Photography : a means of surveillance ? Judicial photography, 1850 to 1900

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Few questions were more fundamental to modern administration in the nineteenth and twentieth centuries than that of a reliable method of identifying people. Mobility and approval of rights and benefits relied on the ability to produce valid documents. Agencies of law enforcement took pains to build up registers of their « clients » and took a keen interest in reliable methods of identification. The police and the courts wanted to know with whom they were dealing, and methods of identifying persons on wanted lists or apprehended persons, as well as ways of communicating descriptions, were matters of increasing concern. The burgeoning sciences of anthropology, medicine, and biology began to suggest scientific solutions to the problem. Before the science of criminology was established and invented its own particular methods of identification, many experts on crime and criminals, such as judges, anthropologists or medical men, published scores of manuals and descriptions of criminal behaviour, activities and lifestyle. Since the early 1840s, recording and identifying people with the help of the « infallible » photographic camera seemed to solve the practical problem of recording and recognising delinquents. Belgian prison officials had experimented with photographs in the 1840s, and their British colleagues did so in the 1850s, but police officials did not care about photography until the 1860s/1870s. However, it is important to note that the law-enforcement agencies did not immediately embrace photography as the panacea for their problem. It took decades before they reluctantly did so.
The term « police photography » – often used in recent publications – is therefore misleading because the portraits taken between the 1840s and the 1860s, at prisons or at the request of a judge or public prosecutor, were not intended for the use of the police in the first place. Further, when most of the « rogues galleries » were established after 1870, they were not implemented by the police, but by (or at least according to the needs of) the criminal police. These collections were used to identify a criminal who had recently committed a crime. To serve this need, most photographic files were classified by crime, thus reflecting the contemporary criminological conviction that most criminals would adhere to their type of criminal behaviour. Finally, in practice, most apprehensions after the 1870s were and remained due to conventional means of detection, although many criminal police departments issued figures of successful identifications by photographs. If portraits of criminals provided a means of investigating the facial features of individuals, there is no evidence that they were scrutinised by the police with any specialised method (e.g. physiognomy). The approach of the police seems to have been purely empirical. Detectives and senior police officers rarely reflected on the practice of photography before the turn of the century. They probably used police photographs just as they used their own pictures: as a memory aid in the broadest sense. The search for distinguishing details, the minute clues and intriguing trace typical of scientific police work, was not yet common when the police started to use photographs. Neither were photographs essential for the classification of records. What, then, were photographs used for by the police before the « scientific turn » of policing, which came after criminal-investigation departments were formed within police forces from the late 1870s onwards? How and why were photographs, which represented a method of identification based on everyday experience and not on scientific principles (as Bertillon's anthropometric system claimed to be), integrated into the system of knowledge of the law-enforcement agencies?

Recent historical inquiry suggests the strong influence of medical and anthropological thinking on the form, function and use of judicial photography. The history of « police photography » has been written either as a linear development from the 1850s on or as part of the history of the repressive institutions of the state culminating, in the 1890s, in a universal system of registration, classification, and identification. The question of why photography was applied comparatively late as an instrument of the criminal police was never raised. Was photography, when applied, really a « means of surveillance » (John Tagg)? And if so, who and what was surveyed and how? Is photography part of a Foucauldian panopticon: a means of grouping, making visible, and disciplining offenders? If so, again the question arises: why was it first employed as late as the 1870s, when the disciplinary apparatus was firmly established? Surely the introduction of the image into the dossiers can be seen as an important step towards the completion of the system. It improved the chances of identification, to a certain extent, and it was a form of symbolic apprehension of a person. However this should not be overemphasised because, in a different context, a published image of a wanted person stresses exactly the opposite: the evasion by this very person of the institutions of discipline and control. Further, the coincidence of photographic experiments in anthropology, medicine and prison/police should not be overstressed. The issue at stake here is whether the practice in the law-enforcement agencies was not more – and mainly – structured by the general discourse on photography. It is well worth recalling that the common photographic portrait was a sign of respectability, and the arrangements in the studios represented, or...
hinted at, a respectable environment. Other forms of portraiture, such as anthropological studies or images of « savages », artisans or farmers, were either intended as scientific materials or historical documents, or formed part of artistic compositions. Here, the individuality of the human subjects was of secondary importance. When an institution of the state used portraits, individuality was exactly what was needed. This resulted in a tension between the social function of portrait photography as a proof of respectability and its administrative function, as a means of recording, identifying, and detecting. Hence, the criticism of the 1850s and 1860s of the use of portrait photography to identify and detect criminals is revealing (see below) because, as long as the photographs of criminals were taken by commercial photographers – which was common practice until the early 1890s –, there was very little to distinguish a portrait of a criminal from one of a respectable citizen. This does not imply that portraits were never scrutinised with the application of physiognomic theories – this surely happened – but there was nothing decisively different in the staging of the sitters. Consequently, every portrait not only represented a person, but was a potential means of detection as well, a conclusion which was, for many at least, uncomfortable to draw. Christian Phéline took this into consideration in his detailed study of French police photography\(^\text{11}\). However he concentrates on France and Bertillon, and the structural similarities between medical, anthropological, and police photography which merged in Bertillon's scientific thought. Thus, the use of photography for law enforcement is systematised into a period before and after Bertillon, thereby evoking the idea of an inevitable, slow, but linear, development.

It is important to note that, only after Alphonse Bertillon redefined the use and function of photography and criminologists « discovered » its power as a means of scientific verification of their theories, did the mode of photographing offenders alter. The discourse which reshaped judicial photography changed by converging scientific, criminal, anthropological and medical photography into a universal instrument to construct and distinguish images of normal and aberrant people\(^\text{12}\). However, in practice, photography in prisons and in the service of the police remained what it had been even after the redefinition of its function in the late 1880s and 1890s. The differences in the concepts and use of photography in the prisons and in the service of the police are therefore highlighted in the following paragraphs. The investigation of emerging criminology has obscured the fact that Cesare Lombroso or Francis Galton used already existing images to support their arguments. The pictures were not taken according to criminological theories but integrated into a new framework of interpretation\(^\text{13}\). The photographic evidence used by Lombroso or Galton was ambiguous and as much open to criticism as the other conclusions of both criminologists\(^\text{14}\).

