5

Sober suits, bowler hats and white lab coats: Enclothed impartiality, masculinity and the tailoring of a bourgeois expert persona in British courtrooms, 1920–1960

Pauline Dirven

Introduction

A striking feature of modern forensic culture in England in 1920–1950 was that both the general public and forensic experts showed ample interest in the 'looks' of forensic scientists and doctors. The media – newspapers, crime fiction and popular non-fiction – reported on the personal appearances of forensic experts and advice literature for forensic expert witnesses included instructions on what to wear to court. Interestingly, these texts show that forensic expert witnesses in British courtrooms did not 'dress up' as doctors or scientists, i.e. they did not wear their white coats or the kind of formal clothes that doctors usually wore to distinguish themselves from less highly skilled middle-class men. Instead, they wore a dark-coloured lounge suit, as had become the custom for most British middle-class men. This observation is not trivial: this chapter argues that experts' adoption of such a bourgeois look was a key feature in the performance of forensic expertise because it allowed them to embody one of the crucial virtues of modern forensic culture: impartiality. In making this claim, this chapter defines forensic culture as a set of shared values, beliefs and ideals of what it meant to practise good and trustworthy science and medicine.

In the modern English adversarial justice system, it was far from self-evident that expert witnesses enacted impartiality. Whereas

in the Middle Ages and early modern period, experts appeared in court either as jurors or as court advisors, from the eighteenth century onwards expert witnesses had to face the jury as witnesses, for the prosecution or defence party.[1] This put expert witnesses in a difficult position. As scientists, they wanted to embody 'society's preferred model of the cool, objective, correct, impartial man of science'.[2] However, the space that formed the stage for their performance, the modern adversarial courtroom, to the jury suggested their partiality.[3] In 1923 the influential medical journal *The Lancet* described the situation as follows: 'In a popular statement of the degree of untruthfulness the superlative is reserved for the expert witness. When scientific evidence adduced by plaintiff and defendant seems to be mutually contradictory, the layman is puzzled and grows skeptical of scientific values.'[4] In the modern system, expert witnesses, therefore, looked for ways to convince the lay jury that they were not partial 'hired guns' or charlatans, but impartial, objective researchers.

The historiography of forensic science and medicine has shown how forensic experts have attempted to present themselves as trustworthy knowledge-makers by analysing the ways in which they produced forensic evidence. This literature focuses on the question of how the virtue of objectivity was enacted in forensic examination practices, as well as on the technologies, protocols or mathematical models forensic scientists used to create 'objective knowledge'.[5] In this line of thought, historians Ian Burney and Neil Pemberton argue that the English forensic culture around the 1930s was characterised by the development of practices that enacted a sense of objectivity, such as the development of protocols and the emphasis on trace-based evidence.[6] They identify a shift from a regime that was centred around a celebrity, all-round pathologist who personally enjoyed the trust of the public, towards a modern forensic regime that earned credibility through the use of teamwork, protocols for evidence collection and trace-based crime scene investigation practices.

This chapter aims to add to this literature by shifting the focus from examination practices carried out by experts, to the related question of how forensic experts presented themselves as impartial, credible *personae*; how they *embodied* this epistemic virtue. To be specific, I study sartorial performances of forensic

experts and reflections on 'the expert look' in newspaper articles, forensic handbooks and autobiographies to answer the question of how they presented themselves as impartial and authoritative knowledge-makers in English forensic culture. Shifting the focus from forensic evidence to advice literature and reflections on the way expert witnesses dressed and presented themselves, illustrates that while between 1920 and 1960 doctors and scientists did not use the notion of 'objectivity', they did refer to the epistemic virtue of impartiality. In this context, impartiality referred to 'their duty to assist in the discovery of truth and the administration of justice, no matter which side may be found to be in the wrong'.[7] It meant being a 'coldly detached person' who does not take sides.[8] This chapter shows that, while a new forensic *regime* – characterised by the enactment of objectivity in protocols, technologies and examination practices – started to develop in the interwar years, popular performances of expert witnesses continued to rely on an older scientific and forensic culture. To be specific, in the courtroom, news media and popular autobiographies, expert witnesses embodied the ideal of impartiality by invoking class-based mechanisms of building trust that had already developed in the nineteenth century.

In the English and Scottish adversarial justice systems, where the choreography of the courtroom suggested to the lay jury an opposition between the parties, expert witnesses had to attain credibility, trust and authority via a performance of impartiality. As I will explain below, this task was particularly difficult as scientists and doctors – both of whom could occupy the position of expert witness – had a long history of negotiating their tenuous social position in British society. To explain why this was the case, I will outline the British history of the gentleman scholar, quackery and the relation of the expert witness with the jury. But first, I will explain the value of studying fashion in a forensic context and illustrate what forensic experts looked like in Britain from 1920 to 1960.

