take the view that for hooliganism at football matches, where people are terrified, the punishment has to be severe. Indeed, normally it has to involve a custodial sentence. But, as someone who sits on the Bench himself, I am conscious at times of the small variety of weapons at my disposal for dealing with people before me. The trouble is that these debates that we organise here deal only with the tip of the problem, with the results of bad housing, bad social conditions, irresponsible television, and so on.<sup>85</sup>

Lyons embraced progressive penal attitudes in wanting to get to the root of crime, but it is implied that this applied to social structures rather than individual offenders. He dealt with the inadequacy of prisons as places of rehabilitation and therefore seemed to favour shorter sentences; “if one wants to destroy a man's self-respect so that he does not care very much whether he goes back to prison, one should give him a long sentence, but that if one wants to give a person a shock and make him frightened to go back to prison, one should give him a short sentence”.<sup>86</sup> This was progressive in so far as it took the well-being of the criminal into account but it still focused on deterrence rather than reformation. The logic seemed to be that one had

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<sup>84</sup> *Hansard*, HC Deb 27 February 1978 vol. 945 cc. 48, 109.

<sup>85</sup> *Hansard*, HC Deb 27 February 1978 vol. 945 cc. 117-118.

<sup>86</sup> *Hansard*, HC Deb 27 February 1978 vol. 945 cc. 118-119.

to punish in order to deter but one should do the least possible harm to the individual in doing so.

The only Labour MP who actively defended the reformatory ideal was Renée Short; “What is needed is rehabilitation, education and care on more or less a one-to-one-basis from caring prison officers and social workers who work within the prison and with the family outside the prison. There is a need for training for work. Above all, there is the need for a job on release”. She argued that prison conditions were often too severe and punitive restriction on the prisoner seeing his family led to family breakdowns.

Reasonable conditions for prisoners and prison officers are an essential part of a constructive prison system with proper work, training and education. I accept that there are those who have to be kept in a secure environment within prison for a very long period of time. However, all but the most difficult and dangerous must be able to spend some time out of prison on weekend visits to their families or to foster families, as the Swedes and Dutch do, to prepare for freedom, and for family visits in decent conditions until outside visits are possible.<sup>87</sup>

She thus distinguished herself from the other Labour MPs by arguing – not that punishment was severe enough – but that it was too severe. However, she was an isolated voice and the leadership of the party did nothing to defend the reformatory ideal. As we have seen, Short’s ideas would leave no imprint on the 1979 election manifesto.

The 1983 election manifesto entitled *The New Hope for Britain* constituted a marked improvement in this respect. It stated that: “No one concerned for human dignity and civil rights can find our prison system acceptable. We are determined to improve conditions”. It also sketched out some issues such as refurbishing prison facilities and providing better aftercare to help former offenders “resettle in the community”. Above all, it was dedicated to humane conditions: “Treat prisoners as human beings by providing reasonable conditions in our prisons. We will incorporate, in new, legally enforceable prison rules, minimum standards on such

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<sup>87</sup> *Hansard*, HC Deb 27 February 1978 vol. 945 cc. 87-88.

matters as cell space. And we will reduce unnecessary restrictions – for example on prisoners’ correspondence”.<sup>88</sup> However, this issue was treated as separate from the matter of defending the community. It stated that: “Labour’s aim is to ensure that all sections of the community are safe on the street and at home, free from the fear that crime generates. We believe that the police should have the support of the community, have their rights safeguarded, and be fairly paid”. Thus, it did not make the connection between safeguarding the community and penal welfare explicit. Furthermore, unlike the 1979 manifesto, *The New Hope for Britain* missed the opportunity to emphasise the criminogenic consequences of material deprivation.

The 1987 election manifesto made no mention at all of penal welfare. Rather, it tapped into the law and order discourse that had proved so useful to the New Right. It argued that “The Thatcher government has broken its promises on law and order” and that “Millions of women are scared to go out at night. Many old people lock themselves into their homes. Drug trafficking is increasing”. It promised “crime prevention grants for home-owners and tenants” and “more police on the beat”. It also delineated a crime prevention programme that included “assisting councils to provide stronger locks, stouter doors and vandal-proof windows for tenants and home-owners” and fighting “violence against women – especially domestic violence – by seeing that the laws that already exist against beating and abuse are vigorously enforced”.<sup>89</sup> Of course, none of these measures were incompatible with the welfarist approach. It was rather that the measures above were presented as the main answer to dealing with crime. No efforts were made to locate the causes of these types of crime within social conditions nor were any solutions advanced beyond deterrence and detection.

In the absence of a discourse providing penal welfare with moral legitimacy, the Labour Party of the late 1970s and 1980s struggled to provide a viable alternative to the Thatcherite notion of the absolute personal responsibility of the individual. Here it is very likely that the influence of the New Left’s campaigns to delegitimise penal welfare as an instrument of oppression played as large a role as New Right punitiveness. The notion that the state did not have the right to morally reform

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<sup>88</sup> Labour election manifesto 1983, “The New Hope for Britain,” accessed 20 April, 2016, <http://www.politicsresources.net/area/uk/man/lab83.htm>.

