

A person wearing a dark blue or black hoodie is shown from the chest down. Their hands are tucked into their front pockets. The background is a textured, light-colored wall. The overall tone is somber and gritty.

THE KNIFE WENT IN

A PRISON-DOCTOR'S VIEW OF BRITAIN

'The blackest of black humour.'

Dominic Lawson, Daily Mail

**THEODORE
DALRYMPLE**

Dalrymple Theodore

**The Knife Went In: A Prison Doctor's View of
Modern Britain**

<http://www.gibsonsquare.com>

Printed ISBN: 9781783341184

Ebook ISBN: 9781783341191

E-book production made by [Booqla](#)

Published by Gibson Square

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Another killer who received a very short sentence, though in my opinion unjustly so, was a woman in her early forties who poisoned her child to death.

She was an alcoholic of more or less pathetic character who, in her very late thirties, had formed a liaison with a man, also an alcoholic, a few years older than she. Unexpectedly she became pregnant by him and had a child. They did not live together but he continued to see her and took a deep interest in his daughter. Indeed, he took his paternal responsibilities so seriously that he gave up drinking, which she did not. The couple fell out over her continued drinking, which he thought disqualified her as a mother. He therefore applied to the courts for the custody of the child. The day set for the hearing approached. It proved to be the child's death sentence.

Drunker than usual because of the 'stress' — a word that has launched a thousand excuses — of the forthcoming hearing she decided to do away with her daughter, I surmise because she knew or at any rate feared that she was likely to lose the case. She uttered to herself the most dangerous words in the language, uttered by a thousand jealous murderers, 'If I can't have her, nobody else will.'

Drunk as she was, she was sufficiently in control of herself and co-ordinated to procure her child's death by an elaborate means. She dissolved her own medicine — which was perfectly useless in her own case and should never have been prescribed in the first place — in a cough syrup for children, and fed the resultant liquid via a syringe to the child down a tube into its gullet. The child duly died, and she was charged with murder — not infanticide, because the child was much older than twelve months.

Of course, one should not let one's sympathies or antagonisms cloud or even affect one's judgment, but I found her deeply repellent in a butter-wouldn't-melt-in-her mouth kind of way, with a low-grade Mr Blair-type self-pity when accused of having done something wrong.

Although she claimed not to be able to remember events — or actions, rather — that led to her child's death, her pattern of amnesia was typical of those who don't want to remember or who think that not remembering is proof of their innocence. As in, I did x, I can't remember

doing x, therefore I couldn't have done x. Sometimes prisoners on remand would say to me, 'How can I be guilty of it when I can't remember?', to which I would reply that 'If you can't remember, you're not in a good position to deny it, are you?' and advise them to change their line of defence. Their memory would then return and it was provocation or self-defence that made them do it.

The accused sobbed during the whole of the trial, or at least that part of it that I attended (and I do not think it was my presence that caused her to sob). From time to time she would moan 'Fiona! Fiona!', the name of her daughter.

It was a most irritating performance, and performance it most obviously was — obvious to me, that is. She had not been known to cry before, but in the court her grief lay too shallow for silence. Everyone's evidence was interrupted by her sobs, just to remind the jury that she was a mother who had lost a child.

The technique worked because she was found guilty of manslaughter rather than of murder, on the grounds that she suffered from a bad character, known in psychiatric parlance as a 'personality disorder'. She was sentenced to three years' imprisonment, which seemed to me little enough, derisory even, for having killed a child in this fashion.

In sentencing her to three years' imprisonment, the judge was in effect telling a lie for he knew that, as she had been in prison for seventeen months before her trial and was 'entitled' to remission of half her sentence, she would be released in a month. In other words, her sentence was eighteen months' imprisonment. The jury would not have known this and would in any case have been powerless to do anything about it.

Judges in Britain in effect connive at a fraud perpetrated on the public, assisted in the matter by the press and media who dutifully repeat that such and such an offender has been sentenced to such and such a term of imprisonment.

