

Barnard College, Columbia University

**Rethinking Criminal Women**  
The Laboratory of Social Hygiene, 1912-1918

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### Introduction:

In the first decade of the twentieth century a “white slavery” panic swept the United States. The frenzy was rooted in a fear that young white prostitutes were being forced into sex acts. This panic led to the enactment of the White-Slave Traffic Act, signed by President Taft in 1910.<sup>1</sup> In New York, politicians and newspaper editors, drawing on this anxiety, speculated that young immigrant women, who made up much of the city’s female workforce, were being coerced into prostitution and other moral vices.<sup>2</sup> Another outcome of the panic was the establishment of the Bureau of Social Hygiene, a nonprofit organization founded by John D. Rockefeller Jr. with the goal of stemming vice among New York City’s lower classes.<sup>3</sup>

In November 1911 Dr. Katharine B. Davis, Superintendent of Bedford Hills Reformatory for women in Westchester County, New York, wrote Rockefeller Jr. with a proposal to establish a Laboratory and clearing house near the premises of her Reformatory to be funded by his Bureau of Social Hygiene. She argued that her reformatory—which held many prostitutes— would be a perfect fit for collaboration with the Bureau.<sup>4</sup> Davis claimed that the Laboratory would be “the most important step ever taken in this country for the scientific study of prostitution and criminology among women.”<sup>5</sup> Though initially skeptical, Rockefeller eventually funded Davis’s project.<sup>6</sup> The plan for the Laboratory thereby set in place, it was soon put into action. Davis

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<sup>1</sup> Joanne McNeil, "The “White Slavery” Panic," Reason 39, no. 11 (04, 2008): 58-61, 2.

<http://ezproxy.cul.columbia.edu/login?url=https://search-proquest-com.ezproxy.cul.columbia.edu/docview/203376147?accountid=10226>.

<sup>2</sup> Emma Goldman, “The Traffic in Women,” In *Feminism: The Essential Historical Writings*, ed. Miriam Schneir (New York: Vintage Books, 1972), 12.

<sup>3</sup> “Bureau of Social Hygiene Archives, 1911-1940,” Rockefeller Archives Center, <http://rockarch.org/collections/rockorgs/bsh.php>.

<sup>4</sup> Katharine Davis to John D. Rockefeller jr., November 9, 1911, in box 6, folder 31, Bureau of Social Hygiene, Office of the Missers, Rockefeller Archive Center, Sleepy Hollow, New York.

<sup>5</sup> Ibid.

<sup>6</sup> John D. Rockefeller jr. to Paul Warburg, November 21, 1911, in box 6, folder 31, Bureau of Social Hygiene, Office of the Missers, Rockefeller Archive Center, Sleepy Hollow, New York.

chose Dr. Jean Weidensall to lead the project, and beginning in the spring of 1912, she set to work on the investigative mission of the Lab.<sup>7</sup> With that goal in mind, when each woman entered Bedford Hills, the Laboratory conducted an in-depth health scan. This tested women for venereal diseases, as well as physical and psychological issues. The Laboratory also conducted experiments on women outside the reformatory to compile data with which they could then use to compare the criminal and noncriminal groups.<sup>8</sup>

Davis hoped that their research could transform carceral spaces into more effective institutions for reforming women. Her goals were threefold: 1) the development and administration of a series of proven tests, to be conducted on each woman upon her entrance to the criminal justice system, to determine whether a delinquent woman should be sent to a mental institution, reformatory, or prison. 2) The provision of proper treatment to each women; and 3) the development of a data set which might shed light why women become prostitutes.<sup>9</sup>

After three years of study, Davis determined that in order to truly understand the female criminal, the Lab also required a hospital for “mentally delinquent women.”<sup>10</sup> As she explained in a letter to the Bureau of Social Hygiene, the women in this new facility would not be considered “sufficiently insane” to be enrolled in mental hospitals, but were too unruly to remain in the reformatory’s general population.<sup>11</sup> The hospital would be relevant to the work of the Laboratory of Social Hygiene, Davis argued, because the women that would be housed there, “if handled in a scientific way,” could be restored to normality.<sup>12</sup> The key word here is “scientific;”

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<sup>7</sup> John D. Rockefeller jr. to Katharine Davis, February 9, 1912, box 6, folder 31, Bureau of Social Hygiene, Office of the Missers, Rockefeller Archive Center, Sleepy Hollow, New York.

<sup>8</sup> Jean Weidensall, *Mentality of Criminal Women*, (Baltimore: Warwick & York, Inc., 1916), 6.

<sup>9</sup> Katharine Davis, introduction to *Mentality of Criminal Women*, Jean Weidensall, (Baltimore, Warwick & York, Inc.), xiii-xiv.

<sup>10</sup> Katharine Davis to Bureau of Social Hygiene board, January 13, 1915, box 6, folder 36, Bureau of Social Hygiene, Office of the Missers, Rockefeller Archive Center, Sleepy Hollow, New York.

<sup>11</sup> *Ibid.*

<sup>12</sup> Katharine Davis to Bureau of Social Hygiene board, January 13, 1915.

the Laboratory and hospital were scientific experiments which aimed to better understand the nature of criminality.

The Lab employed methods based in eugenics to execute its research goals. This influence was evident in the project's very name, the "Laboratory of Social Hygiene." Social hygiene was a public health movement in the late 19<sup>th</sup> and early 20<sup>th</sup> century informed by eugenics. Its ambitions were: first, to improve the mental and physical health of the public; and second to make the population, as a whole, more genetically fit. Inherent in these goals was a belief that the unfit should not reproduce.<sup>13</sup> Given the aims of the social hygiene movement it is clear that genetics based theories of criminality heavily influenced the work of the Lab at its outset.<sup>14</sup>

The Laboratory of Social Hygiene, though in itself important to debates regarding women's carceral spaces in the Progressive Era, is only mentioned in scholarly works focused on larger conversations regarding the rise of women's prisons or the New York criminal justice system. Moreover, literature about the Laboratory of Social Hygiene exists solely within research about Bedford Hills Reformatory, rather than as its own area of study. Of the works that have discussed the Lab, researchers have focused either on the lives of the researchers or those of the incarcerated women.

Estelle Freedman's *Their Sister's Keepers: Women's Prison Reform in America, 1830-1930*, for example, explored the efforts of middle class white women's to implement prison reform at a national level. She emphasized how prison reform was initially based in the Victorian

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<sup>13</sup> Greta Jones, "Social hygiene," In *The International Encyclopedia of Human Sexuality*, edited by Patricia Whelehan and Anne Bolin, Wiley, 2015.

[http://ezproxy.cul.columbia.edu/login?url=https%3A%2F%2Fsearch.credoreference.com%2Fcontent%2Fentry%2Fwileyhs%2Fsocial\\_hygiene%2F0%3FinstitutionId%3D1878](http://ezproxy.cul.columbia.edu/login?url=https%3A%2F%2Fsearch.credoreference.com%2Fcontent%2Fentry%2Fwileyhs%2Fsocial_hygiene%2F0%3FinstitutionId%3D1878)

<sup>14</sup> Katherine Ramsland, "The Measure of a Man: Cesare Lombroso and the Criminal Type," *Forensic Examiner*. <https://search-proquest-com.ezproxy.cul.columbia.edu/docview/347552105?accountid=10226>

ideals of protecting women's virtue, but came to adopt Progressive Era aims of improving the position of women in society. Freedman carefully analyzed the goals of the Lab's founders but failed to examine how and to whom treatment was given. She was more interested the fact that the Lab was run and staffed by some of the first women to receive PhDs in the social sciences rather than their exact methodology and clinical practices.<sup>15</sup>

Other major studies focused on the women who were incarcerated at Bedford Hills and how they fit into the overall carceral environment in New York State during the Progressive era. Cheryl Deloris Hicks's *Talk With You Like a Woman: African American Women, Justice and Reform in New York, 1890-1935*, focused on the experiences of black women, and that the New York's criminal justice system changed how they were perceived by society and themselves. Hicks cites the Labs' records but does not go into great depth about its structure or mission.

This thesis, by contrast, focuses on the actual work conducted by the researchers at Lab: the conclusions they drew, how their work changed overtime, and how it reflected cutting edge criminological thought in the Progressive Era. The reason for this focus is that the research carried out by the Laboratory of Social Hygiene contributed to the profound evolution in how criminologists, psychologists, and sociologists thought about criminal behavior in the first two decades of the twentieth century.

The shift in criminological thought can be best described as a transition from the generally accepted belief that biology was the sole determinant of criminality to a belief in a

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<sup>15</sup> Freedman, by focusing on the accomplishments of these reformers lacks a critical eye towards how they perpetuated (and in some cases furthered) the racist standards of their day. The obvious, that these reformers were all white, upper-middle class women inspired to be the "keepers" of less fortunate women, is touched on but not critically examined to the extent that would have been necessary had the work been published in the twenty first century. This can be interpreted as a product of the time in which it was written in the 1980s. This racism is not the focus of this thesis either but it here acknowledged as a critical and often overlooked in discussion of early prison reform movements.

mixed psychological and sociological approach.<sup>16</sup> This move had three phases. The first phase, which prevailed in the late 19th century, held that criminality could be read in the physiological traits of a criminal's body, and was passed down from criminal parents to their children.<sup>17</sup> This theory was typified by the practice of phrenology, using skull measurements to determine delinquency, and was a part of a wave of ideas referred to as the "Italian School" of criminology.<sup>18</sup> The middle period regarded intelligence testing as the best way to understand the nature of criminality. This theory arose out of the presumption that there was a tie between feeble-mindedness, what today we would call intellectual disabilities, and criminal behavior.<sup>19</sup> The third phase, which emerged around 1915, shifted the primacy of hereditary physical or intellectual factors as the cause of criminality to a consideration of societal factors, such as education and economic conditions, in addition to psychological elements such as intelligence.<sup>20</sup>

Each of these three phases was represented in the work of the Laboratory of Social Hygiene, which altered the course of its research to reflect the most current theories of the day in criminology, psychology, and sociology. These three phases also determined the three sections of this thesis. Each section will explain the historical development of the theory in question, the ways in which this theory is evident in the Lab's work, and finally how the results of this research led to further evolution in the Lab's understanding of criminality.