<sup>89</sup> Labour election manifesto 1987, “Britain Will Win with Labour,” accessed 20 April, 2016, <http://www.politicsresources.net/area/uk/man/lab87.htm>.

individuals, no doubt, hindered Labour from developing rehabilitation as the main remedy for criminal behaviour.

*The final death knell of penal welfare*

In light of what has been stated above, it might seem paradoxical that New Right ideology left relatively little imprint on penal policy during Thatcher's tenure as prime minister. As was recently pointed out in an article co-written by Stephen Farrall, Naomi Burke, and Colin Hay, Thatcherite criminal justice legislation was not passed until after she had left office.<sup>90</sup> Thus the criminal justice legislation passed between 1979 and 1990 did not mark a particularly punitive turn. Stephen Farrall and Colin Hay have pointed out that "criminal justice under Thatcher was characterized more by continuity than it was by radicalism. The Tories may well have sounded 'tougher' on crime than Labour, but the content of legislation remained, essentially, bipartisan". Thus, they described the penal policy in the 1980s as characterised by continuity with the past masked by 'tough' rhetoric.<sup>91</sup>

The 1981 Criminal Justice Act constituted a move away from the treatment approach towards individual responsibility aiming to reduce the number of juveniles held in custody with the White Paper preceding the Act expressing the desire to implement shorter, sharper sentences in detention centres. The Borstal system was abolished and replaced by youth custody centres.<sup>92</sup> However, little came of the idea of short, sharp detention centres and the idea was quietly abandoned after 1983. Farrall and Hay has pointed out that Home Secretary Whitelaw was not enthusiastic about the idea to begin with.<sup>93</sup> The emphasis of the 1988 Criminal Justice Act was to make it easier to convict child abusers. It broadened the list of summary offenses to include car theft and common assault thus reducing the number of people sent to Crown Courts. 1988 saw some increases in maximum penalties, for instance, the

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<sup>90</sup> Stephen Farrall, Naomi Burke, and Colin Hay, "Revisiting Margaret Thatcher's Law and Order Agenda: The Slow-Burning Fuse of Punitiveness," *British Politics* 11, no. 2 (2016): 207.

<sup>91</sup> Stephen Farrall and Colin Hay, "Not So Tough on Crime: Why Weren't the Thatcher Governments More Radical in Reforming the Criminal Justice System," *British Journal of Criminology* 50, no. 3 (2010): 563, 552.

<sup>92</sup> Farrall, Burke, and Hay, "Revisiting Margaret Thatcher's Law and Order Agenda," 7.

<sup>93</sup> Stephen Farrall and Colin Hay, "Not So Tough on Crime," 562.



maximum sentence for carrying an offensive weapon was doubled to 6 months. It clarified the criteria for when imprisonment should be used maintaining that custodial sentences should only be made as a last resort when no other sentence sufficed because of the seriousness of the crime, the need to protect the public, or when the offender had repeatedly failed to respond to non-custodial sentences. Similarly, the 1991 Criminal Justice Act, passed the year after Thatcher left office, upheld the notion that custodial sentences should only be used as a last resort.<sup>94</sup> Thus, while the policies during Thatcher's tenure can be said to reflect the demise of the rehabilitative ideal, it did not see the introduction of punitive justice.

It was during John Major's government with Michael Howard heading the Home Office that British penal policy took the real 'punitive turn'. His assertion that "prison works" constituted a complete reversal of the position of previous Home Secretaries. The 1993 Criminal Justice Act enabled the courts to take previous convictions into account when assessing the seriousness of an offence and increased the maximum penalty for various crimes. The 1994 Criminal Justice and Public Order Act again increased maximum sentences, for instance for drug use, and allowed courts to impose a custodial sentence without getting a pre-sentence report. It made it possible for young offenders (10-14 year-olds) to be sentenced to long-term detention and increased the maximum of time that could be spent in young offenders' institutions (15-18 year olds) from one to two years. The 1997 Crime Act introduced minimum sentences and automatic life sentences. This meant that a prisoner could not be paroled before he had served a minimum term. It also removed the necessity of consent for putting someone on probation. Far from reversing this unprecedented shift towards punitiveness, the Blair government continued the trend.<sup>95</sup> The 1998 Crime and Disorder Act introduced anti-social behaviour orders (ASBOs) to deal with bad behaviour that caused "harassment, alarm, or distress" in a community which prohibited "the defendant from doing anything described in the order". Breaching an ASBO carried a maximum five-year custodial sentence.<sup>96</sup> The consequences of these pieces of legislation have been massive. In 1993 there were 41

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<sup>94</sup> Farrall, Burke, and Hay, "Revisiting Margaret Thatcher's Law and Order Agenda," 11-13.

<sup>95</sup> Farrall, Burke, and Hay, "Revisiting Margaret Thatcher's Law and Order Agenda," 13-15.