Fashion and forensic virtues

Historians of forensic science and medicine have paid little attention to the embodied performances of forensic experts. That is unfortunate because in judicial cultures based on jury systems,

such as England and Scotland, 'lay juries could not usually follow elaborate technical arguments, … [and expert witnesses were compelled to] let their own credibility be the main support of their testimony'.[9] Thus experts, who struggled to verbally communicate their scientific knowledge-making practices to the jury, could establish their impartiality through a language that their audience did speak: fashion.

Attention to bodily appearance and dress practices can reveal much about the role of forensic experts in British society because the body is 'an instrument that performs socially or culturally constructed sexed or gendered identities', to use the words of Karen Harvey.[10] The study of clothes can help us understand the 'organisation of power and authority' within societies because clothes are active actors in bringing about this order.[11] In this chapter, I use a broad definition of fashion that does not only refer to *haute couture* but also, and primarily, to the look of people in the street. It encompasses the cultural conceptions about what was 'fashionable' to wear and the sartorial language of what specific items of clothing, fabrics and colours meant. This fits the historical context I study. In the twentieth century, being fashionable was no longer reserved for members of the upper classes. As the manufacturing process of clothing became standardised and mass production developed, members of the labouring and lower-middle classes could more actively engage in consumer society.[12] As a consequence, in early and mid-twentieth century Britain, dress culture was an important tool to assess not only a person's social status[13] but also their personality.[14] In other words, fashion became an instrument to communicate the qualities you possessed as a person.

Applied to the context of science and medicine, the 'meaning of dress, and the cultural capital that dress secures, are key to comprehending struggles for authority and trust in medicine', and science.[15] That is because, in the words of Mineke Bosch, 'knowledge cannot be recognised as valuable when it is not performed in a way that the scholar or scientist is seen as a trusted member of the scientific or scholarly community'.[16] An analysis of fashion can reveal much about the way scientists wished to present themselves, the personae they adopted and the gendered and class codes they resorted to in order to enact status and credibility or evoke trust.

A notable exception to the neglect of forensic fashion in the historiography is the work of Kelly Ann Couzens, who has studied the clothes worn by expert witnesses in the nineteenth-century Scottish courtroom.[17] She argues that they wore dark-coloured suits because this signified the formality that was required in the courtroom. She writes

> restraint in physical appearance matched well the atmosphere of solemnity and respect the legal profession wished to inculcate among participants within the courtroom setting. Unlike the judges in their fine robes or the advocates in their wigs and gowns, the dress of the medical expert expressed a suitably inferior sense of respectability and authority that befitted their place within the hierarchy of the court.[18]

According to Couzens, experts' dress emphasised their formal role in the courtroom and enacted a sense of hierarchy between the judiciary and expert witnesses. This argument is compelling. As legal actors could advise expert witnesses on how to dress, it seems fitting that they would have used it to emphasise the hierarchy between the competing professions of medicine and law.[19] However, as I shall argue below, the choice of garment of expert witnesses, the sober lounge suit, did more than emphasise the solemn nature of the trial and establish a hierarchy between these professions. The dress code amongst doctors and scientists had a long social history as it was interwoven with their struggle for status in the British class-based society.

The sober middle-class look

Expert witnesses dressed according to the modern, masculine, middle-class fashion trend of the 1920s to 1950s. They wore sober, dark-coloured, three-piece lounge suits and matching overcoats. Such 'lounge suits' – or business suits, as they are known today – had become the choice of garment for most middle-class and increasingly also working-class men in Britain from the 1920s onwards.[20] They enacted a sense of middle-class professionalism. As an author of *The Lancet* described the situation in 1947, 'correct men's dress today is designed to show that the wearer doesn't work with his hands. Men dress like bankers'.[21] Moreover, the bourgeois ideal

enacted by the sober suit was highly gendered and created a shared masculine culture.[22] The practical suit emphasised the increasingly hectic and urban lives of professional men working in public institutions. It was a comfortable garment, suitable for industrial life.[23]

Advice literature for forensic expert witnesses emphasised the importance for forensic scientists and doctors to adopt this neat but sober look. This instruction was part of the general advice in forensic handbooks and journal articles for expert witnesses on how to behave and look in the courtroom. The literature prescribed that experts needed to 'stand up, speak up and dress up' when they were in the witness box and never lose their temper during cross-examination. An author in the *British Medical Journal* explained in 1934 that careful consideration of this 'art of performance' was a vital aspect of the forensic expert's job description because, while 'the professional and private conduct of a doctor in the ordinary course of practice is not obvious to the public eye, … in court, it is open to the inspection of perhaps a hundred people directly and in particularly unlucky cases – to thousands of people through the Press'.[24] Displaying the appropriate behaviour in court was vital if the expert witnesses wanted their testimony to be heard and taken seriously. The authors of the advice literature emphasised that 'the privilege of giving evidence carried with it no small responsibility, and might affect not only the persons involved in the action but *the doctor's own reputation*'.[25] According to some experts, it even impacted the stature of science and medicine as a whole.[26] To explain why this was the case I delve into the question of the social status of doctors and scientists in British society below. However, first I will outline how expert witnesses thought they could win over their audience; in particular, in what kind of costume they thought would make a good impression.