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<sup>16</sup> Estelle Freedman, *Their Sister's Keepers: Women's Prison Reform in America, 1830-1930*, (Ann Arbor: The University of Michigan Press, 1984), 125.

<sup>17</sup> Ramsland, "The Measure of a Man."

<sup>18</sup> Ibid.

<sup>19</sup> Henry Goddard, *Feeble-Mindedness: Its Causes and Consequences*, (New York: Macmillan, 1914), 9.

<sup>20</sup> Freedman, *Their Sisters' Keepers*, 121.

## I

### The Physical Criminal Type

In its early years (1911-1914) the Laboratory of Social Hygiene's research was influenced by the long-standing belief in the existence of a physical criminal type. This is evident in the Lab's first published study, *The Mentality of Criminal Women in New York State* (1916), written by Dr. Jean Weidensall. In this work Weidensall investigated two major theories. The first, that there was a link between specific physiological factors and criminality, will be addressed here. The second, the theory of feeble-mindedness and its connection to criminality, will be discussed in section two. At the time of the Laboratory's inception the notion of "the criminal type," though not as popular as it once had been, remained widespread in criminology circles.<sup>21</sup> It was part of the larger and widely accepted theory that heredity determined criminality.<sup>22</sup>

To understand the era's discourse on the physical criminal type one must be familiar with the work of two important criminologists, Alphonse Bertillon and Cesare Lombroso. In the late 1870's, Bertillon, a French criminologist, developed a system that used eleven specific physical measurements (of the head, arms and feet, etc.) and a complex filing system which recorded the findings to describe and later re-identify all those entering Paris's justice system. Bertillon's system sought to crack down on recidivists, especially vagrants, who occupied the Parisian streets.<sup>23</sup> The system was not intended to Label certain types of people as criminals, but rather, to accurately identify recidivists. Never before had there been such a successful method of

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<sup>21</sup> Ramsland, "The Measure of a Man."

<sup>22</sup> Ibid.

<sup>23</sup> Simon A. Cole, *Suspect Identities: A History of Fingerprinting and Criminal Identification*, (Cambridge: Harvard University Press, 2009), 54.



identifying repeat offenders. A mug shot could cease to resemble a criminal, but the length of their arm and circumference of their head did not change.<sup>24</sup>

Bertillon's system quickly gained popularity throughout Europe and North America.<sup>25</sup> For example, a form of "Bertillonage," was carried out in prisons in New York State, including the Auburn prison for women.<sup>26</sup> As a result of its rapid and unsystematic dissemination, the perceived purpose of Bertillon's system mutated. A group of eugenicist criminologists known as "criminal anthropologists" adopted Bertillon's system as their own, conflating the ability to identify recidivists using precise bodily measurements with the ability to read criminality into the body itself. Moreover, they used the data collected by the system to prove their own theories about the existence of a physical criminal type.<sup>27</sup>

The most well-known of these theorists was Cesare Lombroso (1835-1909), an Italian physician.<sup>28</sup> Like many of his colleagues, Lombroso did not acknowledge any difference between the criminal type, which he so dearly wished to prove, and the recidivist criminal, studied by Bertillon.<sup>29</sup> Though Lombroso originally focused on men, in 1895 he published a book entitled, *The Female Offender*. In this work he used phenology and other measurement-based methods to determine what he saw as the physical similarities and differences between deviant and non-deviant women.<sup>30</sup>

Lombroso claimed, for example, that criminal women had, on average, smaller "cranial capacity" than normal women. By this he meant that they literally had less space in their head for

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<sup>24</sup> Cole, *Suspect Identities*, 48.

<sup>25</sup> Ibid, 51.

<sup>26</sup> Cheryl D. Hicks, *Talk with You like a Woman: African American Women, Justice, and Reform in New York, 1890-1935* (Chapel Hill: University of North Carolina Press, 2010), 128.

<sup>27</sup> Cole, *Suspect Identities*, 57.

<sup>28</sup> Ibid.

<sup>29</sup> Ibid, 58.

<sup>30</sup> Hicks, *Talk with You like a Woman*, 128.

the brain.<sup>31</sup> Lombroso also maintained that 28% of prostitutes had a “complete insensibility to pain.”<sup>32</sup> But overall, Lombroso failed to find much physical difference between criminal and non-criminal women. This led him to conclude that all women must clearly be less developed than men and generally prone to perversion and lying.<sup>33</sup> He did claim, however, that for a small set of women, those who belonged to the “born criminal” type, their “criminal propensities are more intense and more perverse than those of their male prototypes.”<sup>34</sup> By this he meant that a true woman criminal was far worse than any man could ever be.

Some scientists rejected the theory of a criminal type and advocated a different way of looking at those who committed crimes. One was Frances Alice Kellor, an American criminologist who theorized that a criminal's economic and personal history contributed more to her deviance than did her biology.<sup>35</sup> In 1900 Kellor published her findings in an article entitled, “Psychological and Environmental Study of Women Criminals I” in the *American Journal of Sociology*. In this study Kellor came out as one of the first Americans to reject Lombroso's theory of the physical criminal type.<sup>36</sup> Historians such as Freedman have referred to her work as Kellor’s Theory of Environmentalism.<sup>37</sup>

Kellor’s study offered a close analysis of Lombroso’s theories. She did this by performing his exact experiments on a number of delinquent American women, from both penitentiaries and workhouses, as well as non-criminal women. Kellor tested the women for the following characteristics: weight, height, sitting height, strength of chest, hand grasp, cephalic index, the distance between the arches, orbits, corners of eyes, and crown to chin, a nasal index,

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<sup>31</sup> Cesare Lombroso, *The Female Offender*, (New York: D Appleton & Company, 1895), 4.

<sup>32</sup> Lombroso, *Female Offender*, 138.

<sup>33</sup> Ramsland, “The Measure of a Man.”

<sup>34</sup> Lombroso, *Female Offender*, 147.

<sup>35</sup> Hicks, *Talk with You like a Woman*, 134.

<sup>36</sup> Freedman, *Their Sisters’ Keepers*, 112.

<sup>37</sup> *Ibid*, 116.

the length of the ears, hands, and fingers, the width and thickness of mouth, and the height of the forehead.<sup>38</sup> Kellor chose these characteristics because they were the same ones used by Lombroso to prove that there was a connection between heredity and crime. Kellor then compared her results to those of Lombroso. For example, she looked at Lombroso's claim that prostitutes tended to weigh more than "normal" women, and found the opposite to be true.<sup>39</sup> Kellor concluded that criminality was the result of a person's environment, "an organism responding and reacting to various stimuli," rather than their anatomy.<sup>40</sup> By going through Lombroso's ideas point by point, Kellor undermined Lombroso's theory.

Later in 1900, Kellor published, "Criminality Among Women," which investigated the "social and economic influences" that lead to crime.<sup>41</sup> Kellor further claimed that when women commit crimes, "Frequently the dissipated habits are traceable to domestic troubles and to the struggle for existence." One way in which Kellor was in line with Lombroso, however, is that even in economic considerations of crime, Kellor took an individualistic view of criminality. Instead of considering the role society had to play in crime, she maintained a focus on each individual case.<sup>42</sup> It was the individual's "struggle for existence" rather than systematic social factors that was of interest to Kellor.

It can be assumed that Kellor's research was known to the researchers at the Lab, because they were tackling the exact same topic. Moreover, Kellor, like the Lab's scientists, studied at

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<sup>38</sup> Frances A. Kellor, "Psychological and Environmental Study of Women Criminals I," *American Journal of Sociology* 5, no. 4 (1900): 529, Accessed March 4, 2018, <http://www.jstor.org/stable/2761608>.

<sup>39</sup> Freedman, *Their Sisters' Keepers*, 115.

<sup>40</sup> Kellor, "Psychological and Environmental Study of Women Criminals I," 528.

<sup>41</sup> Frances A. Kellor, "Criminality Among Women," *Arena Magazine*, (1900), Accessed March 4, 2018, <https://ia801907.us.archive.org/33/items/ArenaMagazine-Volume23/0001-arena-volume23.pdf>.

<sup>42</sup> Freedman, *Their Sisters' Keepers*, 115.

the University of Chicago in the same field at around the same time.<sup>43</sup> <sup>44</sup> The researchers at Bedford employed methods very similar to Kellor in their experiments.<sup>45</sup> Despite this overlap, however, Kellor's theory of environmentalism was not used at Bedford in the early phase of the lab's research, 1911-1914.

In 1913, more than a decade after Kellor published her studies rejecting Lombroso, Charles Goring, an English criminologist, published *The English Convict*. This work was considered to have officially debunked Lombroso's criminal type theory.<sup>46</sup> It was able to do this, due to the size of the study, which analyzed hundreds of convicts.<sup>47</sup> However, for almost twenty years, from 1895-1913, Lombroso and his theory of the female criminal type remained pervasive in criminology circles.<sup>48</sup> And though Lombroso's theories had a significant influence over the work conducted at the Laboratory of Social Hygiene, in time the Kellor and Goring proved a better replacement.

#### The Laboratory's Use of the Criminal Type:

In the Summer of 1911, with a grant from the New York Foundation, Davis hired a psychiatrist to conduct research on the women in her Reformatory.<sup>49</sup> The position was filled by Dr. Jean Weidensall, who remained at Bedford when the Lab was established in 1912 and later became the director of the Department of Psychology at the Laboratory.<sup>50</sup>

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<sup>43</sup> Diemicke, Christopher W. "Kellor, Frances Alice (1873-1952), social reformer and arbitration specialist." *American National Biography*, Accessed April 4, 2018.