Although the police's use of photography grew in the last quarter of the nineteenth century, the motives and developments need to be reconsidered. The development of photography within the penal institutions and, especially within the police, is marked by a constant struggle to establish specific patterns of interpretation against a very strong and often prevailing commonsensical practice of taking and looking at photographs. Drawing from Swiss, English, French, and German sources, the contingent use of photographs in the penal system is presented as its main feature. The advocates of judicial photography developed their respective approaches independently. The following examples show who began to experiment with photography and why. For analytical purposes, three periods of implementation can be distinguished: an
experimental period up to the years around 1870, followed by a period in which photography was adopted by the newly established criminal police forces\textsuperscript{15}, and a period marked by the general reconstruction of judicial photography in the early 1890s.

I. First experiments: prison and courts

In the mid-nineteenth century, there was hesitation, reservation or even ignorance about the use of photographic portraits to record and detect criminals (for many people in the 1850s, photography was still new and uncommon). Interest in and experiments with photography in prisons and courts were exceptional and have to be analysed with due care. The use of the modern technique of recording was justified by personal scientific interest and/or by the importance of the aim. The scheme of the Swiss Attorney General, Jacob Amiet, in 1852 and the experiments of English prison governors in the early 1850s illustrate the importance of these motives.

In October 1852, Amiet had commissioned the photographer, Carl Durheim, to take pictures of every vagrant arrested and brought to Bern for questioning\textsuperscript{16}. The sitter, partly in new clothes provided by the prison – thus giving the sitter the air of a farmer\textsuperscript{17} and integrating the person symbolically into the aspired social order (Fig. 1) – was arranged just like any other client of the photographer. The images were intended as a supplement to the files and as a means of identifying vagrants when they were apprehended again. Lithographic copies of the images were distributed to the police forces throughout the Swiss cantons. Amiet’s scheme served to enforce a Swiss law of 1850 to solve the «old» problem of vagrancy and to force vagrants to settle\textsuperscript{18}. It was never designed to be a new general means of fighting crime and criminals, and it did not inspire other European governments to do the same\textsuperscript{19}. 

Amiet’s goal was clear: to collect as much knowledge about vagrants as possible and to obstruct their mobility. Furthermore, the images provided a means of inquiry into the nature of the vagrants as a group. One could investigate the pictures for « common features » among vagrants and look for physiognomic clues. However, it is not known whether the scheme was successful, and by 1854 the experiment was discontinued.

What Amiet had introduced was a single exceptional measure against a certain group of people living on the fringes of the social order. These people were seen as a danger to the fragile Swiss Republic, which had suffered a civil war in 1847 (Sonderbundskrieg) followed by a new constitution in 1848. Similar to developments in other European countries, the Swiss government was very sensitive with regard to the free movement of portions of its population in the early 1850s. Amiet’s zeal and open-minded approach to technological development, together with the political circumstances, made the experiment possible and explain why it was discontinued a couple of years later when these circumstances had changed.

In the early 1850s, some governors of British prisons, too, experimented with photography. In a report to the Select Committee of the House of Lords on prison discipline in 1863, the head of Bristol Goal, Gardener, mentioned that he had begun to take photographs of prisoners in 1852. He was an amateur photographer and took the pictures himself using a stereoscopic camera. Stereoscopic images, when looked at with a special viewer, produced the illusion of three dimensions. He applied it only to certain groups of prisoners, such as railway thieves and ‘strangers to the city’. As in Switzerland, photographs were used to make a record of mobile people not known to the local police forces. Sir W. Croften testified to the same committee that prisoners, especially « penal servitude men », in every Irish prison were photographed. To both Croften and Gardener,
photographs were of good use in the recognition of recidivists. For various reasons, recidivists (and the Irish in general) were seen as a key problem to English prison officers. While Croften asserted their bad influence on first-time offenders, Gardener emphasised the importance of identifying a prisoner as a recidivist because the law called for harsher punishment for the latter\textsuperscript{23}. However the prison inspectors were not convinced and did not recommend the practice\textsuperscript{24}. They thus confirmed the reluctance of the prison administration to see a real advantage in photographic recording.

11 This was neither an English nor a Swiss Sonderweg. In France, the initiative to apply photography to legal purposes came from a prison governor as well. In 1854, Louis-Mathurin Moreau-Christophe, Inspecteur Général des Prisons, published an article in La Lumière, a journal dedicated exclusively to photography, suggesting the use of photography to record criminals\textsuperscript{25}. In a book on the Exposition Universelle in Paris, Ernest Lacan, editor of La Lumière, wrote in 1856 that a photographic register would be of immense use to the police. But nothing indicates that these proposals where even discussed by the prison administration or the police. A couple of years later, in 1863, the governor of the prison at Clairvaux was equally unsuccessful with a proposal to introduce photography. The ministère de l'Intérieur decided against this measure because it was seen as an aggravation of the penalty not approved by the law\textsuperscript{26}. All the proposals made in the 1850s and 1860s had no impact on the police or the prison administration\textsuperscript{27}. The discourse on photography was still without links to the discourse on the penal system.

Moreau-Christophe had published his ideas in a photographic journal and, as the answer of the Ministry of the Interior shows, photographing prisoners was not seen as a means of recording, but as a punishment. Perhaps the conviction prevailed in the Ministry that it was rather a degradation of a bourgeois practice which relied on a free decision and implied equal rights on both sides: photographer and sitter. Equally, when the application of photography to record vagrants in Switzerland was discussed in Britain in the early 1850s, a gentleman concluded in a letter to the editor of the journal Notes & Queries:

in short, apart from the uncertainty of recognition... it will bring the art [of photography] into disgrace, and people's friends will inquire delicately where it was done, when they show their lively effigies. It may also mislead by a sharp rogue's adroitness; and I question very much the legality\textsuperscript{28}.

12 The idea of degrading photography by using it for police purposes was also expressed in a poem published in Punch in 1853\textsuperscript{29}. Uneasiness about the prospect of confounding a respectable person with a criminal by using photographs was not restricted to English gentlemen (an uneasiness which cannot be found in the debate on photographs of the mentally insane discussed in the same period). More than ten years later, the Prussian jurist, Karl Theodor Odebrecht, although an advocate of the introduction of photography into the court rooms, voiced a similar concern\textsuperscript{30}.