<sup>96</sup> Crime and Disorders Act, 1998, c. 37 (England and Wales), 2; Farrall, Burke, and Hay, "Revisiting Margaret Thatcher's Law and Order Agenda," 15-16.

800 people imprisoned in England and Wales.<sup>97</sup> Today, this number has more than doubled with 85 457 people imprisoned as of 15 April 2016.<sup>98</sup>

Why did Thatcherism not leave a bigger imprint on the criminal justice system during Thatcher's premiership? Farrall and Hay attributed it to the fact that the Thatcherites by no means had complete control over the Tory party but rather had to share power with those derogatively called 'wets'. The paternalist William Whitelaw was Home Secretary who – in spite of his sharp rhetoric – had little inclination to change the system. Furthermore – since crime was not a high profile issue with the Labour Party, the 'tough' rhetoric was enough to secure voters until Labour changed its stance in 1992. Thirdly, other more pressing issues such as housing and education took precedence.<sup>99</sup> The same authors also suggested, together with Burke, in a more recent article, that "ideational change took time to become embedded in the philosophy of those who designed and managed the strategic direction of the criminal justice system".<sup>100</sup>

Farrall, Hay, and Burke made clear, however, that it was the Thatcherite discourse established previously that allowed Michael Howard to push through his punitive legislation. This together with the acceptance of this discourse by subsequent Labour governments brought about the punitive turn.<sup>101</sup> Thus they rightly label the legislation of the 1990s 'Thatcherite'. They were completely right in seeing the punitive turn as a consequence of the New Right discourse of absolute personal responsibility for wrongdoing. As Tim Newburn has pointed out, the mental climate of a society will invariably influence sentencing practices and thus the punitive discourse of the New Right was bound to influence magistrates.<sup>102</sup> However, this does not explain why the Thatcherite framework for understanding crime became dominant in the first place. As this chapter has shown the success of the New Right framework was possible because of the collapse of the old Christian framework

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<sup>97</sup>Ministry of Justice, "Story of the Prison Population: 1993-2012, England and Wales" (2013), accessed 21 April, 2016, [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/218185/story-prison-population.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/218185/story-prison-population.pdf).

<sup>98</sup>The Howard League of Penal Reform, "Weekly Prison Watch", accessed 21 April, 2016, <http://www.howardleague.org/weekly-prison-watch/>.

<sup>99</sup>Farrall and Hay, "Not So Tough on Crime," 564-566.

<sup>100</sup>Farrall, Burke, and Hay, "Revisiting Margaret Thatcher's Law and Order Agenda," 22.

<sup>101</sup>Farrall, Burke, and Hay, "Revisiting Margaret Thatcher's Law and Order Agenda," 23.

<sup>102</sup>Tim Newburn, "'Tough on Crime': Penal Policy in England and Wales", *Crime and Justice* 36, no. 1 (2007), 459-460.

together with the unwillingness of the New Left to formulate an alternative discourse of penal welfare to challenge the New Right. Instead the New Left emphasised the rational nature of much delinquent behaviour – seeing attempts to explain it as irrational as a form of dominance – sometimes even making it symbolise class consciousness. From this perspective, both the Left and the Right reinforced the notion of the delinquent as responsible for his own actions. In a 1979 essay, Stanley Cohen was no longer unambiguously positive about the achievements of National Deviancy Conference in undermining pathological explanations; “when the new deviancy theory tried to expel pathology (by arguing against determinism and in favour of rationality) what this did was to open up the route back to the older form of correctionalism. Responsible criminals were constructed, whose responsibility lay precisely in their rights to be punished and not treated”.<sup>103</sup>

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This chapter has located the demise of penal welfare and the subsequent turn to punitiveness as ultimately the result of the loss of moral legitimacy suffered by the former. The old Christian framework for understanding delinquent behaviour had been able to command a wide consensus because it appealed to a common cultural discourse. It did not completely deny personal responsibility for delinquency but also located bad behaviour in a morally noxious environment. It viewed it as the role of the state to mitigate or remove conditions that triggered delinquency. In this, the interests of the offender and the community were represented as intertwined.

However, with the collapse of Christianity’s cultural dominance in the 1960s, the opportunity for groups and individuals to put forward alternative frameworks emerged. The New Right put forward a notion of absolute personal responsibility for wrongdoing. The Thatcherite framework drew on an alternative interpretation of Christianity that rejected the social Christianity of the leadership of the Church of England that saw the welfare state as a moral duty. Thus, since bad behaviour was

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<sup>103</sup> Stanley Cohen, “Guilt, Justice and Tolerance: Some Old Concepts for a New Criminology,” *Deviant Interpretations: Problems in Criminology*, ed. David Downes and Paul Rock (Oxford: Clarendon Press, 1979), 25.

solely the fault of the offender, penal welfare was essentially misguided. Furthermore, by taking away personal responsibility, it was – like welfare in general – bound to make people irresponsible. The fundamental idea of Christian penal welfare that virtue could be encouraged by the state intervening in creating morally wholesome environments was rejected as counterproductive. Thus while largely sharing the same Christian moral goals as the Approved Schools headmasters or the Clarke Hall Fellowship, the way to reach it was diametrically opposed. The Conservative politician Henry Brooke, Home Secretary between 1962 and 1964, had labelled the condemnation of offenders without looking for the underlying causes of crime as pharisaical – after the hypocritical rabbis of the New Testament – and thus sinful.<sup>104</sup> State welfare had been a Christian duty. However, it was not against the old Christian welfarists that Thatcher primarily framed her arguments but against the New Left.