<http://www.anb.org/view/10.1093/anb/9780198606697.001.0001/anb-9780198606697-e-1500379>.

<sup>44</sup> *Alumni Directory*, The University of Chicago, (1913): 5, Accessed April 4, 2018.

<https://babel.hathitrust.org/cgi/pt?id=loc.ark:/13960/t59c7pf8c;view=lup;seq=7>.

<sup>45</sup> Weidensall, *The Mentality of Criminal Women*, xv.

<sup>46</sup> Ramsland, "The Measure of a Man."

<sup>47</sup> Charles Goring, *The English Convict*, (London: Wyman and Sons, Ltd., 1913).

<sup>48</sup> Ramsland, "The Measure of a Man."

<sup>49</sup> Weidensall, *Criminal Women*, 1.

<sup>50</sup> *Ibid*, x.

In 1916 Weidensall published *The Mentality of the Criminal Women*. It opened with a long editor's note rejecting Lombroso's theory of the criminal type.

The "born criminal" was supposed to be characterized by a typical and unmistakable physiognomy, and much was said and written of the criminal nose, the criminal ear, and the like. The later developments of criminology showed that Lombroso and his followers had been carried away by the enthusiasm of the pioneer and had fallen victims to the fallacies of hasty generalization.

This was followed by the editor's endorsement of an alternative explanation, focusing on mental aptitude:

In recent years the analysis of criminality has been directed, and rightly, more definitely upon the mental traits of the criminal; it has become evident that the mind is more significant than the face...It is but natural, then, that the rapid development of mental tests should include their application to criminals of various types with the idea of discovering empirically in what ways their responses to these tests might differ characteristically from the responses of normal, law-abiding citizens.<sup>51</sup>

This introductory note may suggest that Weidensall and the Lab dismissed Lombroso's criminal type theory from the beginning. However, based on the actual experiments included in the volume, which included physical measurements based on Lombroso's experiments, it is clear that the Lab still questioned whether or not criminals possessed certain unique physical characteristics.

Weidensall, herself conducted an analysis of the comparative heights, weights, grips, steadiness of hand, rapid movement capabilities, and rate of fatigue among Bedford and non-Bedford women, much like Kellor had done in 1900.<sup>52</sup> Weidensall concluded that the women at the reformatory, on average, were shorter, fatter, and had a stronger grip.<sup>53</sup> Moreover, many pages of Weidensall's book were devoted to the details of how these experiments were

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<sup>51</sup> Guy Montrose Whipple, Preface to *Mentality of Criminal Women*, Jean Weidensall, (Baltimore, Warwick & York, Inc., 1916).

<sup>52</sup> Weidensall, *Criminal Women*, 21.

<sup>53</sup> *Ibid*, 253.

conducted, further demonstrating their importance and relevance to the ideological underpinnings of the research.<sup>54</sup> Weidensall and the Lab, like Lombroso before them, were clearly looking for any notable physical differences between working and criminal women as a whole.

Despite the editor's claim that Weidensall rejected the concept of the criminal type, the use of physical factors in this study is unsurprising. This is because of the timing of the experiment. Goring's watershed study, *The English Convict*, disproving Lombroso's theory, was not published until 1913, two years into the research at Bedford—meaning that when the Weidensall study began, it was still deemed relevant to search for a physical marker of criminality. The claim to a more progressive outlook on criminality in the introduction to Weidensall's study is clearly incongruent with the study itself, and was therefore likely an after-the-fact posturing of her work to reflect an appreciation for the most recent developments in the field. It is evident, therefore, that despite their claims to the contrary, the Lab was not convinced by Kellor alone and so they too recreated Lombroso's experiments to further investigate the physical criminal type.<sup>55 56</sup>

In short, *The Mentality of Criminal Women* was clearly influenced by Lombroso's criminal type, in that it recreated some of his experiments, much like Kellor had done. Moreover,

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<sup>54</sup> Weidensall, *Criminal Women*, 54-75.

<sup>54</sup> Kellor, "Psychological and Environmental Study of Women Criminals I," 530.

<sup>55</sup> Weidensall, *Criminal Women*, 253; Kellor, "Psychological and Environmental Study of Women Criminals I," 530.

<sup>56</sup> Weidensall employed research methods similar to that of Kellor. But where Kellor concluded that prostitutes were lighter than the average woman, Weidensall found that the reformatory women (most of whom were prostitutes) were on average "decidedly heavier" than the working women in the study, which brought findings in line with Lombroso. However, unlike Lombroso, Weidensall did not claim that the weight difference had any significance. Weidensall, like Kellor, also analyzed the strength of the women's grip. Kellor concluded that the non-criminal women had stronger grip than the criminal women. Weidensall, found that the Bedford women were stronger, once again aligning with Lombroso. Ultimately, however, even when the Lab's results matched Lombroso's, Weidensall did not use them as proof of Lombroso's theories. This strongly suggests that when the study started, the Lab believed in the possibility of a specific physical criminal type, and therefore implemented the tests. But by the time the study concluded, however, the theory had been so thoroughly rejected that they did not want to mention that their results aligned with those of Lombroso.

some of Weidensall's results actually confirmed Lombroso's findings. However, importantly, the implications of these results were ultimately left unaddressed by Weidensall. It is clear that the Lab initially supported the idea that the "criminal type" could be identified through certain distinct physical characteristics. A concept that promoted eugenic ideas of inherited criminality—and only later tried to claim they had rejected it.

## II

### **Feeble-Mindedness:**

In addition to studying the bodies of delinquent women, *The Mentality of Criminal Women* also attempted to determine which women were capable of reform and which were not.<sup>57</sup> This desire stemmed from a presumption among many American psychiatrists in the early 20<sup>th</sup> century that mentally impaired people, often called “feeble-minded,” were responsible for the nation’s crime problem. According to this theory—feeble-minded people were not only criminal but were too stupid to be reformed; some social scientists even called for feeble-minded people to be institutionalized or kept apart from the general population.<sup>58</sup>

The theory of feeble-mindedness resulted in a shift from a physical understanding of criminality to a psychological one. In both approaches it was possible to identify certain sets of people who were more likely to commit crimes. And, as with the physical criminal type, feeble-mindedness was assumed to be hereditary.<sup>59</sup> Unlike with crimes committed by the “physical criminal type,” however, criminal acts by the “feeble-minded,” were seen as the result of disability.<sup>60</sup> Despite this distinction, the belief that hereditary feeble-mindedness could result in criminality, remained consistent with eugenics theories, which believed that the human race could be improved by selecting out for certain undesirable genes.

The notion that there was a connection between feeble-mindedness and criminality developed out of the conviction that a person’s intelligence could be accurately tested. In 1905 the French psychologist Alfred Binet collaborated with Theodore Simon to identify students in

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<sup>57</sup> Weidensall, *Criminal Women*, 2.

<sup>58</sup> Saran Ghatak, “Goddard, Henry H.: Feeble-mindedness and Delinquency,” *Encyclopedia of Criminal Theory*, (Thousand Oaks: Sage Publishing inc., 2010), 381-383.

<http://sk.sagepub.com.ezproxy.cul.columbia.edu/reference/criminologicaltheory/n105.xml>

<sup>59</sup> Ghatak, “Goddard, Henry H.”

<sup>60</sup> Goddard, *Feeble-Mindedness*, 18.



the French school system with learning disabilities.<sup>61</sup> They created what became known as the Simon-Binet test. The markers of intelligence measured by the Simon-Binet test included the ability to adapt to new circumstances, good judgment, language comprehension, and reasoning.<sup>62</sup> The test consisted of a series of questions and tasks which included vocabulary questions, paper folding, sentence recall, copying figures, focus, and memory quizzes. Binet and Simon assumed that intelligence increased along with age and, therefore, different questions were assigned differently levels of difficulty based on the age with which they were associated.<sup>63</sup> Once the test was completed the results were presented as the test takers “mental level.” This idea, however, quickly mutated to be interpreted as the test taker’s mental age.<sup>64</sup> As originally envisioned by Simon and Binet, the test was intended to determine intelligence in conjunction with level of education.<sup>65</sup>

In 1908 Henry Goddard became the first American to translate the Binet test into English, and in so doing brought intelligence testing to the attention of psychologists in the United States, including the researchers at the Laboratory of Social Hygiene. The test quickly gained popularity and was applied to many different types of psychological research.<sup>66</sup> There was, however, an important flaw in how the theory was presented to American audiences. Simon and Binet intended to test intelligence in conjunction with a person’s education. The test Goddard popularized in America, on the other hand, claimed to be a measure of inherent intelligence.<sup>67</sup>

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<sup>61</sup> George Spanoudis and Andreas Demetriou, “Binet’s Tests,” *The SAGE Encyclopedia of Theory in Psychology*, (Thousand Oaks: Sage Publishing inc., 2016), 100-101.

<http://sk.sagepub.com.ezproxy.cul.columbia.edu/reference/the-sage-encyclopedia-of-theory-in-psychology/i1379.xml>

<sup>62</sup> Ibid.

<sup>63</sup> Ibid.

<sup>64</sup> Ibid.

<sup>65</sup> Ibid.

<sup>66</sup> Mark C. Carnes, *Mapping America's Past: A Historical Atlas*, (New York: H. Holt, 1996), 166-167.

<sup>67</sup> Spanoudis, “Binet’s Tests.”

Whether or not this misinterpretation was intentional is unknown. However, because Goddard was a strong proponent of eugenics, this error, which allowed him to further the goals of that theory, may have been intentional.<sup>68</sup>

Goddard was also significant in the history of American psychology for his use of the test in his own research. He used it, for instance, in his psychiatric research, at the Training School for Feeble-Minded Boys and Girls in Vineland, New Jersey, where he served as Director of the Psychological Research Laboratory, starting in 1906.<sup>69</sup> Goddard was hired at Vineland to conduct genealogical research on the families of students, to determine whether or not their feeble-mindedness was hereditary and if there were physical traits among the relatives of the Vineland students which were connected to their disabilities. To conduct this research Goddard used his translation of the Simon-Binet aptitude tests.<sup>70</sup> Goddard established a zeitgeist for how criminologists and psychologists measured and thought about intelligence in the United States for over a decade.