13 In the English, French and Swiss cases, the initiative to introduce photography as a means of identification came from men confronted with practical problems of prison administration. Technologically open-minded men like Amiet, amateur photographers, such as the authors of La Lumière, or prison officials like Gardener tried to find solutions to the problem. Their common aim was to introduce scientific methods into prison administration and to obtain a new kind of knowledge about certain types of offenders. Ideally, the photographic portraits served as a part of the offenders'biography and as a mechanism to extract as much information from them as possible after apprehension.
Photography was also applied as a means to get a clearer idea of the groups conceived by the respective governments, at a specific time, as major threats to public order. At the same time, photographing those offenders displayed the government's ability to identify and to fight them. It was intended as a measure to build confidence in the authority of the state. It was the alleged dangerousness of an offender which merited the application of photography. In a way, the portraits represent the criminal « elite » as the authorities perceived them according to the threat they were believed to pose to society. Which groups of offenders were deemed dangerous changed with time and place. In Switzerland around 1850, vagrancy was seen as the problem which merited paramount attention. To some British prison officers, mobile (and Irish) offenders seemed especially dangerous and a force which undermined prison discipline.

The courts and prisons expressed an interest in the construction of a complete record for each offender. The idea of solving the problem with the camera was addressed by agencies whose responsibility it was to gather all the information on the criminal « career » of an accused person because it affected their decisions much more than the work of the police. For a judge, a complete record (first-time offender or recidivist ?) was the condition for a correct verdict, for the prison administration, the precondition for a prisoner's treatment. Photographic portraits were not a means of surveillance in the sense of a panopticon because the latter's main feature (in theory) was the possibility of controlling any prisoner at any time and to interfere immediately if an inmate behaved suspiciously. Another intended effect was to force prisoners to tell the truth about their criminal « career » and to deter them from committing crimes by the knowledge that photography was used to identify them, thus drawing on the popular belief about the power of photography to represent truth.

The reaction of prison administrations and courts up to the 1860s was not encouraging to the experimenters. To the English government, it seemed too impractical and expensive; to the French government, it appeared unsuitable and perhaps contrary to law, and the prisons in Switzerland did not continue with the experiment. In general, photography was still too deeply embedded in bourgeois culture and not conceived of as a method to record, detect and apprehend villains. Hardly any police official from the 1840s to the late 1860s imagined photography as a tool to identify ordinary criminals or considered the collection of portraits as an adequate means of recording known offenders.

II. The police and photography

Well into the third quarter of the nineteenth century, detection and apprehension were deemed a local problem to be solved by the local police force. There was no need for large photographic files because many police officers were convinced they knew the criminal class (or criminal population) of their district, except the small minority of strangers and mobile offenders. Detection was not yet seen as a science; it relied on the experience of responsible police officers. Friedrich Christian Benedict Ave-Lallemant, one of the best-known advocates of police reform in Germany, only casually mentioned photography in his theoretical works. Although he referred briefly to portraits of unknown or wanted persons that appeared in police publications at the end of the 1850s, Ave-Lallemant did not conceive of photography as a means of detection or recording. Conversely, in a novel he published in 1867, photography featured only as a polite pastime of the elite and as a symbol of emotional attachment, thus reflecting a very « bourgeois » response to the
The criminals as well as their hiding places and connections described in this novel were known to the authorities. In the mid-nineteenth century, the majority of policemen conceived of criminals as rather immobile or moving only locally, a concept of criminal behaviour which Ave-Lallemant's younger colleagues would challenge some decades later.

A couple of German police publications began to publish lithographic images made from photographs of wanted or unidentified persons (who were not necessarily criminals) on the request of public prosecutors, judges or police officers. To Ave-Lallemant, the majority of those pictures showed good-natured faces and provided no hints to corroborate physiognomic theories about the distinct features of criminals. The criminal, he stressed, could be found everywhere and in every social class. However publishing images was not common. Browsing through the volumes of the Hannoversches Polizeiblatt reveals that pictures were rarely included; always under ten per volume after this innovation had been introduced. The majority consisted of portraits of vagrants failing to present documents and/or suspected of having committed a more serious offence than they were initially apprehended for. Sometimes portraits were distributed as a preventive measure when a person labelled dangerous was about to be released from jail. On this unsophisticated basis, the police in Paris, London and Berlin, collected photographs on a small scale.

Up to the 1870s, not one of the great European police departments had a photographic studio or employed photographers regularly. And if they collected portraits, it was for various reasons, but not to establish systematic registers of criminals or to investigate the fabric of the « criminal class ». It was a measure pertaining to single cases and not the beginning of a collection of images intended to supplement existing records. It was usually the last resort to clarify the identity of a person.

Not even the political police made systematic use of photographs, although this branch of the police enjoyed much governmental support after 1848/1849 in continental Europe. The political offender did not threaten the health or goods of a single person or family, but - in the eyes of the governments - the whole public order. These people were not simply criminals, and a Karl Marx or a Giuseppe Mazzini had a bourgeois background socially equal to their prosecutors. In 1855, the chief of the Prussian political police, Karl Ludwig von Hinckeldey, police president of Berlin, presented, at a secret conference in Karlsruhe, a set of eight photographs of revolutionaries to the members of the secret police association founded in 1851. There were possibly other occasions when photographic (or lithographic) portraits of political offenders were circulated to ensure detection if any of them entered a German state. Three years later, in 1858, the political police of the kingdom of Württemberg - member of the police association - organised a large-scale (albeit unsuccessful) search for Giuseppe Mazzini, supported by the distribution of recent photographic portraits of the Italian revolutionary.

To the political police and the police fighting « normal » crime, photographs provided an instrument of detection according to the relative importance of the wanted person. Detection was not yet conceived of as a scientific process. In general, the photographic portrait was deemed unnecessary; there were no second thoughts about building up a photographic register of political or other offenders, nor did anybody see problems in identifying persons by photography. These were ad hoc, unsystematic measures, which relied on the universal belief that photographic portraits were the best representations one could possibly obtain of a person. There was no consistent rule as to which cases...
This was to change in the 1870s. Developments in photography, society and policing were responsible for this change. The general discourse on photography altered. Photography became more reliable and simple, and began to provide a general means of recording and representation for every conceivable need. Portrait photography grew into a more sophisticated practice, on the one hand, and, on the other, more people could afford it, thus shifting the function of social distinction towards price, style and the format of the images. Also, by the 1870s, the fear of confounding representative portraits with « scientific » portraits had vanished.

