

Raven's End



by Theodore Dalrymple

On October 11, 1949—the day I was born—a man named Daniel Raven, aged 23, was arrested in a north London suburb and charged with the murder the previous evening of both of his parents-in-law. He was hanged in Pentonville Prison slightly less than three months later, public petitions to spare his life notwithstanding.

Was he guilty? No eyewitnesses emerged, but the circumstantial evidence against him was strong, though perhaps not beyond doubt. There was also the question of his mental state if he did do the acts of which he was accused. This was not raised at the time of his trial because he insisted that he had not performed those acts; to have entered a plea of insanity would have diluted his claim to innocence of the *actus reus*, the guilty deed.

The case troubled the public conscience and also that of one of the detectives involved. The only book published about it (60 years later) was written by that detective's son, Jeff

Grout, who discovered after his father's death that the only case on which he had kept documentation, though he had been involved in many famous or infamous cases, was that of Daniel Raven. This might have been mere chance or coincidence, but more likely it revealed a mind long haunted by doubts or regrets.

The facts were these. Raven's wife, Gertrude, had just given birth in a private clinic. On the evening that the murders took place, Raven and his parents-in-law, Leopold and Esther Goodman, had visited her there. They left in two cars, more or less at the same time. The Goodmans had bought a house for their daughter and son-in-law that was near their own home—a gift that 70 years later would have been worth more than \$1 million. Daniel Raven stopped off at the Goodmans' house for a brief chat and then went home.

According to his story, he returned to the Goodmans' house about half an hour later (for reasons never explained) and found them dead, lying in their sitting room, their heads bashed in—Esther Goodman so brutally beaten that her face was no longer recognizable. Because he knelt beside them, he got blood on his trousers; instead of calling for help, he panicked, went home, and tried to burn his trousers. He said that he thought he would be a prime suspect if he had called the police straightaway.

It did not take the police long to find and question him. They discovered his trousers only partially burned, and what was left was spotted with blood of the AB group, which, though comparatively rare (just 2 percent of the population), was that of both Goodmans. Raven demonstrably lied to the police during questioning, construed as further evidence of his guilt.

Raven's defense at his trial, conducted with considerable brilliance by John Maude, who later became a Conservative Member of Parliament and then a judge, was that in essence his

story was true: that he had found his parents-in-law dead and that he had panicked. Such panic was understandable, if not exactly laudable. (I was reminded of a trial for murder in which I was a witness. A man had strangled his girlfriend in a jealous rage. Afterward, he put her in the trunk of his car. I was asked whether this was not indicative of an irrational state of mind. I replied that, never having had to make such a decision, I could not really say; but it struck me as being as rational as any other action in the circumstances.)

Maude surmised that an intruder had killed the Goodmans, and then fled when Daniel arrived. In support of this hypothesis was the fact that the Goodmans' main bedroom was in a state of disarrangement when their bodies were discovered, but no blood was found in it, which suggested that it must have been disarranged before the murders were committed: the murderer, whoever he was, must have had considerable blood upon him. (Maude had only to sow doubt in the jury's mind, so he came up with a hypothetical alternative explanation.) In fact, the state of the bedroom remained forever unexplained; burglary was unlikely, for money was lying around the bedroom untouched. Maude's alternative explanation was that Leopold Goodman was a police informer who had once informed on an Australian immigrant for breaking the then-strict currency regulations, leading to the man's deportation. The intruder, on this theory, was someone hired to take that man's revenge: but there was no evidence of his existence. Further, if the intruder had entered the house to wreak revenge, he surely would have come armed with a knife, gun, or crowbar. But the murder weapon was the base of a television antenna, in those days a heavy and clumsy piece of equipment. Surely no one would use such a weapon if he had a more efficient one?

The prosecution insisted that, in English law, it had no requirement to prove motive, for murder was the deliberate killing of someone without lawful excuse, and that absence of motive was no bar to conviction for such a crime. The defense

pointed out, however, that if the prosecution did have evidence of motive, it would certainly have made the most of it; and the question of motive was bound to arise in a case such as this, in which a man with no known history of violence, and whose relations with his supposed victims were close and friendly (if not always completely harmonious), suddenly acted with terrible ferocity.

Since Daniel Raven's defense was that he did not commit the act, no medical or psychiatric evidence was entered. Nowadays, with much less at stake because of the abolition of the death penalty, every murderer is examined medically and psychiatrically, irrespective of the wishes of the defense (who may, of course, ask for additional reports). But in 1949, an examination had to be requested, and both Daniel Raven and his father, who believed his son innocent, firmly opposed making one.