The members of the New Left concerned with criminal justice, on the other hand, constituted a genuinely post-Christian movement that rejected penal welfare because it imposed normative values on individuals. Their own value system was implicitly rooted in permissive morality and their work was characterised by a moral relativism when dealing with those labelled as delinquent together with a moral absolutism in their judgement of the agents of social control. They failed to put forward a coherent notion of moral responsibility for the offender – either seeing crime as a consequence of being labelled as such or coming out of the criminogenic environment inherent in capitalism. This exculpating approach fitted poorly with the agency they attributed to delinquents. Above all, it had limited appeal with those genuinely concerned about crime in their community. Neither would it appeal to those who lamented the collapse of the absolute Christian value system. Furthermore, their unwillingness to work through the state effectively limited their potential for influence.

Squeezed between the Thatcherite discourse of absolute personal responsibility and the New Left view of penal welfare as complicit in oppressiveness, it was understandable that the Labour Party struggled to formulate a

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<sup>104</sup> Henry Brooke, *Against the Evil of Delinquency* (Conservative & Unionist Central Office, 1964), 9; “Conference on Juvenile Delinquency,” *Approved Schools Gazette*, February 1963, 503. For a detailed discussion, see pages 217-218.

coherent approach to penal welfare. Although Labour made some attempts in 1980s to frame crime as a consequence of material deprivation and argue for more humane prisons, the 1987 election manifesto offered no welfarist solutions to crime.<sup>105</sup> Rather it accepted the Thatcherite discourse of law and order as the panacea for crime.

By the 1990s, the Thatcherite framework for understanding crime had become common sense and the penal welfare state was rapidly dismantled under John Major's and Tony Blair's governments. The success of this framework was due to the lack of a viable alternative. The New Right's rejection of environmental causes for crime was exceedingly reductive and simplistic but it possessed a greater capability for public acceptance than the alternative offered by the New Left which tended to completely disallow any degree of personal responsibility while at the same time casting reformatory measures as morally illegitimate.

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<sup>105</sup> Labour election manifesto 1987, "Britain Will Win with Labour".

## **Conclusion**

### **The ‘death’ of penal welfarism: An autopsy**

From today’s perspective, the worldview of those shaping the penal welfare state of the first six decades of the twentieth century seems entirely alien. Debates about lawbreaking, punishment, reformation, and personal vs. societal responsibility have long ceased to be framed through invoking a national moral fabric except through the odd rhetorical flourish. Yet, as this thesis has shown, moral regulation along Christian lines was fundamental for the legitimacy of penal reform. It was thus when Britain ceased to be imagined as a Christian entity that consensus about penal welfare broke down.

This thesis has made many original contributions to the scholarship of twentieth century penal welfare. It has significantly modified the prevailing narrative that has seen the collapse of penal welfare as a consequence of the rise of the New Right and neo-liberalism. Instead it has located the explanation in the death of moral legitimacy that followed the breakdown of faith in Christian unity. In the post-Christian context, a number of factors served to undermine penal welfare. The permissive legislation of the second half of the 1960s saw the state partially abdicate its responsibilities for moral regulation. The intellectual influence of the New Left contributed to framing penal welfare as illegitimate and oppressive. On the other hand, the Thatcherite New Right capitalised on the sense of loss of moral values framing punishment rather than welfare as the key to restoring the moral fabric of the nation. Thus there were a number of factors – all coming out of the death of ‘Christian Britain’ – that secured its demise.

The translation of the logic of penal welfare into practice often led to an invasiveness into family life and marginalisation of the rights of parents that would be unthinkable today. A child could be removed from a family environment deemed morally noxious and placed in an Approved School – most often run by a religious voluntary organisation that was given parental rights. Similarly, both adult and children found out for breaking the law could be subject to the moral regulation of a probation officer. This followed naturally from the overarching logic of the expanding welfare state. The welfare state was not solely concerned with the

physical well-being and material security of its citizens but equally with their moral health. Thus, the state would intervene when parents failed to provide a wholesome moral environment for their children just like it would when they failed to provide a physically wholesome environment.