Photographing offenders became a more common practice of the criminal police and of prisons. The organisation and aims of the police in general were restructured, culminating in the establishment of independent criminal police departments in the greater cities. The most important aims of these new departments were the prevention of crime and detection of criminals by scientific means and professional methods. In adopting such goals, they concentrated on the habitual criminal and felt confronted with more mobile and unknown offenders than ever before; every individual offender merited closer attention. But there were no outlines of a theory of criminal photography; these became visible only in the 1890s. A system borrowed from anthropology was slowly, but not universally adopted: the unretouched portrait, en face and en profile, developed in the 1870s.

In Britain, prison officials were still concerned with the question of the composition of the prison population. The Fenian outrages of 1867 and the Irish question added another urgent problem. After the Habitual Criminals Act was passed in 1869 (supplemented by the Prevention of Crimes Act in 1871), a photographic register was established at the Metropolitan Police Office. The whole system was intended as a service to the prison administration and to the courts. Responsible for the collection, however, was not the prison administration, which was not centralised, but the Metropolitan Police, which managed the Habitual Criminals Register. In the initial period from November 1870 to December 1872, the Habitual Criminals Register collected more than 43,000 photographs of prisoners from 115 penitentiaries in England and Wales. The number of successful identifications was relatively small, in general, the normal rate being between one and five per submitted collection. Altogether, the data was not conclusive. And even less so because there were no comparable figures of successful identifications by non-photographic means. Still the most common method of recognising habitual offenders in London (and Paris as well) was to send police officers to the prisons to check whether there were any known offenders among the newly imprisoned. Public opinion was divided: The Photographic News was very much in favour of the scheme, the Daily News challenged its efficacy, and the Daily Telegraph questioned its legality, echoing the objection of the French Ministry of the Interior in 1863. The Prevention of Crimes Act set out the rules by which convicts were to be photographed, thus indicating that the Habitual Criminal Office was never intended as a central identification office for all offenders. By 1877, the scheme was reduced as it had already become cumbersome as early as 1874.

A similar development took place in France. The year of the Commune, 1871, was crucial for the introduction of photography into the agencies of law enforcement. The Ministère de la Marine et des Colonies proposed to the Préfets maritimes of Cherbourg, Brest, Lorient,
Rochefort and Toulon that they photograph every offender sentenced by maritime courts to more than six month imprisonment, thus ensuring the identification of the person if he appeared again before a maritime court. The Minister, Vice Admiral Pothuau, added that the photographs should be filed with the court records, a copy of which should be sent to the archives of the Ministry. The Ministry of War immediately adopted the proposal for the army. In March 1872 the director of the prison administration addressed the Ministry of the Interior about whether this scheme could not be extended to civilians sentenced for « insurrection ». Contrary to the 1850s and 1860s, the scheme was adopted. The immediate experience of the Commune had paved the way for a photographic register of « dangerous » political offenders. The wish to restore public order ushered in the camera as an instrument to record those who were apprehended for taking part in the insurrection. Following the proposals mentioned above, and triggered by the traumatic experience of the Commune, the Préfecture de Police in Paris established a photographic register in 1874. From that time, every person sentenced had to be photographed and the image sent to the Préfecture de Police. However, the plan seems to have been scaled down after a couple of years: the report on the Service Judiciaire for the year 1879/1880 gave a specification, limiting the practice to those offenders who had committed serious crimes or had ignored banishment. However, in eight years, more than 75,000 portraits amounted to a cumbersome and unmanageable collection. In England, as already shown, a similar plan was scaled down after some years of experience with the Habitual Criminals Register.

Just a couple of years after London and Paris, in 1876, the criminal police of Berlin began to collect photographs systematically classified by crime. One year later, the collection consisted of nine albums with 764 portraits, which was only a fraction of the people apprehended or sentenced. In one year, from 1878 to 1879, more than 4,000 people had been in the custody of the criminal police, but the album had only grown from 1,104 to 1,653 portraits. A mere 13% of all apprehended criminals had been photographed and their images filed. It seems that the criminal police of Berlin initially avoided the mistakes made in Paris and London, and kept the number of records as low as possible, but this only delayed the collapse of the system. The political police followed suit; backed by the law against social democrats of 1878, they gathered a huge collection of portraits of persons suspected of political offences.

By the early 1870s, the police forces of Paris and London had gained responsibility for national photographic collections of offenders, collections which had originated with the penal system. In comparison, the system introduced in Berlin probably originated with the police itself. Still, this shift of authority from prison to police is remarkable. The concept of the habitual criminal contributed to the growing importance of the police and prompted the administration to refine the system of registration and identification now under the auspices of the (criminal) police. Portrait photographs provided a means of recording and detection in tune with emerging modern methods of policing. They supplemented the practice of description with a technical aid. A photograph was conceived of as a recorded appearance. The rogues’ galleries functioned on the basis of a re-enactment of a face-to-face encounter between witness/victim and suspect/offender. It was natural, then, to classify the images by crime, as it was natural to take pictures according to the practice of commercial photographers to which the public was accustomed.
There was only very little in the contemporary literature on legal or criminal matters that could help policemen in applying photography. They had to rely on commercial photographers. The early French articles in *La Lumière* were forgotten; in Germany a mere two articles were published in the 1860s\(^5\). Looking back from 1900, not even Friedrich Paul, author of the authoritative handbook of criminal photography for German-speaking countries, could trace any English, German, or French articles of substance on this matter that had been published before 1880\(^6\). The absence of a discourse on criminal photography in the years between 1860 and 1880 speaks of an unsophisticated use of photography. Furthermore, as the French example showed, there were only very faint links between the photographic and the judicial discourse. The police's approach was still guided by popular notions about photography and by the *practical gaze*\(^5\) representing the experience of daily police work.