If the judge in this case had expressly sentenced the murderess to eighteen months, there might perhaps have been an outcry against such leniency. And indeed, since this case further purely administrative means of reducing the length of sentences have been introduced, so that the time spent, or served, bears even less relation to the judge's ostensible sentence, which is more an exercise in public relations than in penology.

It is also rather odd that having a weak or bad character should be an advantage to a wrongdoer when it comes to sentencing, at least if there is any utilitarian purpose to punishment.

The argument seems to be this: a person with a congenitally weak or bad character, such as this woman was said to have had, was less morally responsible for her act than would have been a woman of strong or good character. In other words, she was held to a lower standard of conduct than even a normal person, let alone a paragon. The worse you have been throughout your life, the more excusable your criminal act.

Now if it is alleged that there is an essential, causative relationship between a crime and the character of the person committing it, as there must be if bad character is to be regarded as an extenuating circumstance, it seems that the person of bad character is a public danger, in so far as his bad character leads him to commit crime.

On this view of the matter, a person who has led a life of crime is less to be reprehended than a person who has given way to a momentary temptation of passion. As argued earlier, speculation on a person's future conduct should not be made the determinant of punishment; but it is surely perverse to punish the habitual offender less severely than the one who has one brainstorm in his life.

Perhaps we are misled or deluded, as Wittgenstein would have said, by our language. Psychiatrists and others regard character as something one has rather than as something that one is. It is a quality completely external to oneself, to which one has made no active contribution of one's own.

It is this mistaken use of language that permits a person to preserve a favourable, indeed immaculate, view of himself despite his repeated despicable behaviour. Everyone retains a jewel-like essence that is indestructible by mere conduct. No doubt in some cases a belief in Original Virtue rather than in Original Sin serves to prolong or even extend bad conduct, for nothing so crude as one's behaviour can besmirch the primordial beauty of one's soul. It follows from this that there is no need to control yourself.

Prisoners sometimes did believe in their Original Virtue, even if they did not put it quite like that. I remember one prisoner who, in a fit of drunken jealous rage, had thrown acid in the face of his then girlfriend. He claimed not to have done it because he did not remember having done it.

I asked him my usual question, 'How, then, do you know that you didn't do it?'

'Because I don't do them things.'

In other words, he knew he didn't do it because it wasn't the type of thing he did, even if he

could not say exactly what he was doing at the time in question.

A little later — I delayed asking so as not to raise his suspicions as to what I was after — I enquired whether he had ever been in prison before.

‘Yes,’ he replied.

‘What for?’

‘I threw ammonia in a girl’s face.’

When he said that he didn’t do them things, I don’t think that he was straightforwardly lying. Nor did he see the chemical distinction between acid and ammonia as a morally relevant one. Rather, it was that the ‘I’ who threw the acid or ammonia was not the ‘I’ of his secret garden into which no behaviour could enter to affect his untouchable goodness.

He was reflecting back what I might call, using an ugly neologism, the psychiatrisation of the human condition. In my experience, though, we need Dr Johnson more than we need Dr Freud.

The case of the mother who poisoned her child was instructive to me as a stimulus to attempted thought. Those who would defend the light sentence might argue as follows. This woman’s act was in particular circumstances that were most unlikely ever to arise again, for she was now past child-bearing age. Moreover her grief, if such it was, would alone prevent her from repetition of her act. As for deterrence of others, it was very unlikely that her getting away with murder would encourage anyone to do likewise, for vanishingly few people refrain from killing their children merely because of fear of punishment. Hence a longer term of imprisonment would have served no purpose and would have incurred much additional expenditure.

Let us grant for the sake of argument all the above premises (though I was not altogether sure I would choose her as a baby-sitter, in which capacity she had been in the habit of making a little money).

Does it not follow from them that the murderess should not have been punished at all, let alone for longer? After all, the premises could have been correctly advanced the very moment after she had killed her child. If punishment in her case served neither to correct nor deter, what is its justification other than a primitive thirst for vengeance?