The crumbling of the moral legitimacy of penal welfare was intimately interconnected to the wider process of secularisation of codes of conduct. Although pressure to conform to Christian moral codes had decreased gradually since at least the 1930s, the rise of affluence in 1950s enabled an unprecedented degree of individual self-expression and, perhaps more significantly, resulted in hedonistic lifestyles gaining extensive media coverage. The idea that individuals had the right to live their lives free from external interference started to gain traction. The 1957 Wolfenden report responded to these shifts by arguing for the deregulation of moral behaviour. The implication of the separation of crime and sin was that the law should abdicate its role in the regulation of private behaviour. The leadership – albeit far from unanimously – of the Church of England subscribed to this logic. The recommendation for the deregulation of morality posed a significant threat to the legitimacy of penal welfare whose very *raison d'être* was moral regulation through criminal justice institutions. Small wonder that some Approved Schools headmasters reacted with such hostility.

The liberalising legislation of Harold Wilson's Labour government contributed to the crumbling of the moral legitimacy of penal welfare. Home Secretary Roy Jenkins, and his successor James Callaghan, pushed through a series of permissive legislation that served to deregulate moral behaviour. Abortion was legalised, divorce law liberalised, and homosexuality was decriminalised. Furthermore, it was during this government that the Approved Schools system was abolished since the purpose of the schools was completely contrary to the logic of permissiveness. The 1960s legislation represented a serious step towards the state abdicating its responsibility to uphold the moral fabric of the nation. Jenkins framed his permissive legislation as contributing to a 'civilised society' thus rejecting the traditional moral system. The idea of a national moral fabric was alien to him.

Furthermore, penal welfare came under threat from the efforts of sections of the Conservative Party to undermine the postwar settlement. They reframed the

welfare state as part of the problem rather than the solution to upholding moral health. It was not until the death of 'Christian Britain' in the early 1960s that they could begin to formulate coherent critiques of penal welfare. The viability of a reformative approach aimed at inculcating moral values in a normless society was called into question. Deterrence through punishment was thus the only recourse. Furthermore, in keeping with their vision of rolling back the state, they imagined that its function should be limited to punishment. The state's involvement in moral reformation could thus be seen as part of the broader problem of social services undermining individual responsibility. It was not until the 1970s, however, that these strands of Conservative thought permeated the leadership of the Party.

The architects of what would become known as the Thatcherite New Right, Margaret Thatcher, Keith Joseph, and Alfred Sherman, were united by a desire to remoralise the nation. They firmly believed that the moral health of the nation was rooted in Christianity. In this, there was no contradiction with the beliefs held by Approved Schools headmasters or the Earl of Feversham, in the 1950s and 1960s. Where there was a fundamental opposition was the means by which they imagined that the nation could be moralised. The penal reformers believed that moral citizens could be created through the welfare state by creating an environment in which morality could flourish. The Thatcherite New Right, however, took the opposite view. They believed that the welfare state – far from creating an environment conducive to righteousness – was to blame for making people morally stunted. The solution was to roll back state welfare emphasising individual responsibility. This meant that personal responsibility would be taught through a punitive approach rather than encouraged through welfare. This logic extended both to those who were unable to support themselves and to lawbreakers. Thatcher's vision of Christianity was at loggerheads with the social democratic ethos of the Church of England. Here Thatcher could capitalise on the feelings that the Anglican Church no longer upheld the moral fabric of the nation.

The New Right was far from alone in explicitly condemning penal welfare. The collapse of Christianity as the dominant value system created a space in which the radical liberals and Marxists of the New Left could condemn welfarist approaches to crime as complicit in oppressive social structures. Thus penal welfare was bad – not because it undermined personal responsibility – but because it served a



function of moral regulation in upholding a normative value system. Firmly dedicated to permissiveness, they viewed this as morally indefensible. The ideas of the New Left had a great deal of influence on social workers and probation officers and played a key role in framing moral regulation as oppressive and illegitimate.

For both New Left and New Right, it was the collapse of the imagined Christian unity in the early 1960s that made their respective positions possible. With the moral legitimacy of penal welfare attacked on all fronts, it proved impossible for the Parliamentary Left to put forth coherent alternatives to the punitive approach of Thatcherism. Thus the 1990s saw a situation in which the moral legitimacy of penal welfare was dead. This made it politically and electorally advantageous for the two main political parties to compete about who could offer the most punitive approach to crime.

This study has stepped away from the approaches of the National Deviancy Conference (NDC), the Centre for Contemporary Cultural Studies (CCCS), and the historians they have inspired. Geoffrey Pearson's 1983 book *Hooligan: A History of Respectable Fears* – strongly influenced by Stanley Cohen's concept of moral panics – advanced a number of problematic assumptions. Written as a polemic against Thatcherite law and order politics, Pearson set out to show that anxieties about a lawless nation had had a recurring presence in the British past and that the stirring about of such anxieties were invariably tied to reactionary agendas. This thesis has shown, however, that anxieties about crime and what it says about the moral state of the nation are not *ipso facto* the exclusive property of reactionary politics. It had become so in the 1980s through the processes outlined in this study and Pearson simply read contemporary circumstances back onto the past. Pearson was not a historian – something many real historians seem to have missed – and his purpose was not to write a contribution to the historiographical field. His aim was to delegitimise Thatcher's law and order agenda and he did this very well. What is striking is not that Pearson shaped the past to suit his own agenda but rather that historians have taken his claims at face value. Generally historians have been unwilling to question and historicise the claims made by the NDC and the CCCS. This thesis has come out of some of the limitations of this scholarship that has been primarily concerned with uncovering oppressive structures. Instead, this study has

aimed to historicise the preoccupations of the New Left that in turn influenced more recent historians.