By the mid 1870s, files of photographs had been established in most criminal police departments in the great European cities. Usually a commercial photographer was commissioned to take the pictures\(^6\), and they were produced in the average style of contemporary portrait photography. The decision as to who was to be photographed followed a simple principle: the alleged dangerousness of an offender, as defined by various acts or orders. But as the label »dangerous» changed and was, in any case, inaccurate; this principle was not more than a rule of thumb. This system focused attention on habitual criminals or on criminals suspected of becoming habitual. In theory, nobody apprehended for petty, familial, religious and political offences should be photographed\(^6\).

Many police forces published the number of persons photographed in their annual reports, thus evoking the idea of efficiency. The figures offered an image of diligence and zeal in view of investigating the phenomenon and dimensions of crime. It was a measure designed to build confidence in the ability of the criminal police to fight crime by legitimate means and it helped enhance the reputation of the criminal police which, in France for example, was not good\(^6\), and in Britain had yet to be built up.

### III. The 1890s : a watershed ?

After a few years of collecting, it became obvious that simply amassing photographs was useless after a certain number of images had been accumulated. New systems of classification and cross-referencing were necessary to render the records useful. The rogues' galleries had already grown out of proportion in the early 1880s, even though the practice concentrated on certain groups of offenders, thus corroborating fears of an ever-increasing class of habitual criminals. The classification of the collections by crime served only one special need, but was useless as a general system of identification. In a report on the budget of the Prefecture de Police in Paris, the author claimed that the whole photographic service had - as of 1883 - not yielded any practical result at all\(^6\). Practical results would have amounted to a discernible increase in detections and identifications. Instead, there were none at all or, at least, there was no affirmative proof for this. What, then, to pinpoint the argument, were the collections good for in practical detective work, apart from the occasional identification obtained by leafing through the albums?

It became clear that the whole range of knowledge that the police had gathered was insufficiently structured and correlated. In short, it did not match professional and
scientific standards. Solving this problem demanded a new approach. It was Alphonse Bertillon who offered a non-photographic solution in 1879. He constructed his system of identification around a couple of measurements of the adult body which could not be altered and thus made images unnecessary. Bertillon's ideas were well received by criminologists and policemen throughout the world because they promised to solve two problems: 1) how to identify a person with a satisfactory degree of scientific precision and, 2) how to organise the thousands of photographic portraits of criminals which had flooded the files since the 1870s. The system was introduced in Paris in 1882 and, from 1885 to 1888, extended to all prisons in France. From that moment on, prisoners were measured but not photographed\textsuperscript{44}. Judicial photography, as Bertillon termed it, took its pattern from anthropological theories and was far removed from the type of photography that contemporaries were familiar with (Fig. 2). Bertillon's innovation marked a new approach towards « police photography », which combined scientific and practical experience. From that moment on, the anthropometric system, with the use of photographs, was seen as a universal system of recording and identification. The third international congress of criminal anthropologists, held in Brussels in 1892, recommended its general introduction\textsuperscript{45}. 

Now, for the first time, the merits of photography were broadly discussed by criminologists and police officers. There was a debate on if and how photography should be integrated into the new, scientific mode of policing. The *PhotographischeMitteilungen* reported in 1890 that photography had lost most of its importance since the introduction of the anthropometric system\textsuperscript{46}. The criticism of the practice in France quoted above corroborates this view. Otto Messerer, a physician working for the *Landgericht* (district court) in Munich, recommended in 1891, in a review of Bertillon's anthropometric system, the abolition of the « deceptive and expensive » photographic portraits altogether. He claimed that all the hopes of identifying recidivists by means of photographic registration had been in vain\textsuperscript{47}. However, other authors stuck to a positive view of the service that photography offered to the police. Franz v. Liszt, the influential professor of law, acknowledged the problem of classification, but had a good opinion of photographic portraits as a means of identification.\textsuperscript{48} Alphonse Bertillon responded to this debate with the publication of *La Photographie judiciaire* in 1890\textsuperscript{49}. He saw it as a supplement to his system of identification and gave clear advice on how such images should be taken and how they should be classified. Still, before and after the Bertillonage and the general introduction of fingerprinting\textsuperscript{50}, standard photographic portraits remained an important instrument of detection and identification. Identification and the taking of photographic portraits became up-to-date, sophisticated, scientifically based, and standardised tools of policing. Rapidly many police forces in Europe and the Americas adopted the system. Communication between police forces, courts and prisons was improved, it was claimed, even on an international level. According to some criminologists, such as R. A. Reiss, professor of police science at Lausanne, and police officers, the mobile, international criminal especially demanded the standardisation of identification methods\textsuperscript{51}. The most urgent problem, it seems, was no longer the habitual criminal alone, but the professional, travelling criminal. Ludwig Gruber, attorney in Budapest, believed that the anthropometric system and photography together would deter criminals from entering the countries in which these had been introduced. He claimed that English pickpockets, who were operating internationally were driven away from France for that reason\textsuperscript{52} (Fig. 3 - in the caption it was presumed that these pickpockets belonged to the « international crooks »).
At the same time, police officers became more interested in photography. Gustav Roscher, chief of the criminal department of the police in Hamburg, wrote, in an article on the requirements of the modern criminal police in 1898, that photography was one of its most important aids. After he was promoted president of the police in Hamburg, he published his seminal work, *Großstadtpolizei*, stressing the use of photography and relying on Bertillon and his own experience. He urged the photographing of criminals as often as possible because, he claimed, their way of life changed their features rapidly. In popular accounts, the idea of photography as representative of « truth » remained unchallenged, even though it was known how easy it was to deceive the camera by clothing, retouching, and facial expression. There was no question about the use and reliability of portrait photographs in detecting or tracing somebody, although the contemporary model detective in fiction, Sherlock Holmes, had no photographic file at Baker Street. Usually he identified criminals through other traces and by his extraordinary powers of deduction. To the public and to normal detectives not blessed with Holmes's abilities, photography represented professional and sophisticated police work.