In the early and mid-twentieth century, professional fashion advice was highly gendered as it was only aimed at male experts. They were supposed to wear a simple suit in dark colours. As a professor of forensic medicine, Sir Sydney Smith, explained in his handbook in 1925: 'the witness should pay due regard to his bearing, which should be modest and unassuming, and to his personal appearance, which should be at least clean and tidy; an

untidy, unshaved professional witness creates a bad impression on the Court'.[27] Importantly, an expert witness should also not dress up too much. As a columnist in the *British Medical Journal* remarked, forensic experts should avoid appearing 'conceited or vain'.[28] Police surgeon and medical referee Douglas Kerr explained in more detail in 1935:

> Much depends on the impression they [the jury] form of the doctor himself; he should therefore conduct himself as becoming a responsible professional man. He should dress accordingly in a quiet professional manner, and before entering the witness-box should remove his gloves and overcoat. It is not necessary for him to wear a morning coat, but to appear in a sporting-suit, as sometimes happens, is only to leave the jury with the impression that he does not take his profession seriously, and consequently considerably distracts from the value of his evidence.[29]

According to Kerr, dress was a way to enact professionalism and to ensure that the audience, the jury, would take the performing expert seriously. To accomplish this, they should not adopt a casual sporting style nor a too formal look.

In practice, it seems that experts took this advice to heart. Photographs in newspaper articles and portrait pictures of forensic experts, such as Figure 5.1, illustrate that they were clad in sober, middle-class clothes. The first photograph displays Sydney Smith (quoted above), wearing a dark-coloured, three-piece suit of heavy fabric. Pictures of expert witnesses attending the court confirm that in practice experts increasingly chose not to dress distinctively in the period 1920–1960.[30] Figure 5.2, for example, is from 1920 and depicts Home Office analyst John Webster on the left and chemist William Willcox on the right as they arrive or leave at the court. The picture illustrates a change in performance: Webster is still dressed more conservatively in the clothes of the medical trade, wearing a morning suit and top hat. But Willcox has adopted a middle-class look, wearing a lounge suit and bowler hat. This latter trend would set the tone for expert performances during the rest of the century. This is illustrated for example by Figure 5.3, which shows Dr Keith Simpson arriving at the court in a three-piece lounge suit. In general, photos indicate that expert witnesses started to deviate from

Figure 5.1 Portrait picture of Sir Sydney Alfred Smith (1883–1969), Regius Professor of Forensic Medicine at Edinburgh University from 1928 to 1953. (Photograph by W. & E. Drummond Young, The University of Edinburgh, UA CA1/1 h, 'Sir Sydney Alfred Smith (1883–1969) – Our History', accessed 14 February 2022, http://ourhistory.is.ed.ac.uk/index.php/Sir_Sydney_Alfred_Smith_(1883–1969))

Figure 5.2 Home Office analyst John Webster (left) and chemist William Willcox (right) as they arrive or leave at the court, 1920. (ANL/ Shutterstock, accessed 16 December 2021, www.shutterstock.com/nl/editorial/image-editorial/john-webster-l-and-dr-wh-willcox-toxicologists-who-examined-the-body-of-mabel-greenwood-4735558a)