There are philosophers, of course, who have argued precisely this, but I think that the majority of people would feel it very wrong if the woman who killed her child paid no price

at all for having done so simply because she wouldn't do it again. It is a logical consequence of freeing her on these grounds that we should all be 'entitled' to commit at least one appalling crime provided that it could be shown that we should not repeat it. Once the war was over, then, there was no point in prosecuting the leading Nazis because there was never the slightest chance that they would repeat their crimes after the defeat, and most people did not need Ribbentrop to be hanged to commit no genocide. A purely utilitarian theory of punishment is untenable.

Weakness or badness of character did not always work as a mitigation in cases of murder, however. It worked in the case of the child-killer because there is a general belief that no woman would kill her own child other than in a state of great distress.

This is another circular argument, of course. She must have been distressed to kill her child, and she killed her child because of her distress. The sobs, tears and moans helped her case because we live in times that demand extravagant displays of emotion as proof that any emotion is felt at all.

Moreover, the bad character that she had displayed throughout her life was mainly of the squashed cabbage leaf rather than pit-bull variety. A hopeless character since birth — she aroused the sympathy of the jury in a way in which another murderer, a large man with a shaven head and a spider's web tattooed over his neck and one side of his face, did not.

He, too, had killed because 'If I can't have her, no one else will:' a kind of signature tune.

The woman he killed came from a higher social class than he but had run away from her prosperous middle-class environment in search of proletarian authenticity. She had found it in this bull-headed man who had been a perfect gentleman to her for a few weeks before he was certain that he had ensnared her, whereupon began his jealous rages, his acts of violence, and his crude insults, followed by brief periods of contrition and promises, always soon to be broken, that he would never do it again.

He repeatedly invented a *casus belli* to justify his violence: she had spoken to another man in a pub (they were both drinkers); she looked lasciviously at a man in the street; she used too much make-up, her skirt was too short, etc. In such a situation — a very common one, as mentioned earlier — the woman devotes her mental life to finding a way not to provoke the man's violence. But there is no such way, his violence is the means by which he keeps her attached to him, and its seeming irrationality is the source of its power and effect. It has an underlying rationality, or at least purpose, which is to keep the woman in thrall to him. In

nine out of ten cases its effect does not last indefinitely. The worm turns — or in this case, is killed. The jealous man does not love the woman who is the object of his jealousy. He loves himself, or rather completes himself by the domination of a woman. It is this subjection that assures him of his own significance or importance. That is why, most often, he does not stay long to mourn the passing of the ‘love’ when the woman leaves him. He moves on to the next woman whom he treats in precisely the same way.

The woman who leaves him should, for her own safety, make a clean break, or else his jealousy (his wounded *amour propre*) does not die down and is a spur to further violence, sometimes, as in this case, of an extreme kind. Unhappy the woman who has had a child by such a type, for the child’s existence serves as a pretext for him to continue to see her. The child becomes a tool for further domination.

Alas, this man’s girlfriend, having finally realised that his violence towards her would never end and that his promises to reform were not worth the breath they were uttered in, told him that she was breaking with him the following Tuesday. This was the most dangerous thing she could have done, the very thing I warned my patients with jealous lovers not to do. It is then that the thought that ‘If I can’t have her, no one else will’, rises to his mind.

So it was in this case. She told him that he had to leave her household (which included two children by a previous jealous lover, living proof in his eyes that her affections were mutable). He appeared to agree, and on the night before the planned departure, the two of them, at his request, went for a farewell drink. In the pub she had a laugh and a joke with other drinkers in the pub. This infuriated him. They had a furious quarrel and when they arrived home he strangled her in bed.

It was by then in the dead of night; the children, away at their friends, were due home the next morning. The murderer had therefore to dispose of the body, and quickly. This was no easy matter in a small suburban house overlooked by many others. Burying her in the garden was out of the question, for it would almost certainly have drawn the attention of the neighbours. Instead, he wrapped the corpse in a blanket and, when he thought the coast was clear, deposited it in the boot of his car.