Most advocates of criminal police photography emphasised that the images should always be taken strictly according to Bertillon's rules and should not resemble a portrait produced by a commercial photographer. This was a move away from the common practice of photography. Bertillon had insisted that a portrait for police purposes had to be very different from the products of commercial photographers in style, pose, format, focusing, and exposure. In short, a scientific and police point of view should guide the photographer working for the police. Professional police photographs demanded a good deal of training for the person producing them and the police officer using them.
Consequently, the first proper police photographers were employed in the 1890s. In addition, the police officer in the large city could no longer rely on his own experience alone; he had to accommodate the new system of knowledge and had to supply his information in a way that could be integrated into the different files.

However, in police publications, on wanted posters, and for the aim of detection, standard portrait photographs, taken by commercial photographers, remained in use (Fig. 4)\textsuperscript{35}. Equally, popular notions about photography among police officers were not obscured by criminological theories. As proof of criminological theories about the appearance of habitual criminals, photographs were ambiguous, as already shown regarding Lombroso and Galton. Most criminologists, however, did not use portraits as evidence or arguments for their theoretical approaches. To some observers, they evoked doubts about the validity of those theories or were even proof to the contrary.

\begin{figure}[h]
\begin{center}
\includegraphics[width=0.4\textwidth]{figure2.png}
\end{center}
\caption{Anon.: Unknown pickpockets - apprehended at Frankfurt/M., 1899, tech. unknown, 5,9 x 4,9 cm (each); Deutsches Fahndungsblatt 1899, 1, p. 875; Staats- und Universitätsbibliothek Hamburg, Fotostelle}
\end{figure}

To policemen, photography was, by the 1890s, an instrument they were used to. Even after the Bertillonage was replaced by fingerprinting, photographic portraits taken according to Bertillon’s rules remained in use. It was still considered to be a useful supplement to personal files, a measure to build confidence, a symbol of efficiency and professionalism. In practice, most police officers would not give up any technological aid they had, even if this aid was more a symbol of a systematic approach to investigating crime and criminals and a means to create an image of efficacy. When the British Home Office ordered the cessation of the Bertillonage and the introduction of fingerprints, the Chief Constable of the Staffordshire County Police wrote to the Home Office on 7 October 1902 asking if it is intended that application is no longer to be made for the photographs of prisoners. « He went on :‘in the majority of cases, I find the photographs are more
necessary for local purposes than the thumbmarks. The Home Office had to confirm that photographs could still be obtained from the prisons, but that it was no longer necessary to send photographs to Scotland Yard for the purpose of identification. This indicates that photographs were considered to be a practical aid for detection in a narrow sense and not seen as a means of identification.

Furthermore, the ceremony of photographing a criminal became part of the penalty; a part of the symbolic practices used to subject an apprehended person to photographic treatment. In 1906, this was regarded as a stigma by German Social Democrats who challenged § 23 of the new copyright law, which for the first time allowed the police to photograph apprehended people. During the Reichstag debates, they unsuccessfully urged that persons arrested for political reasons should not be subjected to the police photographer because they were not “criminals, vagrants, rascals”, for which this treatment was deemed absolutely appropriate, as the SPD member, Fischer, argued. Nothing could better illustrate how the response to judicial photography had changed, on the one hand, yet it still evoked uneasiness whenever its application exceeded accepted limits (corroborating the identity of or detecting an offender), on the other. Photographs confirmed a person’s status as a criminal, but should not be taken to “make” somebody a criminal. It should also be kept in mind that, for the working classes around 1900, access to photography as a commodity was a recently acquired asset.

“Police photography” was not a homogenous practice. Neither did it depend exclusively on criminological theories. There always remained a strong element of conventional interpretation of photographic images. Police photography served different needs at different times. First, it was an experiment to record offenders and to gather knowledge on “dangerous” or formerly unknown types of offenders. In the hands of the criminal police, it was a symbol of professionalism and efficiency, but still reserved for the dangerous cases, although the definition of who was a major threat to society from the policemen’s point of view changed. Even after 1870, when the practice of setting up photographic registers became more common, they could not serve to identify a criminal class or habitual criminal because, before long, the files consisted of tens of thousands of pictures, undermining any attempt to get a clear picture of this “class”. The increase of files suggested an increase in habitual offenders, which in turn called for intensified policing. After 1890, the search for distinctive “criminal” features in the complexion of criminals became less important. Instead, the way a person was photographed referred to his or her status. To be photographed according to Bertillon’s rules (unretouched, plain portrait en face and en profile) immediately allowed the interpretation of somebody as a criminal, no matter how he or she looked.
Although there are structural similarities between the application of photography at prisons, asylums and hospitals, the motives for application were different, and there was rarely any connection between these fields. The photographic discourse remained powerful for the interpretation of portraits within the police and superseded any medical or anthropological influences. The police's use of photographic portraits relates strongly to changing attitudes about detection and strategies of fighting crime. As a symbol of modern, scientific, legal, and professional police work, the camera was important. The introduction of «police photography» indicates a shift in the detective's approach to his job, merging everyday experience with scientific theories. Though the organisation of the police was modernised and professionalised in the 1870s, the reluctance to use photography as a means of detection indicates how little everyday police work was influenced by scientific methods at this time. The way rogues'galleries were used in the first years has more in common with browsing through a family album than with sophisticated attempts to track down an alleged offender. Only at the end of the nineteenth century, after Bertillon's innovation and the rise of criminology, did the practice become connected to a general system of recording individuals. As a tool of «scientific» investigation into the fabric of the criminal class or anthropological distinctness of criminals, photographs were highly ambiguous. As a means of control they were double-edged, recording a momentary success but not guaranteeing identification in the future, and in many cases, simply proving a person's successful evasion of the agencies of law enforcement.
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NOTES


3. In 1873 the British Parliament was informed about the success of the central photographic register established in November 1870. Numbers of detections by photographs (373) sent from the 115 penitentiaries (total : 43 000) were low. See : Parliamentary Papers 1873, LIV. 783. The criminal department of the Berlin police claimed that in 1879, 3 ; in 1880, 39, (*Verwaltungsbericht*, p. 468.) and in 1912, 245 criminals were identified by this method ; figure quoted from Fosdick (1915, p. 337, footnote 1).

4. It seems that the police resisted, for a considerable time, the scientific turn described by Carlo Ginzburg (1980, esp. p. 24-27).

5. See part II. of this essay. Police work in the last quarter of the nineteenth century focused more and more on the recognition of habitual criminals, see : Berlière (1996, p. 43).