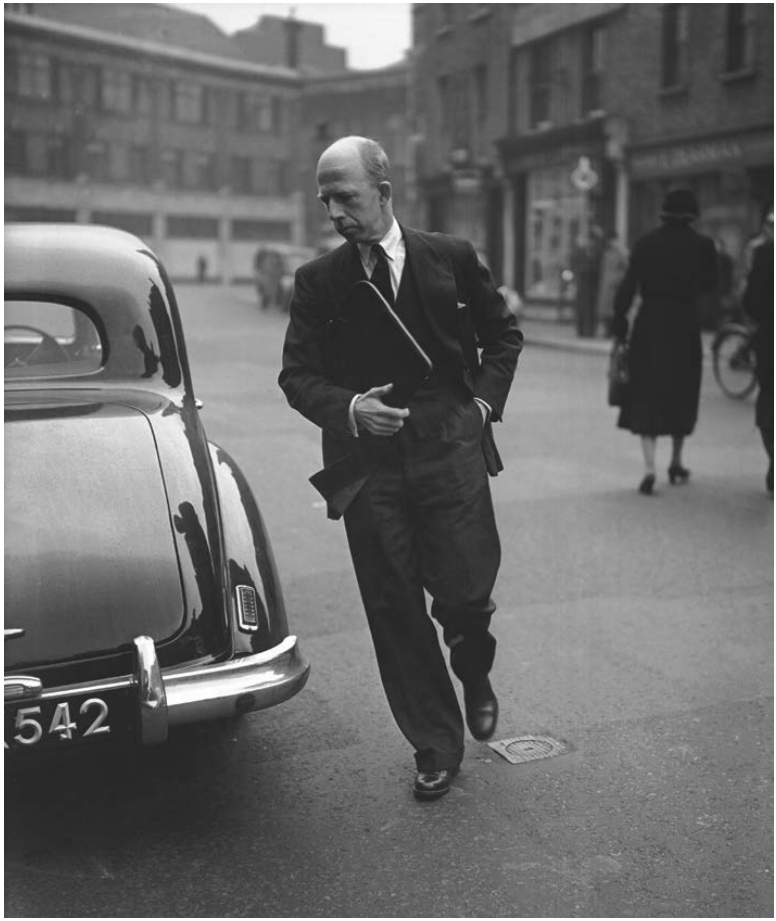

Figure 5.3 Pathologist Keith Simpson arriving at Westminster Coroner Court to give evidence at the inquest of the Ritz Hotel murder and suicide, 13 March 1953. (Trinity Mirror / Mirrorpix/ Alamy Stock Photo, accessed 14 February 2022, www.alamy.com/stock-photo-dr-keith-simpson-the-home-office-pathologist-arriving-at-westminster-83443376.html)

the distinctive enclothed practices of their professions and adopted a sober middle-class look from the 1920s onwards.

Forensic experts' courtroom sartorial presentations were remarkable. In the first half of the twentieth century, it was uncommon for both scientists and doctors to dress like this. As fashion historian Catherine Horwood has argued, doctors were prone to dress

more formally than most middle-class men, adorning themselves – depending on the occasion – in morning suits (recognisable by the long, black jacket without tails and striped trousers), evening wear or academic dress.[31] In contrast, scientists and lab assistants enjoyed more freedom than most middle-class men and dressed more casually, for example wearing 'an open-necked shirt, flannels, no socks and sandals'.[32] Despite these customs, forensic experts dressed according to middle-class fashion; doctors dressed down and scientists dressed up when they wore the sober lounge suit in the courtroom.

In general, it was not self-evident that witnesses chose to wear an undistinctive look in the courtroom. By doing so, forensic experts differed from English police officers who could wear their uniform to court to display their professional authority in the witness box.[33] It also set them apart from their Spanish colleagues who emphasised their authority in the courtroom by dressing distinctively, for instance wearing a mortar-board and a symbolic medal.[34]

Newspaper articles and a popular non-fiction book commented on the expert's indistinguishable look, indicating that it was noteworthy or surprising to journalists. In her autobiography in 1940, Molly Lefebure, the secretary of pathologist Keith Simpson, noted that the famous expert witness Sir Bernard Spilsbury

> looked, more than anything else in the world, like a prosperous gentleman farmer. Very tall – though stooping slightly in his later years – powerful, with broad shoulders and a very ruddy, open, earnest face, you would have said he was an expert on dairy herds, or sugar-beet crops, or agricultural fertilizers, but you would not have suspected that he was Sir Bernard Spilsbury.[35]

In a similar vein, the *Dundee Evening Telegraph* claimed in 1938 that a fingerprinting expert 'looks for all the world the successful businessman'.[36] And in 1939 the magazine *John Bull* told its readers that they might mistake poison expert Dr Lynch 'for a lawyer or perhaps an accountant. You would need very unusual penetration to discover in that quiet person one of the greatest investigators of our day.'[37] The article was accompanied by a picture in which Dr Lynch is unremarkable as he looks like an average Englishman in his three-piece lounge suit and Homburg hat.[38]

The fact that forensic experts dressed themselves according to the sober, middle-class fashion trend of the time was not insignificant but a noteworthy occurrence. More to the point, as I shall argue below, it was a performance of judicial impartiality.

The modern courtroom

In the modern courtroom, the sober middle-class look countered the suggestion of partiality that the adversarial legal system had created by moving experts from the jury box to the witness box. It minimised the distance between the jurors and expert witnesses that was implemented in the eighteenth century. That is because the jury, at this time, consisted predominantly of middle-class men. Legal scholar Andrew Watson explains that while it is true that 'after 1919 both men and women could serve as jurors … the number of females was limited by the need to meet the property qualification'.[39] Moreover, in practice, the jury predominantly consisted of middle-class men due to the ability of the lawyers to challenge specific juror members without having to give a reason for their removal.[40] Because expert witnesses conformed to the bourgeois fashion of the time, wearing sober lounge suits and bowler, Homburg or trilby hats, a familiarity between themselves and the members of the jury was established.