Locating the success of penal welfare in the moral legitimacy it derived from Christianity, this study offers new insights that have previously been neglected by historians who have instead focused on issues such as class, gender, and race.<sup>1</sup> These themes are, of course, of fundamental importance but the fact that they still matter immensely today has meant that they have overshadowed the importance of Christianity whose relevance seems less self-evident. By focusing on Christianity – not as a tool of moral regulation – but as a framework that gave meaning to citizenship and made the legitimacy of moral regulation seem self-evident, this thesis also gets away from the trap of framing the growth of penal welfare through a narrative of ‘the march towards enlightenment’. Christian penal welfare is thus situated within the specific moral preoccupations of time. It allowed the reformation of the offender to move to the centre of criminal justice while also allowing a degree of invasiveness into the lives of individuals that would be unthinkable today.

This study has also served to revise the existing narratives of the Probation Service that have exclusively been written by criminologists – often former probation officers – and have invariably lacked critical engagement with the wider historical context. This has resulted in a reductive approach to the relationship between religion and science positing a teleological process of secularisation. Specifically regarding the 1936 divorce of the Probation Service from the Church of England’s Police Court Mission, motives have been assigned according to long-term outcomes rather than an understanding of the preoccupations of the time. As the second chapter of this thesis shows, it was possible for deeply religious people, such as Lord Feversham or William Clarke Hall, to advocate making the Probation Service wholly public while at the same time viewing Christianity as inseparable from probation work.

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<sup>1</sup> For gender, see: Abigail Wills, “Delinquency, Masculinity, and Citizenship in England 1950-1970,” *Past & Present* 187, (2005): 157-185; Pamela Cox, *Gender, Justice and Welfare: Bad Girls in Britain, 1900-1950* (Basingstoke: Palgrave Macmillan, 2003); Louise A Jackson, “‘The Coffee Club Menace’: Policing Youth, Leisure and Sexuality in Post-War Manchester,” *Cultural and Social History* 5, no. 3 (2008): 290-293; for class, see Bill Osgerby, *Youth in Britain since 1945* (Oxford: Blackwell, 1997); for race, see Chris Waters, “‘Dark Strangers’ in Our Midst: Discourses of Race and Nation in Britain, 1947-1963,” *The Journal of British Studies*, vol. 36, no. 2 (1997): 207-238.

Similarly, the chapter on Approved Schools has revised the claims of Abigail Wills. She rightly saw the making citizens as the fundamental purpose of the schools but overemphasised the extent to which male citizenship was framed through ideals of masculinity. Rather, the *raison d'être* of the schools, as articulated by headmasters, was moral reformation along Christian lines. Of course, Christian discourse had its own gendered ideals about what constituted proper behaviour for men and women and thus 'making men' and 'making Christian' are by no means incompatible. However, the language of 'making men' was rarely explicitly invoked whereas the language of Christian moral reformation was ubiquitous throughout the pages of the *Approved Schools Gazette*. By the same token, aversion towards homosexuality was not framed through a language of 'effeminacy' and 'masculinity' but through theological conceptions of sin. As with the Probation Service, the corrective offered by this thesis stems from its understanding of the significance of Christianity as a framework of penal welfare.

The insights generated by this study are indebted to the scholarship of the last decade and a half which has shown the significance of Christianity and secularisation for twentieth-century British history. However, as this thesis has shown, studying penal welfare also adds to our scholarly understanding of the role of Christianity. The centrality of Christianity in legitimising and driving the state's efforts of moral regulation challenges Callum Brown's claim of the *ipso facto* primacy of the discursive basis of Christianity "in a 'democratic' society free from state regulation of religious habits".<sup>2</sup> While the state did not interfere with the individual's religious freedom, it sought, for the greater part of the twentieth century, to regulate morality along Christian lines. Furthermore, comparison between the Approved Schools system and the Probation Service shows that the discursive cannot be divorced from its institutional base. The religious ethos in the Approved Schools survived because of the preservation of the system of voluntary managers with firm religious convictions whereas the Probation Service, upon its divorce from the Police Court Mission, underwent a relatively rapid process of secularisation. This affirms Jeremy

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<sup>2</sup> Callum G. Brown, *The Death of Christian Britain: Understanding Secularisation, 1800–2000*, 2<sup>nd</sup> ed. (Routledge: London, 2009), 13.