6. This difference is crucial ; see Sekula (1989, 53 f.). The methods of classification of records developed by Bertillon and later by various experts on fingerprints (such as Henry or Vucetich) were purely methods of identification whereas portrait photographs could be used as tools of
investigation a point made by the Chief Constable of Staffordshire when fingerprinting was introduced in Britain (see below).


10. Allan Sekula (1989) was one of the first to point out this coincidence. However, Sekula was more interested in the relation of photography and the building up of archives to register the body and its role to define bodies as « normal ». His essay is less concerned with practical policing.


12. This is the convincingly demonstrated by Pheline (1985).

13. On Galton, see Green (1985, p. 11). On Lombroso and Galton : Regener (1992, pp. 76-82) ; Pick (1989). Lombroso used existing photographs of prisoners as evidence in his book, L'uomo delinquente, which was published in 1876, and Galton asked the Home Office in 1877 for his photographic materials - six years after the establishment of the Habitual Criminals Office, which was responsible for the collection of photographs of prisoners in Britain.

14. Kompositions-Photographien (1879, p. 204) An author wrote on Galtons composite photographs of villains that the ‘evil in the complexion had vanished’ in the composites thus not showing criminals but people who may at best become criminals in the future. Discussing Lombroso, a Dr Raecke considered Lombroso’s idea of the international equality of the physiognomy of criminals as unconvincing because he could only detect national types in the portraits the italian criminologist had presented as a proof. But he saw this equality in the faces of proletarians, cf. Raecke (1894, p. 346).

15. A similar development occurred in the USA. According to Phillips, the San Francisco Police Department made daguerreotype portraits of criminals as early as 1854, and other departments adopted this measure. But she dates the beginning of a « regular » use of mugshot albums in the USA in the 1880s : Phillips (1997, p. 19 and p. 21).


18. Leuenberger (1998, p. 101). Leuenberger points out that vagrants were the most important « clients » of the Swiss police force.

19. The scheme was known in Britain, as the discussion in Notes & Queries shows. In his humoristic book on Photography, Edward Bradley referred to this plan and gave a short account on Gardener’s experiments at Bristol Goal. He also mentioned the use of photography on « reward posters » and the problem of recognition. Bede (1855, p. 69 ff.).


21. The Committee was chaired by Lord Carnarvon and was set up in the wake of the »garotting panic » of 1862. Criticism focused on the practice of giving tickets of leave to delinquents sentenced to penal servitude and the reformed prison system in general. Cf. Davies (1980, pp. 190-213).


23. The ambrotypes of Birmingham prisoners mentioned by Tagg were probably produced according to the same principles as those taken by Gardener. Tagg (1988, p. 58 and 74).

24. Parliamentary Papers, 1864, XLIX, 543. The inspectors used the financial argument : photographing every prisoner would be too expensive was their verdict. Robert Cecil, the future Prime Minister, was much in favour of the system and wrote in an article for the Quarterly Review in 1864 : « It can never attain to its full utility until it has been universally adopted ; and therefore it is to be hoped that the magistrates of those counties which have not yet adopted it may be induced to do so by the recommendations of the committee of the House of Lords ». Cecil
Cecil introduced the paragraphs on judicial photography with the incorrect statement that, in some countries, every person convicted of any crime was photographed, *Ibid.* p. 496.

25. Shortly afterwards Eugene Beau, a mining engineer, proposed in the same journal to take portraits en face and en profile with a measure in the background.

26. Roullié (1989, p. 480). Further, the measure was deemed ineffective: « Qu’un tel mode serait d’ailleurs trop souvent inefficace, que rien n’est fugitif comme la physionomie humaine et que la moindre modification dans les traits du visage peut changer l’aspect de la figure d’un homme, que l’âge d’ailleurs pour les condamnés à longue peine qui sont les plus dangereux rendrait inutile toute image photographique ».


29. *Punch* (1853, p. 180). Quoted from Fig. 3 in Edwards (1990, p. 67). Stanza six and seven read: « And can you fancy anyone / So void of taste? - the very sun / Its soulless publishers degrade / The common constables to aid / Grave as the fact is, one might laugh / Almost, to see the photograph / So ignominiously applied / To serve as the Policeman’s guide ».

30. Odebrecht (1864, p. 669). Even at the end of the century, the French criminologist, Edmond Locard, questioned the use of the written portrait parlé with the same argument. See Jensen (1981, p. 333). The portrait parlé was a standardised system of describing persons. It was intended as the written or oral equivalent to a photographic portrait supplemented by mentioning special marks like tattoos and scars.

31. Just as the criminal identity can be interpreted as an inverted bourgeois identity, Becker (1994, p. 142), the portraits of criminals represented the negative opposite of the portraits of the middle-classes. As was claimed in *Photographisches Wochenblatt* in 1879: « The rogues’gallery at Paris « is truly a collection of celebrities ». *Kleinere Mitteilungen - Polizei-Photographie*, (1879, p. 16).


34. E.g. *Preussisches Centralpolizeiblatt, Hannoversches Polizeiblatt, Dresdner Polizeianzeiger*, Evans (1997, p. 213 and 223); see also Regener (1999, p. 75 ff.).

35. The editor of the revised edition of 1914 commented, in a footnote, that Avé-Lallemant had no idea of criminal anthropology, which developed after the first edition was published.


37. *Hannoversches Polizeiblatt* Vols. 10 (1856) to 22 (1867). Ludwig Hoerner described this collection as an early rogues’gallery, but was not sure about this. Hoerner (1980, pp. 175-182). In fact, these images were photographs sent to the editors of the publication who were officers of the police at Hannover.

38. Hannoversches Polizeiblatt, (1859, p. 893 f). The portrait of Theodor Wilhelm Friedrich Beyer was published after he was sentenced to six months in prison. The portrait was issued as a warning because, after the six months, Beyer would be extradited from Hannover and the authorities assumed that he would resume his former fraudulent life.

39. There were some exceptions: for Danzig 1864; « other » German capitals, 1865, Moscow, 1867, see Beese (1964, p. 542) Beese gives no references; for Odense, 1867; see Regener (1992, pp. 70-71).