This new way of thinking marked a shift from a physical to a psychological interpretation of criminality. This is evident in Goddard's writing, where he claimed that for those with "lower grades of mental defect," it had always been possible to see them as criminal based on their physical appearance. For less severe cases however, Goddard claimed that many of with criminal tendencies had gone unidentified because they appeared physically "normal." Therefore, intelligence testing was important because it made it possible to identify criminality even when it wasn't physically detectable.<sup>71</sup> According to Goddard, the greater number of people who

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<sup>68</sup> Ghatak, "Goddard, Henry H."

<sup>69</sup> Ibid.

<sup>70</sup> Ibid.

<sup>71</sup> Goddard, *Feeble-mindedness*, 19.

received intelligence testing the better others could identify potential criminals in advance of them committing any crimes.<sup>72</sup>

In 1912, Goddard published his initial research, *The Kallikak Family: A Study in Hereditary Feeble-mindedness*, which investigated the genealogy of one family of a Vineland student. Goddard drew a direct connection between the child's feeble-mindedness and the fact that her great-great-great grandmother had been feeble-minded. He argued that this woman caused generations of the Kallikak family to be feeble-minded and delinquent.<sup>73</sup> Using this family as an example, Goddard claimed that there was a concrete link between feeble-mindedness and delinquency for all people.<sup>74</sup>

Two years later, Goddard published *Feeble-mindedness: Its Causes and Consequences*, which investigated the families of 327 Vineland students.<sup>75</sup> In this second book Goddard, drew a direct causal link between criminal behavior and feeble-mindedness. He claimed that new advances in psychology proved that hereditary feeble-mindedness—not a physical criminal type—was the root of the nation's vice problem:

The criminal is not born; he is made. The so-called criminal type is merely a type of feeble-mindedness, a type misunderstood and mistreated, driven into criminality for which he is well fitted by nature. It is hereditary feeble-mindedness not hereditary criminality that accounts for the conditions. We have seen only the end product and failed to recognize the character of the raw material.<sup>76</sup>

Goddard did not claim that feeble-mindedness caused crime, but that the feeble-minded person was well suited to it, and eventually inclined to crime because she was “misunderstood and

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<sup>72</sup> Goddard, *Feeble-mindedness*, 5.

<sup>73</sup> Ghatak, “Goddard, Henry H.”; The book was later criticized because it is probable that Goddard doctored some of the photos and other information that he used to prove his theory.

<sup>74</sup> Ibid.

<sup>75</sup> Ibid.

<sup>76</sup> Goddard, *Feeble-mindedness*, 8.

mistreated.” His conclusions thus pointed to a possible societal responsibility for properly understanding and treating such people pearly on in their lives. Goddard’s suggested method for carrying this out, isolation, was extreme.<sup>77</sup>

In addition to the supposed connection between feeble-mindedness and delinquency, Goddard also claimed that a large portion of the American public, especially drunkards, criminals, and prostitutes, were feeble-minded.<sup>78</sup> He supported his claims using data from his mis-translated, or perhaps mis-interpreted, Simon-Binet intelligence test. Goddard concluded that a much higher percentage of the American population was feeble-minded than previously suspected. He claimed that up to 50% of people who could be classified as a “social problem”– the criminal, the pauper, and the prostitute– were feeble-minded.<sup>79</sup>

Goddard asserted that feeble-minded people had children at much higher rates than “normal” people. He claimed, therefore, that over time, an ever-increasing proportion of the population would be made up of feeble-minded people and the burden of caring for those people would fall to the state. To prevent this crisis, Goddard recommended that feeble-minded people should be separated from the general population, so as to prevent mixing between the two groups.<sup>80</sup>

#### Feeble-Mindedness at Bedford:

Goddard influenced the Laboratory of Social Hygiene in an abstract way by theorizing the connection between feeble-mindedness and delinquency. It was this causal link which, in part, motivated Davis to establish the Laboratory of Social Hygiene.<sup>81</sup> During the first decade of

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<sup>77</sup> Ghatak, “Goddard, Henry H.”

<sup>78</sup> Goddard, *Feeble-mindedness*, 17.

<sup>79</sup> Ibid, 7.

<sup>80</sup> Ghatak, “Goddard, Henry H..”

<sup>81</sup> Freedman, *Their Sisters’ Keepers*, 117-118.

the twentieth century, Davis grew increasingly concerned with the kind of women who were sent to her reformatory. Her concern is evident when she wrote, “It is already possible to commit a person who is manifestly insane to the proper institution...this is not true of the feeble-minded delinquent woman, whose proper care presents one of the most serious problems with which we have to deal.”<sup>82</sup> It was with this anxiety which motivated Davis to better understand feeble-mindedness.

In 1909, to address this problem Davis invited a researcher, Dr. Eleanor Rowland, to conduct a series of psychological tests on the women at Bedford. The results of Rowland’s tests alarmed Davis. One third of the women tested had scores which marked them as feeble-minded. Rowland questioned the accuracy of the tests. But the results prompted Davis to develop a more standardized evaluation process for the reformatory’s incoming women. With that in mind, in 1911, she applied for, and was awarded, a research grant from the New York Foundation. With these funds, she hired Dr. Jean Weidensall, a PhD in philosophy, with a focus in psychology, from the University of Chicago.<sup>83</sup> Weidensall’s initial year-long research project later became integrated into the work of the Laboratory of Social Hygiene, which opened in 1912.<sup>84</sup>

Goddard’s research also had more concrete effects on the Lab. Weidensall used Goddard’s version of the Simon-Binet test as a major tool in her research for *The Mentality of Criminal Women*. She sought to determine whether the women at Bedford were mentally inferior to working class “normal” women,<sup>85</sup> and hoped to build a set of tests which would allow the Lab to know which women were capable or reform and which were not.<sup>86</sup> To that end Weidensall

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<sup>82</sup> Davis, Introduction, Weidensall, *The Mentality of Criminal Women*, xiv.

<sup>83</sup> At this time, psychology was still considered a sub-discipline of philosophy.

<sup>84</sup> Freedman, *Their Sisters’ Keepers*, 117-118.

<sup>85</sup> Weidensall, *The Mentality of Criminal Women*, 4.

<sup>86</sup> *Ibid*, 2.

conducted tests, including the 1911 version of Goddard's Binet test, on women at Bedford. She subsequently compared the results to similar tests performed on working women and girls in New York State.

Weidensall began her research by giving Goddard's Binet test to 200 women at Bedford. These women are referred to in the study as the "Binet 200."<sup>87</sup> Later, three sections of the Binet test, a handwriting test,<sup>88</sup> a reading test,<sup>89</sup> and a telling time test.<sup>90</sup> were performed on 88 women from Bedford. These women were intended to be representative of the ethnic, religious, educational makeup, and age of the reformatory population as a whole.<sup>91</sup> They were called the "Bedford 88." Finally, these three tests were performed on a group of 18 "normal" women employed as maids at a college, referred to in the study as "college maids."<sup>92</sup> The heavy reliance on Goddard's test shows clearly that his research influenced the Lab's scientists and helped to shape the goals of their research.

In *The Mentality of Criminal Women*, Weidensall compared the results of the "Binet 200" and the "Bedford 88" on the handwriting, reading, and time telling sections of Goddard's Binet test. She made this comparison to prove that the "Bedford 88" were representative, intellectually, of the general reformatory population.<sup>93</sup> Each of these three tests will be explained briefly to gain insight into how they worked and to better understand the conclusions that Weidensall drew from their results.

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<sup>87</sup> Weidensall, *Criminal Women*, 161.

<sup>88</sup> Ibid, 160.

<sup>89</sup> Ibid, 166.

<sup>90</sup> Ibid, 202.

<sup>91</sup> Ibid, 6; With the exclusion of black women as a notable exemption. For more information on this issue please look to footnote 159.

<sup>92</sup> Ibid, 162.

<sup>93</sup> Ibid, 159.

In the handwriting test, each women was asked to write the following sentence: “The pretty little girl.” The goal of the test was to determine the “rapidity and quality” of the women’s handwriting.<sup>94</sup> On these tests the Bedford 88 group and the Binet 200 group performed comparably, when controlled for education level.<sup>95</sup> In the reading test, the women were asked to read the following sentences which were formatted as such:

A big flood | at Cape May | last week | swept away | five | boats | full of fish |. A little boy |, the son | of a fisherman |, was carried out | to sea.| While trying | to save | him | a man | in a row boat | was washed | overboard | and nearly drowned |. The child | was saved |.<sup>96</sup>

The time it took to read the test was recorded, and then the test taker was asked to recall what they had just read. Their responses were written down verbatim. This was done to determine if the women were able to sound out words or if they had truly understood what they were reading.<sup>97</sup> Similar to the handwriting test, the results of the Bedford 88 differed little from those of the Binet 200 group.<sup>98</sup>

The third test asked participants to swiftly tell the time. In the Binet 200 group 65% could tell time, whereas in the Bedford 88 group only 58% could do so. Weidensall explained, however, that at the time in which the Binet 200 were tested the Lab had been less careful regarding the test taker's speed and exactness in telling time. She concluded, therefore, that like in the other tests, participants from the Binet 200 and the Bedford 88 were essentially intellectually equal.<sup>99</sup> The results of these three tests proved to Weidensall that the basis of her

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<sup>94</sup> Weidensall, *Criminal Women*, 160-161; Each woman was given a score based on the Aryes’ scale of handwriting, which was originally designed to test children in the late primary school grades. They were tested on this scale because very few, if any, of the women were able to write with the skill needed to compare them with the Thorndike adult scale of handwriting.

<sup>95</sup> Weidensall, *Criminal Women*, 161.