Morris's criticism of Brown for disregarding the importance of institutional marginalisation.<sup>3</sup>

This thesis has also sought to modify the meaning of Brown's concept of 'the death of Christian Britain' as denoting the point in time when the nation ceased to be imagined as a Christian entity. However, since the nation itself is an 'imagined community', it is still fair to talk about the death of Christian Britain.<sup>4</sup> Viewing Christian Britain in this way allows us to partly reconcile the narrative of gradual secularisation posited by Simon Green to Brown's "short and sharp cultural revolution".<sup>5</sup> As Green convincingly showed, the period between 1920 and 1960 witnessed a gradual attenuation of the rigidity of Christian behavioural norms with attitudes becoming increasingly liberal around issues such as divorce, serial monogamy, gambling, drinking, and non-observance of the Sabbath.<sup>6</sup> However, the people with the power to define the British nation in the public sphere continued to frame the nation as a Christian entity and nowhere does this appear more clearly than in how they approached moral regulation through penal welfare. It was only after the collapse of 'Christian Britain' that morality became deregulated through the permissive legislation pushed through by Home Secretary Roy Jenkins.

Framing the death of Christian Britain as the collapse of belief in 'the Christian nation' fits well with the convincing evidence offered by Sam Brewitt-Taylor and Matthew Grimley that the Anglican clergy's exaggerated perception of the extent of secularisation contributed to diminishing the importance of religion.<sup>7</sup> Here it is likely that senior clergy played a large role in the process by which Britain ceased to be imagined as Christian. It was in the area of moral regulation that the Church's abdication of authority was the most pronounced. Declinism about the position of Christianity in Britain was similarly prevalent amongst Approved Schools headmasters during the 1950s and 1960s. However, the responses of these

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<sup>3</sup> Jeremy Morris, "The Strange Death of Christian Britain: Another Look at the Secularization Debate" *The Historical Journal*, vol. 46, no. 04 (2003): 972.

<sup>4</sup> Benedict Anderson, *Imagined Communities*, 2<sup>nd</sup> ed. (New York: Verso, 2006).

<sup>5</sup> Brown, *The Death of Christian Britain*, 2.

<sup>6</sup> Simon Green, *The Passing of Protestant England: Secularisation and Social Change, C. 1920–1960* (Cambridge: Cambridge University Press, 2012), 141, 144, 147, 161-62, 173.

<sup>7</sup> Matthew Grimley, "Law, Morality and Secularisation: The Church of England and the Wolfenden Report, 1954–1967," *The Journal of Ecclesiastical History* 60, no. 04 (2009): 725-741; Sam Brewitt-Taylor, "The Invention of a 'Secular Society'? Christianity and the Sudden Appearance of Secularization Discourses in the British National Media, 1961–4," *Twentieth Century British History* 24, no. 3 (2013): 327-350.

professionals were a far cry from the abdication of authority of the senior clergy. Rather, they sought to reinvigorate the moral fabric of the nation through restoring Christianity. Thus while the sense of crisis was widespread, the responses of Christians were by no means predetermined.

A prominent theme of much historical scholarship dealing with the second half of the twentieth century has been the shift towards a collectivist, unified conception of the national community towards more individualist and pluralistic understandings.<sup>8</sup> From the 1950s onwards, anxieties about what it meant to be British or English grew and with them declinist discourses diagnosing what was ‘wrong’ with the nation. The gradual relative decline of British economic strength, the crumbling of the British Empire, and immigration that called the cultural and ethnic homogeneity of the nation into question all fed into declinist narratives and nourished anxieties. However, as this thesis has shown, declinist discourses and anxieties about secularisation were just as important. Declinist narratives about the crumbling of the moral fabric of the nation played a significant part in undermining welfarist ideology and Thatcher’s attack on the postwar settlement was fundamentally aimed at remoralising its citizens. Needless to say, the rise of various declinist narratives about ethnic homogeneity, economic decline, and godlessness share in common the idea that there is something fundamentally wrong with Britain. As such they seem to come out of a crisis of British national identity. Much could be gained through studying the various strands of declinism together although, obviously, it is not possible to do so here.

The declinist preoccupation with moral decay has ramification well beyond the period studied in this thesis. Consider, for instance, Home Secretary and future Prime Minister Tony Blair’s reaction to the horrific murder of James Bulger in 1993. Blair labelled the news headlines “hammer blows against the sleeping conscience of the nation” positing the restoration of values as the panacea for “moral chaos”. Similarly, David Cameron framed the 2011 riots as a consequence of “slow-motion moral collapse” that had taken place in “our country these past few generations”.<sup>9</sup>

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<sup>8</sup> See Wills, “Delinquency, Masculinity, and Citizenship in England 1950-1970”; Waters, ““Dark Strangers” in Our Midst”; Matthew Thomson, *Psychological Subjects: Identity, Culture, and Health in Twentieth-Century Britain* (Oxford: Oxford University Press, 2006).

<sup>9</sup> Cabinet Office, “PM’s speech on the fightback after the riots,” 15 August 2011, accessed 16 July, 2016, <https://www.gov.uk/government/speeches/pms-speech-on-the-fightback-after-the-riots>.