Would medical evidence have saved Raven from the gallows? I think it would have, by casting enough doubt on his mental capacity at the time of the killings (assuming that he committed them), to have made commutation of his sentence, if not acquittal, likely. In 1949, only a half of death sentences in Britain were carried out, with the rest commuted—often with less reason than in this case—to life imprisonment. The doctors, if asked to provide evidence, might have spread more heat than light on the problem because they might have disagreed strongly with one another, but they would have sown sufficient doubt in the minds of, if not the jury, at least that of the trial judge, who, though legally obliged to pass a death sentence, was entitled to recommend clemency. The home secretary, with the final say on commutation, would surely not have ignored medical evidence, even if it were not unanimous. To execute someone who was mad rather than bad would be unjust and cruel: and the home secretary at the time, James Chuter Ede, was not a cruel man.

What would the doctors have said? Freudianism was at its high

tide, and Raven's upbringing would have offered some clues. His father was unstable, given to violent and irrational rages, and beat his son, even after the boy was fully grown. The father was a chronic founder of failed businesses in various parts of the country. By the time Daniel Raven was 12, he had attended six schools because of his father's peripatetic lifestyle. The boy was above average

intellectually but apparently highly strung. He wet the bed until he was ten, feared the dark, had night terrors, and bit his nails until they bled. He was taken out of school at 14 because the family moved yet again.

No doubt one might have claimed a connection between this disordered childhood and Raven's subsequent violence. If the child is father to the man, then surely, the argument would go, his childhood contained the key to his adulthood: and that childhood was a difficult one. The counterargument, of course, would be that not many unhappy childhoods lead to the murder of parents-in-law and that one could probably find an explanation for criminal behavior in any life—from parental overindulgence to parental neglect. Raven's anxious personality would likewise not have helped his case: anxiety is so common that few people would want it to count as an excuse for, or even an extenuation of, killing.

A more promising approach might have observed that Raven was epileptic and committed the act in a state of epileptic automatism. Though he had not acted violently before, he had exhibited irrational rages, disproportionate to any provocation; he also supposedly suffered from absences, when he seemed to lose contact with the world, from which he recovered without remembering anything. The most eminent expert in the country at the time, Dr. Denis Hill, reported that Raven's electroencephalograph was abnormal, though the doctor

was too cautious or scrupulous to claim that this had a direct

bearing on his state of mind at the time of the killings (if, indeed, he committed them). It is possible that Raven had a form of epilepsy that manifested itself in irrational violence, but he hindered a defense based on this by insisting on his own innocence of the killings and failing to mention any period of loss of consciousness at the relevant time. He might have killed in a state of post-seizure confusion and then, on recovering, found himself in the presence of two brutally killed people without any knowledge of what happened—after which it was only too plausible that he would have panicked and told lies.

All murders are tragic, but one courtroom scene during the trial must have been almost unbearable to watch. Raven's wife, Gertrude, took the stand as a witness for the defense. According to a newspaper report, she looked across at her husband and smiled at him. The only point on which she testified was that, when her parents and their son-in-law left the clinic after visiting her, they appeared to be in a good mood, without evident conflict. The prosecution thought it wise not to cross-examine her, for this would have created sympathy for the accused. One reporter claimed that, after the court adjourned, he had asked Gertrude what she would do if her husband were acquitted. "Well," she replied, "I suppose he would come home and I would make him a cup of tea." Another reporter claimed that the only thing anyone had heard her say at the trial, other than her largely monosyllabic testimony, was that she would "never believe that Danny murdered my mother and father. Danny could never do such a thing."

Her mental agony must have been terrible, for she had to know that the case against her husband was strong. After the closing prosecution speech, a newspaper observed, "she raised a tired hand to her forehead and asked her friend to take her from the court. She was smuggled out of a side door"—reporters were as intrusive and unscrupulous then as they are today—"and driven away by police."

It took the jury no time to find Raven guilty, and he was duly sentenced to death. That Gertrude accepted the verdict is suggested by the fact that she neither wrote to, nor visited, him in the prison where he was held in the condemned cell for 40 days and 40 nights. It is difficult to imagine that anyone could suffer more, at least in peacetime, than to have the man she loved kill the parents she loved. It is a thought from which the mind instinctively turns away.

After the trial, a brief challenge to the verdict arose. One of the jury was Jewish—as were all the main characters in the story—and it turned out that he had taken his juror's oath on a New Testament. It was surmised, then, that he was not properly sworn, and therefore could not deliver a verdict, which at the time had to be unanimous (now only a majority of 10-2 is required); but a rabbi testified that the juror in question told him that he nevertheless stood by his oath, and the challenge faded away.

One intriguing aspect of the case reveals how much attitudes have subsequently changed. Raven's defense lawyer, John Maude, was strongly in favor of retention of the death penalty, while James Chuter Ede, the home secretary, was strongly for its abolition. Yet it was Maude who pleaded for Raven's life and Chuter Ede who refused to commute.