<sup>96</sup> *Ibid*, 166.

<sup>97</sup> *Ibid*, 166.

<sup>98</sup> *Ibid*, 167.

<sup>99</sup> *Ibid*, 202.

experiments were sound—the Bedford 88 group was equal intellectually with the reformatory population as a whole. This then allowed Weidensall to assume that any conclusions she made about the Bedford 88 group were applicable for all reformatory women.

To understand the conclusions drawn by Weidensall it is important to be familiar with the methods she used to organize her data. Among the Bedford 88 Weidensall developed a complex system of subgrouping based on each woman's education level. There was the "below grade group" which included the 34 women who had not passed what they called the "5B grade" and the "grade group" which was made up of the 54 women in the study who had passed the "5B grade." The 54 women of the "grade group" were further subdivided depending on what grade level they had passed. The 13 women who had passed the 8B grade, for example, are called "B.VIII."<sup>100</sup> The results, when plotted on a graph, showed a bimodal grouping of the intelligence of the Bedford 88. Weidensall explained that this differed from the unimodal graph of intelligence observed among the working girls.<sup>101</sup> The Bimodal nature of this graph meant that women at Bedford were clustered into two groups, one of lower intelligence and one of higher intelligence. According to Weidensall the only way to understand this seemingly unusual divide in intelligence was to analyze the graph by comparing the "grade group" and "below grade group." She explained: "The division which alone served to separate the better from the poorer subjects was that of the grade completed upon leaving school."<sup>102</sup> Once this Labeling was applied it was clear that the divide in what Goddard's Binet test and this study initially called "intelligence" was really a split in the education level among the incarcerated women.<sup>103</sup>

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<sup>100</sup> Weidensall, *Criminal Women*, 23.

<sup>101</sup> *Ibid.*, 250.

<sup>102</sup> *Ibid.*

<sup>103</sup> *Ibid.*



The heavy reliance on Goddard's tests by the researchers at the Laboratory of Social Hygiene is clear evidence of his influence. However, in the first chapter of *The Mentality of Criminal Women*, Weidensall claimed that she and the other researchers at the Lab were hesitant from the very beginning about using Goddard's Binet tests. They further asserted that their use of the Binet test was not because they had confidence in it, but because it was the most reliable test available and that the time constraints, of the initial one-year experiment left, no time to look for or devise a more exact test.<sup>104</sup> She claimed that "it was impossible to overlook them, [Goddard's tests] because so much was being claimed for their reliability for the isolation of the feeble-minded."<sup>105</sup> Weidensall added that of the 200 women who had taken the test upon entering the facility only one earned the mental age of 12.<sup>106</sup> For that reason she claimed the test lacked details, like the root cause of their mental age, which would have made the test results more useful for the Lab.<sup>107</sup> For this reason Weidensall explained that unmodified Goddard's Binet test was not right for their purposes.<sup>108</sup> And yet the use of the Binet test is evident throughout the study.

Thus, although Weidensall wrote ambivalently about intelligence testing in the first chapter of *The Mentality of Criminal Women*, her views on the matter possibly shifted, as evidenced by her use of the test. For this reason, in order to determine how the researchers felt about intelligence testing, it is more important to focus on the fact that the Binet test was used as the basis of much of their research. In 1911, when Weidensall and her colleagues began their research they clearly believe at some level intelligence testing could offer an effective way to

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<sup>104</sup> Weidensall, *Criminal Women*, 4.

<sup>105</sup> *Ibid.*

<sup>106</sup> *Ibid.*

<sup>107</sup> *Ibid.*, 5.

<sup>108</sup> *Ibid.*, 4.

determine both what percentage of the women in their care were feeble-minded and consequently how many of them might be reformable.

Even more important than Weidensall's use of the tests, however was her eventual rejection of them, in favor of proper education. Weidensall insisted that while women in reformatories often appeared to be resistant to education, that they in fact had the "ability to learn."<sup>109</sup> She went on to say that if this ability was exercised with proper training and assistance, "the problem of how to understand and deal with the criminal woman will have been in large part solved."<sup>110</sup> Later she explained that when women behaved well after Bedford, especially on parole, it was because they had role models in the reformatory which they had hitherto lacked.<sup>111</sup> To that end, Weidensall recommended that as much time should be spent on training and education as possible and less stock should be placed on the issue of feeble-mindedness. Weidensall then used the school at Bedford Hills as an example of best practices for this idea. She said that because Superintendent Davis worked so hard to create an environment which tried to make each student the best she could be, Bedford in effect was already an excellent educational institution.<sup>112</sup> While Goddard insisted that "feeble-minded" people could not be educated, Weidensall insisted the exact opposite— a radical notion.

Weidensall went on to say that given the lack of both schooling and technical skills among most of the Bedford 88 "it is not surprising that there has been lacking in their conduct the motive and will to select for themselves those lines of conduct most reasonable and fortunate, let alone most wholesome." Weidensall perceived a connection between education and right

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<sup>109</sup> Weidensall, *Criminal Women*, 281.

<sup>110</sup> Weidensall, *Criminal Women*, 281.

<sup>111</sup> *Ibid*, 285.

<sup>112</sup> *Ibid*, 282.

action. Indeed she seemed to empathize with or excuse the actions of impoverished, ill-educated criminals by insisting that such behavior was “not surprising” given their life experiences.<sup>113</sup>

*The Mentality of Criminal Women* opened up the possibility that a criminal act was not, as previously thought, the sole result of an inherent predisposition to commit crimes or even a state of feeble-mindedness. Rather, it was largely a lack of education, caused in part by the women’s own failing, but also due to a lack of devoted teachers, satisfactory schools, and good role models. The way to reduce crime according to this study, therefore, was not to segregate all those with lesser “intelligence,” as Goddard recommended, but to spend greater time and resources to help those who have struggled. This conclusion was a radical departure from the Lab’s initial goal for the study, which was to build a set of tests which would determine who was reformable, with the assumption that for some this simply was not possible.

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<sup>113</sup> Weidensall, *Criminal Women*, 283.

### III

#### A Multi-Factor Approach:

Widensall's radical claim that education could reduce crime went against eugenic theories, and yet there were others who came to the same conclusion—that environment was more important than heredity. One of these was Dr. Frances Kellor. Her theory of environmentalism, devised at the turn of the century, argued that most people committed crimes because poverty, sickness, and lack of education bred crime, not due to inherent criminality.<sup>114</sup>

Kellor's environmental theory was a more extreme precursor of the Multi-Factor approach developed in 1915 by William Healy, head of the Juvenile Psychopathic Institute in Chicago.<sup>115</sup> Healy, like Kellor, took into consideration family relations, education, and economic considerations and focused on the individual criminal, rather than the problems of society as a whole.<sup>116</sup> Unlike Kellor, however, Healy also maintained the importance of inherited psychological factors. Healy contended that hereditary considerations combined with environmental ones serve to produce criminals.<sup>117</sup> This “multi-factor theory,” which succeeded the physical criminal type and feeble-mindedness, guided the research conducted by the Laboratory of Social Hygiene from 1915-1918.

In *Individual Delinquent* (1915), Healy described the results of a large study he oversaw at the Juvenile Psychopathic Institute. Healy, like Kellor, used case histories to show how different elements affected criminal behavior. Among the factors Healy considered were intelligence, using Binet tests, but also other considerations such as “severity and harshness of

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<sup>114</sup> Freedman, *Their Sisters' Keepers*, 111-114.

<sup>115</sup> Ibid.

<sup>116</sup> Ibid.

<sup>117</sup> Healy, *The Individual Delinquent: A text-book, or, diagnosis and prognosis for all concerned in understanding offenders*, (New York: Little, Brown and Co., 1915), 30.

parent,” “poverty,” and “influence of pictures, especially moving pictures,” among many others.<sup>118</sup> These multiple factors perfectly illustrate the new method of analysis promoted by Healy’s multi-factor theory—where both heredity and environment combined in the making of a criminal. Despite a movement towards including the sociological influences, Healy’s continued reliance on intelligence testing demonstrated a strong belief in the heritability of criminality through mental defect.

The connection between Healy’s Juvenile Psychopathic Institute and the Laboratory of Social Hygiene was strong, as several of its staff went on to play important roles at the Lab. Jane Weidensall and Grace Fernald each had held the position of Head Psychiatrist at Healy’s Institute, and Edith R. Spaulding was a researcher there.<sup>119</sup> In the conclusion to *Individual Delinquent*, Healy cited the contribution of these women as major influences in his work. Each of these women were also important to the Lab. Weidensall’s pivotal role at the Lab has already been noted. Grace Fernald was the sister of Mabel Fernald, who held the position of director of the Lab at Bedford Hills after Weidensall.<sup>120</sup> It can be assumed that Grace’s research influenced her sister, or at the very least, made her aware of Healy’s theories. Mabel Fernald was the author of the Lab’s second major publication, *A Study of Women Delinquents in New York State* (1920). This work used much of the methodology presented by Healy in *Individual Delinquent*. In 1915 Spaulding became Director of the newly opened Hospital for Psychopathic Delinquent Women run by the Lab. She was also the author of the Lab’s third and final book, *The Experimental Study of Psychopathic Delinquent Women* (1923), which also closely aligns with Healy’s theory.

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<sup>118</sup> Healy, *Individual Delinquent*, x-xvi.

<sup>119</sup> *Ibid*, 810.

<sup>120</sup> “Mabel Fernald,” Psychology’s Feminist Voices, <https://www.feministvoices.com/mabel-fernal/>, Accessed March 1, 2018.

As a result, after 1915, the Lab's research was primarily focused on the multi-factor approach, as promoted by Healy.