This way for senior politicians to engage with crime making it symbolise a deeper malaise has its roots in declinist discourses on secularisation of the 1950s and 1960s.

This thesis has shown that penal welfare has deserved considerably more attention by historians of twentieth-century Britain than it has received. Although seemingly a marginal part of the postwar welfare state, penal welfare actually offers a unique vantage point for gauging how contemporaries framed the relationship between personal and societal responsibility and how this shifted through time. The tension between the two was at the heart of the ideological battle between the New Left and the New Right and, as such, attitudes towards criminal responsibility often symbolised something bigger. In a way, this thesis shows the benefits of moving away from focusing at policy shifts – important though these are – towards investigating the discursive landscape. We have also seen that penal welfare is a very fruitful site for investigating the relationship between voluntary organisations and the state as welfare providers and this thesis has far from exhausted its potential. Local and regional studies of organisations involved in moral regulation and their relationship towards the state or local councils could yield much valuable insight.

Hopefully, this thesis will encourage historians of delinquency to move away from their near-exclusive preoccupation with discovering oppressive practices towards looking for other frameworks for understanding penal welfare. This is not to say that the work produced by these academics has been misguided or devoid of value. On the contrary, it has produced many valuable insights and irreversibly demolished the old narrative of penal welfare as ‘a steady march towards enlightenment’. Rather, it is the complete dominance of this approach that is problematic and this thesis has thus aimed to show what can be gained by moving away it.

The set duration of a PhD degree has necessarily limited the scope of this thesis both in terms of focus and source material investigated. It has not been possible to investigate in detail how training and recruitment procedures changed over time and how this impacted on practice and ideology. Here it would be necessary to consider a wide range of contextual factors including, but not limited to, secularisation. Moreover, much could be gained from looking at Home Office records of its communications with Approved Schools and the Probation Service.

This includes, for instance, its correspondence with managers of schools and with the Association of Approved Schools headmasters and headmistresses, as well as the reports of the Home Office inspectors to Approved Schools deposited in the National Archive at Kew. Looking at such sources could help both corroborate and elaborate the interpretation of the attitudes of the Home Office advanced in this thesis.

Furthermore, the contributors to the journals studied in this thesis have primarily been leadership figures. This begs the question of how far their preoccupation mirrored those of the frontline staff and to what extent Approved School head teachers and senior probation officers were squeezed between the demands of secularised Home Office officials for whom religion counted for far less than effectiveness and their own decreasingly deferential staff. Finding avenues to investigate the attitudes of ordinary members of staff could thus be a fruitful venture. The Social Enquiry Reports of Probation Service in London – that formed part of the empirical basis for John Lunan’s PhD thesis – could potentially illuminate the religiosity of everyday probation officers and how it shifted over time.<sup>10</sup>

It should also be recognised that the approach of this study, like any other, has limitations. The method adopted here and sources used will not tell us how far the statistics on crime were artefacts of data collection or represented real increases in crime. Nor do they tell us how far the institutions and instruments of penal welfare were successful in changing the behaviour or how they were experienced by offenders. Undoubtedly, there will have been cases in which staff cruelty in an Approved School traumatised children for life. By the same token, there will be cases where children benefited from life in the school and viewed their experiences positively. Here oral history is probably the best way forward. Online forums can give some indications about how individuals remember their stay in an Approved School.<sup>11</sup> Such a study would certainly be worthwhile but it requires a different method and for the most part different sources.

This thesis has investigated how approaches to criminal justice were framed by Christian discourse in the first six decades of the twentieth century. It has shown

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<sup>10</sup> John Lunan, “‘The burglar’s mate’? How London’s probation officers persuaded magistrates in Social Enquiry Reports, 1958-72” (PhD thesis, University of Oxford, 2014).

<sup>11</sup> Online forums give us a mixture of positive and negative experiences. See for instance, “Aycliffe Approved School,” Aycliffe Village Blog, June 24, 2011, accessed 3 September, 2016, <https://aycliffevillage.wordpress.com/2011/06/24/aycliffe-approved-school/>.

that the notion of Britain as a Christian community served as a framework that legitimised far-reaching efforts of moral regulation. Fundamentally, however, this thesis has been about the tension between personal and societal responsibility and how this tension has been negotiated, solved, or not solved at various points in time and in various institutions. Thus this research has implications far beyond Britain and its criminal justice system. The tension between individual and societal responsibility is something that confronts all modern welfare states. It registers in debates not just about the treatment of criminals but the general degree of the state's responsibility for the welfare of its citizens. This includes a wide range of areas such as pensions, caring for the elderly when they are too old or ill to look after themselves, unemployment benefits, education provisions, and health care. As such this thesis will be of interest not just for historians of Britain or of criminal justice but for anyone interested in the internal conflicts challenging modern welfare states.



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*Hansard*

<http://www.politicsresources.net/area/uk/man.htm>

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