It was clear that Maude was emotionally, not merely professionally, involved in the case. Once the trial was over, and Raven's appeal had been turned down, Maude's official duty was performed, but he went much further than he was obliged to do. He had done his best at the trial, and his closing address to the jury was brilliant, if unsuccessful. But he continued to advocate for Raven until the eve of his execution, when he sent the following telegram to the home secretary:

YOU KNOW HOW DEEPLY I FEEL UPON THE MATTER ABOUT WHICH YOU SAW ME AND I NOW BEG YOU TO GIVE EFFECT TO ALL THE LONG HISTORY OF THE MANS ABNORMALITY STOP SIMPLY CANNOT RID MYSELF

OF A PROFOUND BELIEF IN IRRESPONSIBILITY IN THIS CASE WHICH I FOUND OVERWHELMING AND TERRIBLE

To this telegram (and the very word "telegram" is redolent of an age as bygone as that of horse-drawn carriages), Chuter Ede replied:

RECEIVED AND CAREFULLY CONSIDERED YOUR TELEGRAPH BUT REGRET AM UNABLE TO ALTER MY DECISION

This exchange speaks well of both men. Maude, who made a speech in Parliament endorsing the view that the death penalty was a necessary deterrent to murder, was also obviously possessed of a strong sense of justice in each individual case and not merely of the social utility of the deterrent. When he said to the jury that it was the prosecution's duty to prove its case beyond reasonable doubt, that is precisely what he meant: the accused was entitled to the benefit of any doubt, and he believed that he had cast sufficient doubt on the prosecution to merit acquittal.

Chuter Ede, for his part, had introduced before the war a motion in Parliament to abolish the death penalty and was soon to vote for its temporary suspension while a commission reported on the measure (it finally recommended retention, but only under very restricted circumstances). Yet Chuter Ede also felt that it was his duty—no doubt painful—to uphold the law as it stood, which was more important as a principle than adherence to his personal convictions, however strong, on a matter about which more than one opinion was possible.

Chuter Ede was a scrupulous man and had not come to his decision lightly; while Raven was in the condemned cell, the home secretary had asked three eminent psychiatrists, including Hill (who thought that Raven was epileptic), for a report. They examined him in prison, and their report was not favorable to reprieve on psychiatric grounds. "We do not

consider that Raven was insane at the time of the crime or that he is insane now. He is probably an anxious and nervous type of man, but we do not believe that he is suffering now, or was suffering at the time of the crime, from any minor mental abnormality which would justify us making any medical recommendation."

Chuter Ede felt that he had no grounds for commutation of the sentence. Maude's inner conviction that Raven was either innocent of the *actus reus* or did not have the requisite *mens rea* (guilty mind) was not enough. The law had to take its course.

On his last night alive, Raven wrote four letters: to his mother, his cousin Muriel, his sister Sylvia, and one of his lawyers. He did not write to his wife, the mother of his child, either because she now thought of him as guilty and had forsaken him, or from a certain delicacy of feeling. As far as we know, he never confessed to the crimes.

If Raven went to trial under current laws instead of those of 1949, and in the present state of medical knowledge, he would likely have been convicted of manslaughter, not murder. To establish the lesser charge, the defense would have had to prove, on the balance of probabilities, that Raven suffered from a state of mind at the time of the killings so different from normal that it reduced his mental responsibility for his acts. Doctors probably could have convinced a jury that this was so. If found guilty of the lesser charge, Raven would either have been sent to a mental hospital or sentenced to prison for fewer years than for a murder conviction. But even if found guilty of murder, he would have had his life spared and received a sentence of life imprisonment, with the possibility of parole after 15 years.

On the whole, this seems more humane than what actually happened. My one reservation is the following. If Raven were found guilty of murder, under these alternative circumstances,

a sentence of (in effect) 15 years' imprisonment would be inadequate, not because, once released, he might repeat his crimes but because it would exert a downward pressure on all sentencing. The severity of sentences must reflect, at least approximately, the seriousness of the crime or crimes committed: and to bash in the heads of two parents-in-law is a very serious crime indeed.

Now, a civilized society must put a limit to the severity of a sentence that may in practice be imposed—a threshold above which we cannot go. Someone who kills ten people cannot be punished ten times more severely than someone who kills only one, though the crime, in a sense, is considerably worse. But if the threshold for the most severe sentence is set too high, leniency throughout the system is the inevitable consequence. And the consequences of leniency are obvious to all except criminologists.

Still, the execution of Daniel Raven horrifies me. A newspaper wrote shortly after his execution: "The uproar over the hanging of Daniel Raven has been quite out of proportion to the facts of the case," and the Liverpool man who wrote to Chuter Ede that the "mentality of the 16,000 folks who signed [a petition] for [a] mindless reprieve is a blot on our civilisation," horrifies me also.

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