42. Regener (1999, p. 149 f.). According to Beese (1964, p. 542) it was introduced by Dr. Oidtmann and adopted by the police in 1872. Again Beese does not indicate which police adopted it. In Britain, the *Photographic Journal* of 1872 recommended the plain portrait en face and proposed that the Home Office should publish a set of rules on how such images should be taken; cf. Judicial Photography (1872, p. 107). In Germany, Stolze recommended this practice in 1881; cf. Stolze (1881, p. 143 f.).


45. Parliamentary Papers 1873, LIV. 783

46. *Ibid.* At some prisons, e.g. Hereford County Prison, the rate was much higher: of the 321 photographs sent, 23 (= 7%) were of prisoners already in the files.

47. Berlière (1996, p. 43); in Britain, the parliamentary commission inquiring into methods of identifying criminals in 1900/01 confirmed that this was the most common method.


53. Archives de la Préfecture de Police, DB 47 Service judiciaire de la Préfecture de Police - Photographie. The report also gave figures of persons photographed (1879 more than 7100 and 1880 more than 9100). In 1879 a photographic journal reported that only criminals of the « first and second class » were photographed. Kleinere Mitteilungen - Polizei-Photographie (1879, p. 16).

54. Phéline (1985, pp. 32-34); Noiriel (1991, p. 161). At first the collection was classified by crime, later by sex and height.

55. Verwaltungs-Bericht (1882, p. 468 and 470). According to Roth (1997, pp. 96-97), thirty years later (1910), there were 45 albums with 37 000 portraits.

56. From 1878 on, the political police in Berlin collected approximately 2 700 portraits of political offenders a year. Fricke (1962, p. 112) In June 1878, the president of the police in Berlin hoped to obtain portraits of socialists and communists from the Prefecture de Police in Paris, Liang (1992, p. 109).

57. Odebrecht (1864); Sander (1865); this was a review of Odebrecht’s article. Odebrechts article was reprinted in the Austrian journal *Photographische Correspondenz* 2 (1865), pp. 56-72.

58. Paul (1900, pp. 7-9). Paul cited an article of the *Wiener Juristenzzeitung* of 15 April 1882 that photography was neglected in the Austrian legal system. Paul failed to notice the English article: Judicial Photography, *The Photographic Journal*, No. 229, 872, Vol. 15, p. 107. In this article, some rules for taking judicial photographs were proposed: the portrait en face and en profile which must not be retouched.


60. In Berlin the studio of Zielsdorf & Adler took the pictures up to 1890; see: Zur Anfertigung (1890, p. 61). For instance, Hamburg established a photographic studio in 1889, but from 1878,
photography featured in the settlements of accounts of the police department. Staatshaushalts-
Abrechnung (1881, p. 107).

61. In Hamburg for example, from 1889 on, all persons repeatedly arrested for vagrancy and
every person released from penitentiary had to be photographed. Later, this practice was
extended to all offenders of whom files were established. Photographisches Wochenblatt (1889,
p. 360).

63. Quoted from Phéline (1985, p. 35).
64. Rosenfeld (1893, p. 190).
66. Repertoriu (1890, p. 170).
68. Liszt (1889, p. 460).
69. Bertillon (1895). Bertillon’s ideas were not original, but they were elaborate. See for instance
the following articles: Judicial Photography (1872, p. 07); Photographisches Wochenblatt (1881, p. 143
f.), Verbrecherphotographie (1883, p. 326 f.). Bertillon’s advantage was his position at the
Préfecture de Police and the success of his anthropometric system.

70. The application of the Bertillonage, introduced in the 1880s and 1890s, was cumbersome and
was replaced, around 1900, by the much more elegant and simple method of fingerprints.
Introduced into police service in Bengal by the colonial police, fingerprinting was rapidly
adopted as a method of identification throughout the world except in France. Contrary to
measurements or images of the body, fingerprints could be both evidence found at the scene of
the crime and a means of identification.

71. Bertillon (1887, p. 272); Klein (1897, 492 f.); Paul (1900, p. 11); Locard (1906, p. 145 f.); Reiss
(1911, p. 76; 4; 76f.).
72. Gruber (1898, p. 378).
73. Roscher (1898, p. 2).
74. Roscher (1912, p. 231).
75. Bertillon (1895, p. 5).
76. Such images were frequently published in the Deutsches Fahndungsblatt, established in 1899 as
the central organ for the entire German police forces. For instance no. 70 of the Deutsches
Fahndungs blatt, 26 June 1899, showed the retouched portrait of Wilhelm Schnuchel, who had fled
from Neuruppin jail the week before, wearing a top hat and standing in front of a building (see
figure n°4).


ABSTRACTS

The history of police photography is commonly believed to begin in the 1850s when the first
portraits of prisoners were taken. A close relationship between medical, anthropological and
judicial photography is assumed. The investigation of the photographic practices in the prison
and at the police reveals that the general discourse on photography was far more important for
the application of photography in penal institutions. When the criminal police began to use photographs systematically in the 1870s it was more to display effectiveness than a real means of detection. After some years of collecting, the collections became cumbersome and unmanageable. Alphonse Bertillon's innovations solved this problem and later he introduced a specialised « judicial style » of photography into the police. Still, photographs were more important in representing scientific policing than in detecting « criminals ».

On considère en général que l’histoire de la photographie policière débute dans les années 1850 lorsque l’on effectue les premiers clichés de prisonniers, et qu’il existe à cet égard une relation étroite entre les préoccupations médicales, anthropologiques et judiciaires. L’examen respectif de l’utilisation de la photographie par les institutions carcérales et par la police révèle que le discours général sur la photographie a une influence considérablement plus importante sur l’usage qui en est fait dans les prisons. Lorsque la police judiciaire entreprit d’utiliser des photos systématiquement dans les années 1870, elle visait davantage à donner l’apparence de l’efficacité qu’à constituer un véritable instrument d’identification. Après quelques années, les collections devinrent encombrantes et ingérables. Ce problème fut résolu par Alphonse Bertillon qui introduisit un « style judiciaire » particulier de photographie dans la police. Il n’en reste pas moins que c’était d’abord un moyen destiné à figurer le caractère scientifique de la police plutôt qu’à repérer des criminels.

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