A further connection between Healy's multi-factor theory and the Lab is an article written jointly by Spaulding and Healy in 1914, entitled "Inheritance as a Factor in Criminality." The authors examined whether criminal traits could be directly inherited, or only indirectly inherited through mental disorders, such as insanity or feeble-mindedness.<sup>121</sup> More important to the discussion here, however, was Spaulding and Healy's explanation of why they considered the multi-factor approach to be so important:

In the discussion of criminal causation, heredity has usually been placed in the balance with environment, each gaining in weight as the other lessens; and the question is still asked whether environment or heredity plays the more important part, the two being treated as if they were isolated units. This method of approach is wrong. Often one forms the other in such a way that it is impossible to say where one leaves off and the other begins. Parents who are mentally defective, alcoholic or syphilitic, form atrociously defective environmental and developmental conditions for their offspring.<sup>122</sup>

In short, they concluded that both hereditary factors and environmental factors played a role in crime, and should both, therefore, be studied.

Spaulding and Healy focused on the individual, which remained the most important unit of analysis. "Every case needs individual interpretation," they claimed.<sup>123</sup> Indeed, Healy's book was literally titled *Individual Delinquent*. By highlighting the individual context of each case these scholars demonstrated that, in practice, the multi-factor approach, much like the psychological and physical theories before it, maintained the standard perception that crime was

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<sup>121</sup> Edith R. Spaulding and William Healy, "Inheritance as a Factor in Criminality," *Criminal Law & Criminology* 837, (1914): 837, Accessed April 1, 2018.

<https://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=1267&context=jclc>.

<sup>122</sup> Spaulding, "Inheritance as a Factor in Criminality," 838.

<sup>123</sup> Ibid. 839.

an individual problem, rather than a societal one. This individualistic angle was also demonstrated in the work of the Laboratory of Social Hygiene.

The Multi-Factor Approach at the Laboratory of Social Hygiene:

The research conducted by the Laboratory of Social Hygiene from 1912-1918 both shaped and was informed by the multi-factor theory of criminality. *A Study of Women Delinquents in New York State* (1920) and *An Experimental Study of Psychopathic Delinquent Women* (1923), though published three years apart, were based on research conducted at Bedford prior to its closure in 1918.<sup>124</sup> Both works, therefore, were an after-the-fact synthesis of work the Lab had done in its final years, rather than an analysis of new work. Moreover, this pre-1918 timeline links these studies more closely chronologically, both to each other and to Healy's work, than they otherwise may appear. This is important because criminological theories changed rapidly in the Progressive Era, and thus in the intervening years between the closure of the Lab and the publication of these studies. Ultimately, these works reflected studies undertaken according to the same theory of criminality—that of Healy. The overlap between these two studies is also reflected in their content, which focus on the multi-factor approach. Due to the overlapping content of these studies and the issues they address they will be discussed in tandem, highlighting both the similarities and the differences between the two.

In *A Study of Women Delinquents in New York State*, Fernald compared women at Bedford to other delinquent women across the state including the State Prison for Women at Auburn, the New York Magdalen Home, the New York County Penitentiary, the New York City

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<sup>124</sup> Katharine Davis to John D Rockefeller jr., June 4, 1917, box 6, folder 36, Bureau of Social Hygiene, Office of the Missers, Rockefeller Archive Center, Sleepy Hollow, New York.

Workhouse, and from Probation Cases from Women's Night Court of Manhattan and the Bronx.<sup>125</sup> Fernald sought:

To furnish a scientific basis for the conceptions regarding woman offenders, through an investigation concerning the distinguishing characteristics of women convicted of either serious crimes or minor offenses in New York State. It has not been our object either to defend any specific thesis or to combat established ideas regarding the characteristics of these woman. We have merely aimed to determine, so far as possible, the facts.<sup>126</sup>

From this comparison Fernald hoped to understand how to best treat delinquent women.<sup>127</sup>

Despite Fernald's claim that her study was not based on any particular thesis, she was in fact influenced by Healy's multi-factor theory. The book's chapters addressed factors ranging from mental state and capacity, educational background, work history, family history, economic class, race and more. Even some of Fernald's chapters titles aligned neatly with the chapters in Healy's book.<sup>128</sup> Fernald's eight chapter, "History of Sex Irregularities," for example, aligned with Healy's chapter on "Abnormal Sexualism." The same can be said for her sections on "Mental capacity," which correlate to Healy's "Mental Defect." One noticeable difference is that Healy's work, published five years earlier, focused on physical "defects" which Fernald ignored.<sup>129</sup> Inversely, Fernald spent more pages on an analysis of economic considerations, which Healy addressed but not in such great depth. This was a notable departure from the structure of Weidensall's *The Mentality of Criminal Women*, which focused on the women's own intellectual dispositions. The focus on the personal backgrounds of those studied in addition to the results on tests, therefore, constituted a clear change in how the Lab regarded criminal behavior.

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<sup>125</sup> Mable Ruth Fernald, *A Study of Women Delinquents in New York State*, (New York: The Century Co. 1920), 13.

<sup>126</sup> Fernald, *Women Delinquent*, 5.

<sup>127</sup> Ibid. ix.

<sup>128</sup> Ibid, xvi.

<sup>129</sup> Healy, *Individual Delinquent*, xii.



Spaulding's book, *An Experimental Study of Psychopathic Delinquent Women*, unlike the ones published by the Bureau of Social Hygiene before it, did more than simply explain the research conducted by the Lab. This volume also laid out how the hospital, overseen by Spaulding, functioned. These details included daily schedules of both the employees and the inmates, the physical layout of the building, the overall cost of establishing and running the hospital, and photos depicting the incarcerated women in treatment. The reason for this departure was that the hospital in itself was part of the experiment. As Davis explained in the book's preface, including this information was critical because no other institution at the time attempted to treat "the psychopathic delinquent woman" as did the hospital. To that end one of the major intentions of the book was to explain exactly how the hospital worked— the methods which it employed and the conclusions which they came to at the end of the process.<sup>130</sup>

Spaulding and her colleagues took extremely detailed notes on each incarcerated woman. These notes were Labeled a "Study of Personality," and were logged into a complex chart.<sup>131</sup> The women at the hospital were observed by five members of the staff— nurses, matrons, or teachers— with whom they had contact. The observers were asked to indicate whether the woman observed possessed certain traits and to what extent. For example, one entry in the chart is "Ethical Judgment," next to it is an empty box in which the observer could mark "++," indicating that the woman had that "Trait present in marked degree," through "=", which meant that "Absence of trait is very conspicuous."<sup>132</sup> There were five categories which ranged between these two points with an additional two categories, "?" for " decision doubtful" and "o" for "no

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<sup>130</sup> Edith R. Spaulding, *An Experimental study of Psychopathic Delinquent Women*, (New York: Rand, McNally & Company, 1923), xiii.

<sup>131</sup> Spaulding, *Psychopathic Delinquent Women*, 72-84.

<sup>132</sup> Ibid, 74.

decision.” The importance of these charts was to understand the different personalities of these women and then to identify what external factors may have led to these characteristics.

The “Study of Personality” chart was divided into subcategories of different types of factors the observers were expected to examine. These considerations included many of the factors identified in Healy’s multi-factor theory. They included “Intelligence,” “Work Record,” “Traits,” (i.e. “ambitious,” “generous,” “opinionated,” etc.), “Attitude,” “Type” (i.e. “childish,” “adult,” “leader,” “follower”), “Manner,” “Emotional Tone” (“Cheerful,” “depressed,” etc.), and “Stream of talk.”<sup>133</sup> In addition to the chart the researchers were also asked to fill out a series of questions about topics ranging from the incarcerated woman’s special abilities, triggers for emotional response, special tendencies, and habits.<sup>134</sup> The bulk of the research conducted on the women in the hospital, therefore, was in the careful observation of their day-to-day behavior as documented in these charts. This was done in order to understand all the facets of each woman’s personality and how her life story accounted for her characteristics. These were later developed into case studies. This methodology was very much in line with medical studies of the era and with the norms established in Healy’s multi-factor approach.<sup>135</sup>

Though both Fernald’s and Spaulding’s studies used multi-factor methods, they differed in one significant way from one another. Fernald was critical of case histories, claiming that they were “too susceptible to the whim or prejudice” of the person who selected and compiled the cases. “It is not possible... to prove or disprove any facts, but it is possible to convey impressions and establish convictions,” Fernald added. She went on to say that with case studies one could easily fall into the pattern of associating different characteristics with criminality—for

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<sup>133</sup> Spaulding, *Psychopathic Delinquent Women*, 74-76; see pages for a better understanding of this chart.

<sup>134</sup> This allowed third parties to analyze the data and determine the make-up of each patient’s personality.

<sup>135</sup> Fernald, *Women Delinquents*, 11.

instance, that all women convicted of larceny have blue eyes.<sup>136</sup> Fernald further attacked case histories as the methodology of the discredited Lombroso: “Lombroso's work exemplifies this treatment... in the attempt to establish the physical stigmata of the criminal.” In addition to rejecting the case history approach Fernald also strongly defended her method of choice, mass analysis. She claimed that commonalities within data constituted the most important element for understanding delinquent women.<sup>137</sup>

Unlike Fernald, Spaulding relied on case histories as the basis of her work. In these histories she demonstrated that many different factors converged to create delinquent women. The case histories based on the “Study of Personality” charts, also helped to communicate the exact ways in which the hospital dealt with each woman in their charge.<sup>138</sup> More than half of Spaulding’s book provided detailed accounts of 44 women’s upbringing, education, criminal history, and mental states. For example, the first paragraph of case study 44 began:

Maria S., an American girl of twenty-three and single, was committed to the reformatory the first time for petit larceny and was paroled after twenty-one months of good conduct. Upon violation of her parole, she was recommitted fourteen months later to finish her first sentence and to serve an additional sentence of three years for prostitution. She was admitted to the hospital fifteen months after her second admission to the institution because of increasing nervousness and a marked torticollis.<sup>139</sup>

The entry went on in this style for another five pages.<sup>140</sup>

Spaulding’s case histories also included information about the women’s lives after their incarceration and the closing of the Lab. In November of 1922, for example, Maria S. “was living with a man to whom she was not married. Two of her sisters were committed to an

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<sup>136</sup> Fernald, *Women Delinquents*, 11.