The importance of relating to the jury to win their trust is confirmed by research in legal studies. Watson, for example, has shown that in England barristers altered their performances and adopted a less formal and more 'conversational style' of advocacy when the democratisation of the jury set in with the passing of the Juries Act 1974. He notes that lawyers wanted to appeal to the more diverse group of jurors but at the same time were 'anxious to avoid appearing patronizing to jurors or of under-estimating their intelligence'.[41] Legal scholar William McMahon has made a similar claim concerning the way American lawyers dressed. He argues that an attorney's use of clothing could have an impact on the outcome of a case because of the performative nature of their jobs. He explains that the clothes or 'costumes' they wear have an impact on their audience, the jurors, to whom they want to relate by not dressing as if they are different or better than them, but as if they were one of them.[42]

While McMahon's observations are of a different context, his general point helps to explain the fashion choices of expert witnesses in England during the 1920s to 1960s. Like these lawyers, expert witnesses were performing for an audience that would respond to their appearance. By putting on the common suit forensic experts masked personal or social differences amongst themselves and between themselves and the jury. This is illustrated by Figures 5.4 and 5.5, depicting

Figure 5.4 The jurors in the Dr Ruxton murder trial as they return to court to return their verdict of guilty, 1935. (Photo by Mirrorpix/Mirrorpix via Getty Images, accessed 14 February 2022, www.gettyimages.nl/detail/nieuwsfoto%27s/dr-ruxton-murder-case-members-of-the-jury-at-he-trial-who-nieuwsfotos/591974956)

Figure 5.5 Team of expert witnesses who worked on the *Ruxton* case. (ANL/Shutterstock, accessed 14 February 2022, www.shutterstock.com/editorial/image-editorial/forensic-experts-working-on-the-ravine-murders-lr-prof-js-brash-prof-sydney-smith-prof-john-glaister-dr-wg-millar-and-dr-cl-godfrey-box-651-2407121527-ajpg-5727859a)

respectively the jury members and the expert witnesses involved in the infamous Ruxton murder case. Figure 5.4 shows that jurors were dressed in overcoats and lounge suits and wore bowler and trilby hats, with the exception of only one jury member wearing a cap. Figure 5.5 displays the expert witnesses, dressed similarly in overcoats, bowler and trilby hats. Thus, by adhering to the dominant middle-class fashion, forensic experts bridged the gap between themselves and the jury and suggested that they were not so different from them; i.e. they had not become theatrical showmen or 'hired guns' but like the jury were still impartial, 'humble servants' to the court.

The white lab coat

The choice of expert witnesses to wear indistinctive middle-class clothes is remarkable if we take into account that at this time a specific sartorial symbol for science came into being: the white lab coat. This garment became popular in the nineteenth and early twentieth century; not just in science, but also in the field of medicine, where physicians and surgeons started to trade in their gentleman's frockcoat for white lab coats.[43] According to fashion historians Susan Hardy and Anthony Corones this make-over signified a change in 'professional identity replete with new forms of credibility and new forms of trust'.[44] More specifically, it points to a significant development within medicine as it symbolised 'scientificisation': the growing impact of bacteriology and a new emphasis placed on hygiene within the field.[45]

Following this new trend, forensic experts started to wear special work clothes when they carried out examinations. Scientists, and increasingly doctors, would wear a white lab coat, and pathologists clad themselves in a post-mortem gown, rubber apron and rubber gloves (Figure 5.6).

According to pathologist Keith Simpson, this was a positive development. He exclaimed in 1947:

> I have entered a mortuary unexpectedly, to find a doctor fully dressed, bowler hat on head, umbrella over arm, leaning against a wall smoking a pipe and making jotted notes in a book while the mortuary assistant pulled out and cut up organs for a Coroner's autopsy. Such scandalous days are fast receding into the dark Middle Ages of forensic pathology.[46]