In the morning he went to fetch the children, who rode home, unbeknownst to them, with their mother’s body behind them. He told the children that their mother had suddenly decided to take a holiday far away. His imagination failed him after this point and he could not think further of what to do with the body. He went to the police and confessed.

His defence was two-fold: that at the time he strangled her he had had an acute psychotic episode that diminished his responsibility for his actions and that he suffered from a congenitally bad character.

The defence called three psychiatrists. I was called by the defence late in the proceedings because the psychiatrist previously called by the prosecution changed his mind at the last moment and went over, as it were, to the defence.

I spoke to the man in the cells beneath the court before his case was called and produced an interim report unfavourable to the defence, spending the rest of the day reading the voluminous papers in the case. Having done so, my opinion did not alter, and the next day I was called in rebuttal of the defence psychiatrists' evidence.

The defence barrister, as was only natural for him to do, criticised me for the speed with which I produced my report. But I defended myself by saying that the conditions under which I had prepared it were none of my choosing and were not evidence that my conclusions were mistaken. I said that it was a combination of his jealousy, drink and the impending separation that had led the defendant to kill, none of the factors individually or in combination being sufficient in my opinion to justify a lesser charge than murder — though that, of course, was for the court to decide.

My opponents, if I may be allowed to call them such who, like me, were only helping the court, testified that the accused was suffering from a whole melange of psychiatric disorders that mitigated his crime. Sometimes in giving evidence I had the feeling that I was arguing over how many angels might dance on the head of a pin.

Defence counsel, again rightly from the point of view of defending his client, sought first to cast doubt on my probity as a witness, implying I was a hired gun. But a good advocate is both a strategist and a tactician, seeking first to put a hostile witness on the wrong foot, but also realising that he can go only so far in trying to do so. If he pushes this line too far, the jury, who usually have a prejudice in favour of an underdog as the common man (to his credit) usually does, begins to sympathise with the witness under *ad hominem* attack, and then the attempt to discredit him misfires. It can begin to look as if the defence has nothing else to say. Before long, therefore, defence counsel was obliged to move on to more substantive matters.

‘You are aware, aren’t you,’ he asked, ‘that theirs was what is called a volatile relationship?’

‘Yes,’ I replied, ‘but she is dead and he is alive.’ ‘Volatile’ in this context means violent, and the violence need be only on one side for a relationship to qualify as such.

Counsel moved on, down the list of questions for me that he had written down during my evidence-in-chief. He needed to establish that his client was mentally abnormal.

‘It was not rational for him, was it, to have put the body in the boot of his car?’

‘Well,’ I replied, ‘I have never been in his position myself, but it seems to me that, in the circumstances, what he did, given the alternatives, was perfectly rational.’

His cross-examination did not ‘damage’ me, as it is sometimes put, and he asked his last question with what seemed to me a mixture of exasperation and bathos.

‘I put it to you,’ he said, that you produced your report in haste and you do not believe what you said in it.’

This was very weak stuff.

‘I agree with your first proposition, but not your second,’ I said.

It was a good sign the prosecutor did not re-examine me as he had the right to do, to undo or repair any ‘damage’ the defence’s cross-examination might have done my evidence. There was no damage to repair.

I left the court during a subsequent adjournment. As I went down the steps of the court building, the father of the murdered woman, who had gone for a cigarette, said ‘Thank you’ in a very heartfelt way as I passed. I smiled but said nothing: it would not have been right for me to be seen talking to him, in case I should have been accused of collusion.

Still I was gratified, for it obviously appeared to him that my evidence had destroyed that of the defence. And so it turned out, at least if the jury’s verdict was anything to go by — guilty of murder. I was pleased, for the man was horrible and had long caused misery to others, especially, but not only, women.

I thought of the father’s gratitude and relief, and of how terrible it must have been for him to listen to the flimsy excuses made for his daughter’s killer by psychiatrists who seemed to him indifferent to her death. How sharper than a serpent’s tooth it is to have a murdered child, whose murderer is excused because he is a bad man who has behaved thus many times before.