<sup>137</sup> *Ibid.*

<sup>138</sup> Spaulding, *Psychopathic Delinquent Women*, 75.

<sup>139</sup> *Ibid.* 355.

<sup>140</sup> *Ibid.* 355-361.

industrial school... The mother has been discharged from the mental hospital but has not returned to the father.”<sup>141</sup> These long-term case histories allowed Spaulding and her team to determine whether their methods of treatment had been effective. In most cases they concluded that their work had generally not been efficacious. As Spaulding explained, “the prognosis in general of such cases as those which have been described in this book is not encouraging, although some have... become fairly good citizens.”<sup>142</sup> By using case histories Spaulding carried out what Healy posited in his own work— that the specifics of the delinquency of each individual was affected by a myriad of factors.

Despite this major difference in Fernald and Spaulding’s projects, their multi-factor methods and goals were remarkably similar. One major way in which these two studies overlapped was in how they addressed the question of heredity. Fernald investigated the family records of the deviant women to determine if they had a family history of one or more of the following characteristics: alcoholism, criminal record, epilepsy, feeble-mindedness, insanity, neurosis, sexual irregularity, suicidal behavior, tuberculosis, venereal diseases, and wandering.<sup>143</sup> She then examined what percentages of women had family histories of each of the aforementioned factors. Fernald claimed that 51% of the women tested had no family history for any of the specified factors. She explained that due to these results “it is difficult to say whether any of these defects of poor heredity are directly responsible for the women getting into difficulties with the law.”<sup>144</sup> Fernald did conclude, however, that the number of delinquent women who had “degenerate strains” was noteworthy.

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<sup>141</sup> Spaulding, *Psychopathic Delinquent Women*, 361.

<sup>142</sup> *Ibid*, 137.

<sup>143</sup> Fernald, *Women Delinquent*, 241; Tuberculosis was long thought to be hereditary, “wanderer” was an eugenics term, associated with the idea that one could be nomadic or transient by nature.

<sup>144</sup> *Ibid*, 243.

Spaulding also addressed heredity in a way that accorded with the multi-factor approach. She claimed that “no proof has been discovered of the direct inheritance of criminalistic characteristics,” but that many of the factors such as mental defect, disease, and criminal records, have been found among the relatives of delinquents. Spaulding added that in her investigation of heredity she was only interested in what “handicaps” the women may have been born with and how they had affected their life trajectory.<sup>145</sup> From this research she concluded that almost half of the women did not have a heredity background which would have inclined them to crime.<sup>146</sup> The middle path which Spaulding adopted in her research, and which neither focuses solely on heredity—like Goddard—nor ignores it—like Kellor—is similar to the conclusion drawn by Fernald. Both Fernald and Spaulding provide a cautious assessment of the importance of hereditary factors, by addressing it but not giving it much weight. This further demonstrated their belief in a multi-factor approach to heredity.

The ways in which Fernald and Spaulding addressed mentality and intelligence testing was also consistent. Interestingly this consistency marked a departure from the conclusion of the Lab’s previous research. Wiedensall’s 1916 study, *The Mentality of Criminal Women*, had rejected the validity of intelligence testing, in particular the Simon-Binet test. She instead insisted that, “with proper educational and vocational guidance two-thirds of them ought to build up fairly satisfactory habits of conduct. The remaining third, under permanent custodial care, have sufficient intelligence to become wholly self-supporting.”<sup>147</sup> In short, Wiedensall

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<sup>145</sup> Spaulding, *Psychopathic Delinquent Women*, 101.

<sup>146</sup> Ibid, 102; To this end Spaulding divided the possible quality of the women’s hereditary background ranging from “very poor” to “very good” with an additional “unknown” category, for women whose heredity was unclear. Through this grading system Spaulding determined that in 39.4% of cases the hereditary background of the women was “unfavorable” but that for 48.5% of the women their background was not so. In other words, that even if heredity was a possible factor in criminality, 48.5% of the delinquent women did not have a predisposition which led to delinquency.

<sup>147</sup> Weidensall, *Criminal Women*. 249.

concluded that all women were capable of reform in one form or another. Both Fernald and Spaulding's studies, however, used the Stanford-Binet test, which was a later iteration of the test used by Weidensall.<sup>148</sup> Moreover, both works employed the Briges-Yerkes test, another type of intelligence test. Interestingly they both published the finding of these tests even though by the time both books were published Yerkes had already been generally discredited as the result of his disastrous use of intelligence testing on US Army recruits in WWI.<sup>149</sup> The decision on the part of both Fernald and Spaulding to use these tests demonstrated a renewed faith in intelligence testing, as a key part of the multi-factor approach, despite the Lab's previous assertion, as articulated by Weidensall, that though it had once been used it was not a reliable method of analysis.

In Fernald's chapter on, "Factors in Early Home Conditions," she described the economic conditions in which the women in her study grew up. She divided the delinquent women into five classes—ranging from "very poor" to "very good." The researchers, found that the largest percentage of Bedford women were "very poor" and "poor."<sup>150</sup> Out of all the women analyzed Fernald claimed that only 13.6 percent could be considered to have come from "comfortable homes."<sup>151</sup> She went on to compare the results of her study with a study of children in Chicago's Juvenile court. She found that the Chicago children, similar to the delinquent women in her study, came from "the poorer economic classes."<sup>152</sup> This is important because it is clear that Fernald recognized that poverty and crime were correlated, a clear implication of the multi-factor approach. She did not go so far as to say, however, that poverty causes crime.

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<sup>148</sup> Spaulding, *Psychopathic Delinquent Women*, 107; Fernald, *Women Delinquent*, 415.

<sup>149</sup> Carnes, *Mapping America's Past*, 166-167.

<sup>150</sup> Spaulding, *Psychopathic Delinquent Women*, 208.

<sup>151</sup> *Ibid*, 209.

<sup>152</sup> *Ibid*, 210.

This hesitancy to connect poverty to criminality was also evident in Fernald's chapter "Occupational History and Economic Efficiency." Fernald, like Kellor and Healy, maintained an individual-centric approach to economic considerations of delinquency. She acknowledged that in specific instances economics was the reason why a person committed a crime, but refused to acknowledge an overall connection between the two. In rejecting this connection Fernald also rejected the popular Marxist idea that crime was primarily the result of poor economic conditions. She explained the reasoning behind her dismissal of the theory as follows:

At the outset we must disagree with the extremists of the Socialist School in their lack of emphasis on the individual mental defect or abnormality which may be the determining factor in making one member of a family an offender against the law, while all the other members—under the same economic system—do not become anti-social in their actions. That the present economic system is undoubtedly responsible, to a certain extent, for many of the factors associated with delinquency, such as the economic status of home conditions discussed in Chapter IX ["Factors in Early Home Conditions"], no one will deny. But that this alone is the prime cause of crime is as futile to assert as that the development of modern industry has had no effect on the complications which are associated with crime.<sup>153</sup>

Fernald's focus here on the importance of each individual case, as the best way to study criminology, mirrors that of Healy. This further illustrates that the multi-factor approach was the basis of her experiment.

Moreover, though Fernald claimed that she came into the experiment with "[no] specific thesis or to combat established ideas," it is clear that this claim does not hold up. Fernald's research clearly leaned towards the multi-factor approach and away from the politically radical Socialist School.<sup>154</sup> Furthermore, given the radical nature of those in the Socialist School who wanted to alter the basic structure of American life, such as Emma Goldman, Fernald's decision not to adopt their ideas may have had political overtones.

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<sup>153</sup> Fernald, *Women Delinquents*, 305.

<sup>154</sup> *Ibid.* 5.

Spaulding, like Fernald, saw that over half of the women which she studied had either a “very poor” or “poor” economic background.<sup>155</sup> This is demonstrated within a table in Spaulding’s chapter “Etiologic Factors,” in which she devised an estimate of the overall “environmental status” of the women analyzed. She averaged the economic status, moral status, and level of parental supervision of each woman, to create an overall “environmental status total.” Spaulding concluded that 45.5% of all women in the reformatory hospital had either “very poor” or “poor” environmental backgrounds.<sup>156</sup> To explain these bad environments Spaulding presented two specific examples from her case studies.<sup>157</sup> The use of case histories in this instance further demonstrated Spaulding’s tendency to focus on individual cases in lieu of general trends. Indeed, while she briefly discussed the economic status of her subjects she focused mainly on a detailed description of individual accounts. Due to her approach the significance of these environmental factors is not fully fleshed out. In this way, Spaulding demonstrated that she was far less focused on the economic determinants of crime than Fernald was—and even then, Fernald, as we have seen, declined to consider economics as structurally linked to criminality. It is notable, however, that there was a chapter on etiological factors in Spaulding’s at all.

The works of Fernald and Spaulding both show a move towards a multi-factor approach and away from the style of analysis conducted by Wiedensall. Their work also exemplified that the rapid development of criminological theory in the first two decades of the twentieth century shaped the research of the Laboratory of Social Hygiene.

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<sup>155</sup> Spaulding, *Psychopathic Delinquent Women*, 103.

<sup>156</sup> *Ibid*, 104.

<sup>157</sup> *Ibid*, 105.