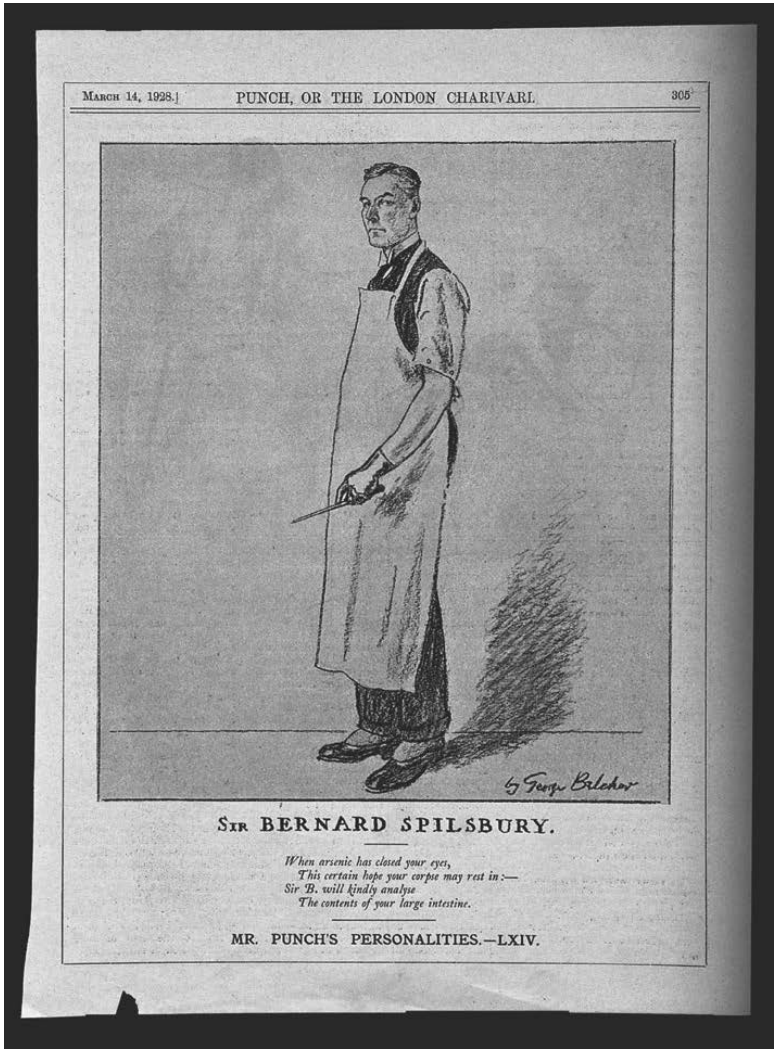

Figure 5.6 Bernard Spilsbury in post-mortem garment. (Wellcome Images / Wikimedia, CC BY-SA 4.0: Library reference: ICV No 11802, Photo number: V0011537, accessed 14 October 2022, https://commons.wikimedia.org/wiki/File:Sir_Bernard_Spilsbury,_a_famous_pathologist._Reproduction_of_Wellcome_V0011537.jpg)

Whether Simpson's account of this encounter is truthful or simply a rhetorical strategy does not matter, the point of the anecdote is clear. The way the pathologist is dressed is scandalous and old-fashioned to Simpson because it exemplifies his passive attitude; adorned in the male uniform of the time he is unable to get his hands dirty and apply his manual skills. Whereas in the courtroom this outfit would have been appropriate and suggested impartiality, in the examination space the same look depicted a 'backward' and 'outdated' practice. In the investigative space, the modern expert was characterised by his skills and ability to engage with his object of study, as symbolised by his special work garb.

It seems that this new performance of expertise was context-bound, as it continued to be limited to the space of laboratory and morgue, at least until the 1960s. In the courtroom experts did not use their white lab coats or working outfits to perform the ideal of trained judgment and specialised skills. Nor were they prone to use this new symbol of science in the media. An exception is Sir Bernard Spilsbury, who did have his pictures taken dressed in a white lab coat or post-mortem garb (Figure 5.7).

However, seeing that Spilsbury was a unique figure in the history of forensic medicine who enjoyed celebrity status, his public performances do not represent a general trend in the performance of forensic expertise. I only found one other example of a public performance displaying forensic experts dressed in lab coats: a 1946 newsreel called *Science Fights Crime*.[47] This Pathé clip responded to the post-war social fear of a 'crime wave'. In this promotional film, forensic scientists are depicted in white lab coats doing tests. In other visual material of the time, experts are not portrayed as such but appear plain-clothed. Images issued by experts themselves, for example, do not show them wearing lab coats or other symbols of science. Nor do newspapers use pictures of experts dressed in examination garb. Usually, these experts are shown either sitting in a neutral setting or rushing to or from a crime scene or courtroom. In all these pictures they are wearing a simple lounge suit.

This changed around 1960 when forensic experts who used to conform to this sober self-representation started to present themselves in lab coats and in the context of the laboratory in popular media outlets, such as on the cover of their autobiographies.

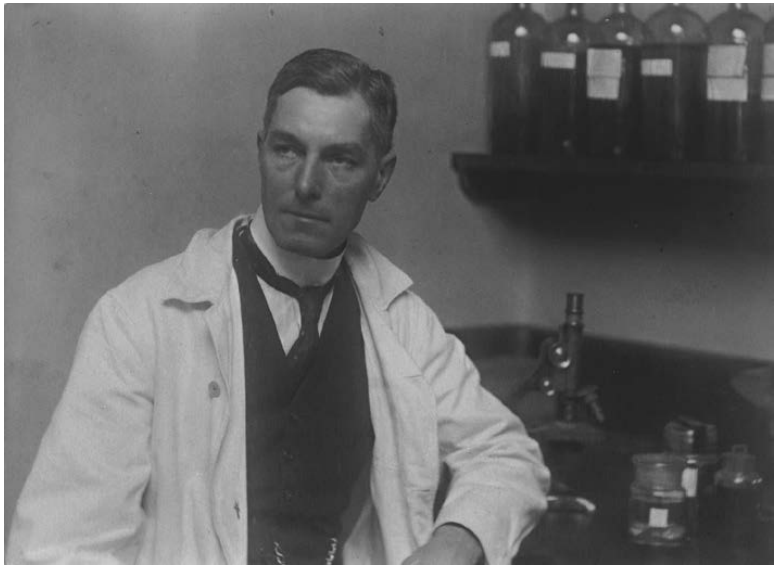

Figure 5.7 Photograph of Sir Bernard Spilsbury posing in the laboratory wearing a white lab coat, 1920s. (Photograph by Edward Cahen, National Portrait Gallery, London, accessed 16 December 2021, www.npg.org.uk/collections/search/use-this-image/?mkey=mw189943)

Figure 5.8 shows the photograph pathologist Sydney Smith used on the cover of his autobiography published in 1959; in it he is posing as a scientist wearing a white lab coat and holding a test tube. John Glaister Jr appeared in a similar manner on the cover of his autobiography in 1964: in the laboratory wearing a white coat.[48] As did specialist in spectrography Hamish Walls on the book jacket of his memoirs in 1972.[49] Keith Simpson never swapped his middle-class suit for a lab coat but he did follow the trend of posing with instruments of the trade, such as a skull, a knife and flask in a picture taken in 1978 (see Figure 5.9). In general, the period after the 1960s is characterised by a shift in popular media representations of forensic experts. In forensic books written for a lay audience, as well as in films and television programmes, experts were depicted as anonymous scientists, immediately recognisable by their white coats and handling of instruments, such as microscopes, beakers or test tubes.[50] Examples of this include the book *The Modern Sherlock*

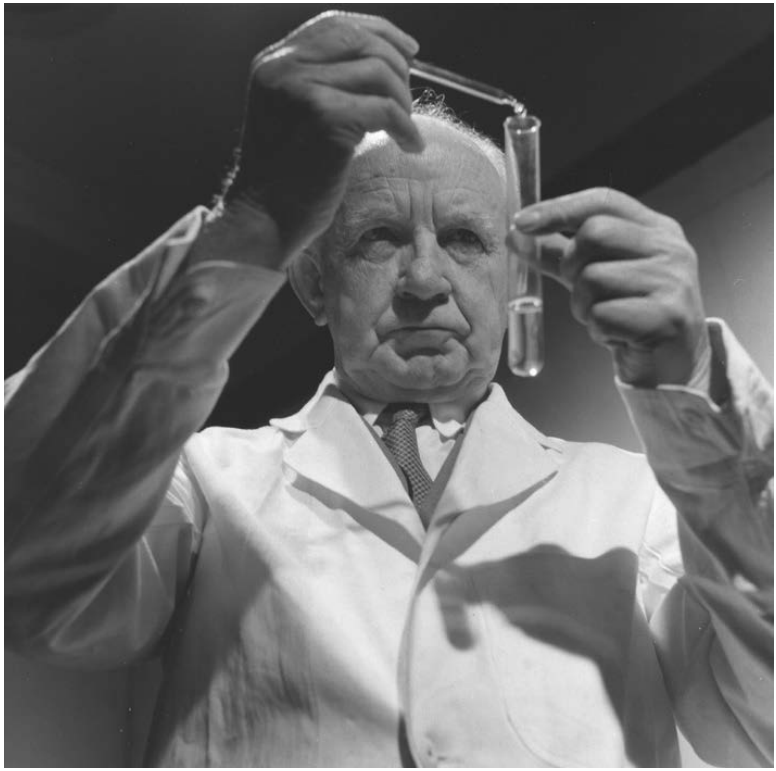

Figure 5.8 Photograph of Sydney Smith in white lab coat posing as a scientist, used on the cover of his autobiography *Mostly Murder*. (Accessed through Royal College of Physicians of Edinburgh)

Holmes intended to inform laypeople about forensic science and the true-crime book *Great Cases of Scotland Yard*.[51] During the second half of the twentieth century, it seems that performances of forensic expertise were more lab-based, and relied on images of technologies and specific institutions to assert authority or trust.

Before the 1960s, however, this look was not part of a public performance of forensic expertise. Public appearances were instead based on the performance of a bourgeois persona as expert witnesses appeared in the courtroom and media in their dark-coloured lounge suits. To understand why experts continued to rely on this