### Conclusion:

In the short time that the Laboratory of Social Hygiene was operational 1912-1918, its scientists shifted from studying heredity as the root of crime to a multi-factor consideration of criminality. They did this even though eugenics was not widely rejected by mainstream thought until WWII.<sup>158</sup> The Lab, following the results of its research, made this change despite the organization which funded it: Rockefeller's Bureau of Social Hygiene, which was originally devised to solve New York's social ills using eugenic theories of public health. In short, the Lab's push to be at the vanguard of social science in America, regardless of the goals of its funders, is what made it important.<sup>159</sup>

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<sup>158</sup> "Eugenics." In *The Columbia Encyclopedia*, by Paul Lagasse. 7th ed. Columbia University Press, 2017. <http://ezproxy.cul.columbia.edu/login?url=https%3A%2F%2Fsearch.credoreference.com%2Fcontent%2Fentry%2Fcolumnency%2Feugenics%2F0%3FinstitutionId%3D1878>

<sup>159</sup> Despite the strides towards modernity made by the Laboratory of Social Hygiene it is important to acknowledge the firm foundation of racism upon which all the work of the Lab was built. For example, in *The Mentality of Criminal Women*, though there were black women being held at Bedford they were excluded from the study. When explain the structure of the experiment Weidensall stated: "we have given these tests... to one hundred commitments as they came to us consecutively, omitting only the colored women."<sup>159</sup> No motivation for this decision was given but it was presented in such a nonchalant manner that it appeared to be considered obvious. It is safe to assume that this decision stemmed from an assumption that white women and women of color simply could not be considered equal for the purposes of the study.

Racism was also present in the later studies conducted by the Lab. In Fernald's book, she demonstrated the explicit and casual racism which was a part of all the Lab's work. This racism can be seen clearly in chapter VIII, titled "Nativity and Color in Relation to Delinquency." In the chapter, it noted several times that black women were convicted at much higher rates than white women.<sup>159</sup> "If we turn to the group of negroes... we note that their proportion among the delinquent women is markedly higher than we should expect to find."<sup>159</sup> While only 2.4 per cent of the population of women from New York City they made up 19.3 percent of convicted women. The chapter does not question the reasoning behind these numbers, however, nor do they draw any connection between the economic deprivation of the black community with the increased crime, even though the consideration of economics was central to the study. In this way, the Lab simply assumed that black women were more criminal, rather than discussing the reasons that they were incarcerated at higher rates.

There were also racist currents throughout Spaulding's work. Spaulding's study included case histories of black women. However, these women were not "psychotic" patients assigned to the hospital like the rest of the inmates in the book. Instead the black women profiled by Spaulding were incarcerated women from the reformatory's general population who had been sent to work in the hospital.<sup>159</sup> This meant that these women were deemed intelligent and stable enough to work for the hospital, arguably one of the most pivotal parts of the Lab's research mission, and at the same time were subjected to detailed psychological analysis and Labeling over which they had no control. Based on these examples the racism throughout the Lab's research is clear. However, if the multi-factor approach which they employed had truly been carried out without bias, this may not have been the case. If, for example, Fernald had investigated the high rates of criminal activity among black women in relationship with the economic factors of the black community. The conclusions that she drew may have been different. In this way, though the

The transition within the Lab's research took place at the same time as a major change in the field of criminology as a whole. Until the early 20th century, the major theories in criminology came from Europe, especially Italy, France, and United Kingdom.<sup>160</sup> After 1900, however, new theories began emerging in the United States.<sup>161</sup> The Lab of Social Hygiene was part of this process. They adopted new ideas developed by American sociologists, which focused less on heredity and more on social considerations.<sup>162</sup>

A major factor in the rising prominence of American criminology was University of Chicago's department of sociology. Founded in 1892, University of Chicago, was one of the first universities in America focused primarily on scientific research. It was also one of the first universities to have a sociology department.<sup>163</sup> Chicago's commitment to innovation was also demonstrated by their inclusion of women in Ph.D., which was unusual for major research universities in the late 19<sup>th</sup> and early 20<sup>th</sup> century. This inclusion allowed the staff of the Lab to achieve Ph.Ds. and, through this education, to be on the cutting edge of criminological theory.

In the early 20<sup>th</sup> century sociology was a nascent discipline. The newly created department at the University of Chicago focused on the subject's interdisciplinary nature by collaborating with other social sciences. By the 1920's one third of all American graduate

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research the Lab conducted was racist the multi-factor approach itself did not perpetuate America's racial caste system.

<sup>160</sup> Stephanie N. Spiegel, "Criminology," In *The Encyclopedia of Criminology and Criminal Justice*, Wiley, (2014), <http://ezproxy.cul.columbia.edu/login?url=https%3A%2F%2Fsearch.credoreference.com%2Fcontent%2Fentry%2Fwileycacj%2Fcriminology%2F0%3FinstitutionId%3D1878>

<sup>161</sup> Ibid.

<sup>162</sup> Kellor and Healy, for example.

<sup>163</sup> Jonathan H Turner, "The Mixed Legacy of the Chicago School of Sociology," *Sociological Perspectives* 31, no. 3 (1988): 325-38.

[http://www.jstor.org/stable/1389202?Search=yes&resultItemClick=true&searchText=the&searchText=chicago&searchText=school&searchText=sociology&searchUri=%2Faction%2FdoBasicSearch%3FQuery%3Dthe%2Bchicago%2Bschool%2Bsociology%26amp%3Bfilter%3D&refreqid=search%3A7aa86cbb509b3a1e98772d0c31679821&seq=2#page\\_scan\\_tab\\_contents](http://www.jstor.org/stable/1389202?Search=yes&resultItemClick=true&searchText=the&searchText=chicago&searchText=school&searchText=sociology&searchUri=%2Faction%2FdoBasicSearch%3FQuery%3Dthe%2Bchicago%2Bschool%2Bsociology%26amp%3Bfilter%3D&refreqid=search%3A7aa86cbb509b3a1e98772d0c31679821&seq=2#page_scan_tab_contents)

students in sociology studied at the University of Chicago. It was the biggest and most important department in the country. These students then went on to spread the Chicago approach to sociology to research institutions across the country.<sup>164</sup>

The importance of the department led to the development of a specialized school of thought in American sociology known as the “Chicago School of Sociology.” The aim of the school was to improve American urban society. The major themes focused on by the school included urban ecology, social psychology, micro sociology, and data driven research.<sup>165</sup> In fact, major issues focused on by the Chicago School were aligned with the research carried out by the Laboratory of Social Hygiene almost a decade earlier.

Though the Chicago School is generally considered to have begun in the 1920’s, its approach can be seen in the research of the Laboratory from the time of its founding, in 1912. The similarities between the goals of the Chicago School and the goals of the scientists working at the Lab reflect the fact that every one of its researchers were educated at the University of Chicago. Indeed, the Lab was engaged in a rigorous evaluation of the problems in American society nearly a decade before the Chicago School came to give that very same line of questioning a name.

The overlapping methodology between what became known as the Chicago school and the Lab can be seen in the Lab’s interdisciplinary approach and its questioning of heredity as central to criminality. The Lab’s rejection of this traditional outlook was further solidified after 1915, with the rise of the multi-factor approach, developed by Healy, himself educated at the University of Chicago, alongside researchers from the Lab.

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<sup>164</sup> Turner, "Chicago School of Sociology."

<sup>165</sup> Ibid.

Through the same process of reinvention seen in this thesis, following the multi-factor approach, other theories relating to criminality developed. One of the most prominent was “social disorganization theory.” This theory was devised by two Chicago School sociologists, Clifford R. Shaw and Henry D. McKay. Social disorganization theory claimed that different neighborhoods had different crime rates as the result of their socioeconomic characteristics.<sup>166</sup> This was a thoroughly economic and sociological approach to crime. Unlike multi-factor theory, social disorganization focused on the communal rather than the individual. This was a major shift away from the individualistic approach seen in all the theories adopted by the lab and remains widely accepted in the 21<sup>st</sup> century conversations about society’s influence on crime.

Interestingly, despite the sociological approach promoted by the Chicago School, psychological research into criminality has continued. Modern studies in the field of psychology, while they acknowledge the importance of sociological factors, like poverty, focus primarily on what in the human psyche leads to crime.<sup>167</sup> In practice this methodology is the same the multi-factor approach implemented by the Lab in their later works. Moreover, much like Spaulding, who doubted that the Lab’s methods of reform were effective, today we continue to struggle to create carceral institutions which are truly reformatory.<sup>168</sup> Given that the multi-factor theory remains relevant today, understanding how the Lab got to this approach is critical to understanding where criminological thought stands now in the 21<sup>st</sup> century.

The question at the heart of the Laboratory of Social Hygiene's research– what makes a criminal woman– is central to current debates regarding mass incarceration and rehabilitation.

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<sup>166</sup> "Social Disorganization Theory." In *Oxford Bibliographies*, Accessed March 25, 2018.

<http://www.oxfordbibliographies.com/view/document/obo-9780199756384/obo-9780199756384-0192.xml>.

<sup>167</sup> Megan Bears Augustyn, “The (Ir)relevance of Procedural Justice in the Pathways to Crime,” *Law and Human Behavior*, 39 (2015); This is an example, but there are many, many others.

<sup>168</sup> Spaulding, *Psychopathic Delinquent Women*, 137.

Some believe that there are parts of American society which foster crime. But there is also a tendency to claim that criminals are simply a different kind of person, that they are inherently bad. Today this debate falls largely along political lines. With the left claiming that a more just society could solve our crime problem and the right using scientific evidence to highlight the differences between criminals and *normal* people.<sup>169</sup> This psychological evidence about sociopaths is often applied, however, to lower level criminals for whom it does not apply.

Once embraced as two parts of the same theory, the multi-factor approach has once again diverged into two different camps. This resembles the climate described by Spaulding and Healy in their 1914 article, “In the discussion of criminal causation...the question is still asked whether environment or heredity plays the more important part, the two being treated as if they were isolated units.”<sup>170</sup> This division of the multi-factor approach into two distinct understandings of criminality reveals that the theory correctly identified the two major factors which lead to crime, psyche and society. And that which of these elements is more important remains up for debate.

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<sup>169</sup> “Biology of Crime: How Criminal Minds Are Different From Yours,” Fox News Tech, <http://www.foxnews.com/tech/2011/03/04/biology-crime-criminal-minds-different.html>, March, 8 2018.

<sup>170</sup> Spaulding, Healy, “Inheritance as a Factor in Criminality,” 838.

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