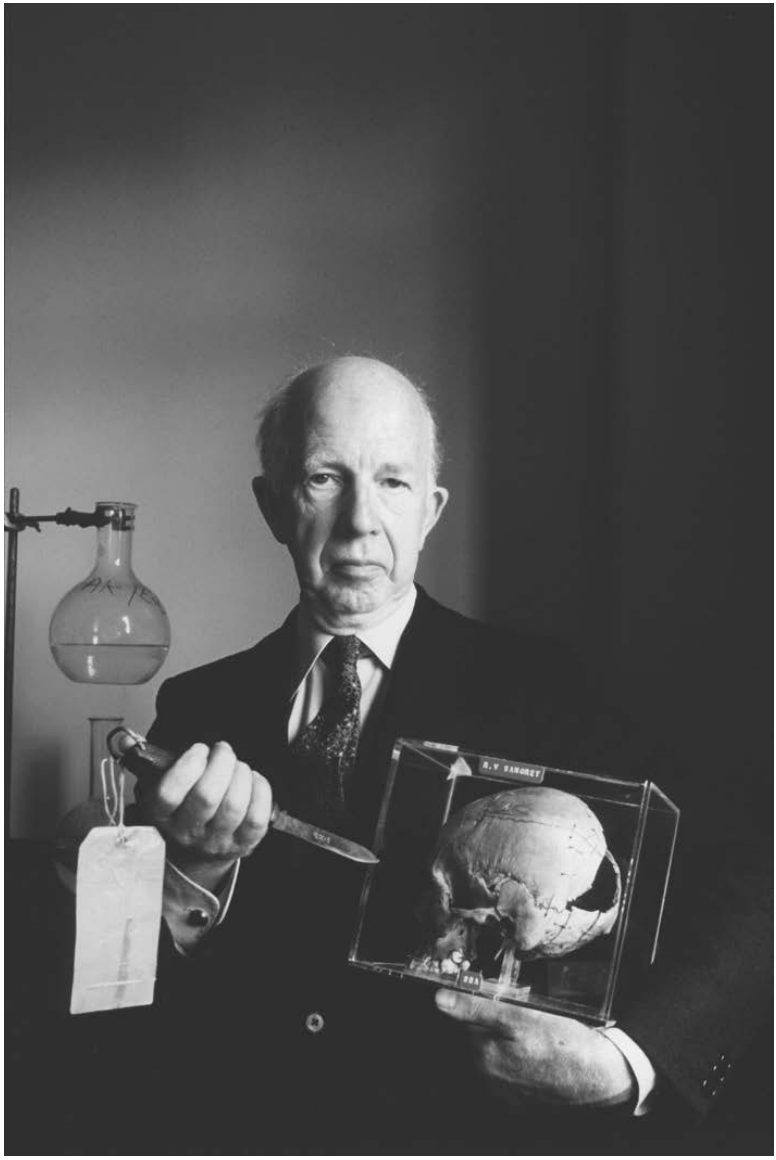

Figure 5.9 (Cedric) Keith Simpson posing with murder weapon, skull and flask in 1978. (Photograph by Judith Aronson, 1978, National Portrait Gallery, London, accessed 19 August 2022, www.npg.org.uk/collections/search/portrait/mw62365/Cedric-Keith-Simpson?LinkID=mp61813&role=sit&rNo=6)

middle-class look for public performances, I turn to the history of British intellectual, medical and scientific culture.

Impartiality and middle-class modesty

The reliance on the gentleman-look should be understood in the light of the long history of class struggles in the medical and scientific community. Already since the seventeenth century, medical men had wanted to secure social status by displaying themselves as gentlemen. They did so because they aimed to counter the popular comparison between surgeons and manual labourers, especially butchers.[52] To shake off the association of their work with 'crude' manual labour, surgeons chose to present themselves as members of the upper class, depicted hosting dinner parties, or conforming to the image of the man of letters, the philosopher, who was considered a gentleman, surrounded by books and sitting at his desk.[53] Like the forensic experts prior to 1960, they were seldom depicted in their working space or with the instruments of their trade.[54]

In their performance, physicians and surgeons needed to find a balance between 'dressing up' and not appearing flamboyant. It was important for them not to appear pompous because of the long history of competition between qualified and unqualified doctors in Britain. 'Quacks' were never outlawed in Britain, and therefore registered practitioners looked for ways to visibly distance themselves from these 'charlatans'.[55] In the nineteenth century, 'the quacks, or unqualified practitioners, continued to rely on eighteenth-century flamboyance, extravagance, exoticism and a bit of showmanship as the time-honoured way to attract patients'.[56] Qualified practitioners attempted to contrast this flamboyance by adopting a sober and simple gentlemanly appearance. At the end of the nineteenth century, 'there was a return, as in so many respects, to the moral aesthetics of Tudor and Stuart times', in the sense that doctors 'were invariably depicted as soberly respectable, clad in greys and blacks'.[57] This performance of sobriety continued to impact the sartorial display of doctors in the twentieth century, as the fear of quacks continued to exist.[58] This anxiety influenced expert witnesses especially, since their reputations could be hurt by

the comparison with quacks, due to the performative nature of their courtroom appearances and the fact that they received fees to appear in the witness box. The sober suit-wearing of the expert witnesses must therefore be understood in the medical sartorial tradition of warding off suggestions of quackery or 'bought' evidence.

Forensic experts did not exclusively have backgrounds in medicine; scientists, and especially chemists, were also increasingly asked to contribute to criminal investigations. They too had a history of class struggle. Especially in the seventeenth and eighteenth centuries, the amateur gentleman-scientist was an idealised knowledge-maker because his moral code of behaviour and financial independence was considered to ensure impartiality.[59] A similar ideal existed in the popular imagination of the detective, who was represented as a financially independent gentleman-detective who solved crimes as a hobby, to prove intellectual superiority or out of public service.[60] However, in the nineteenth century 'new men of science', skilled artisans or tradesmen, started to emerge on the stage. They were becoming more influential because they developed the scientific technologies that aided the modernisation project of the manufacturing and industrialised classes. However, these scientists were in an ambiguous position; as contributors to the industrial society they obtained a position of influence but because of their bourgeois background the elite, especially the judiciary, did not trust them upon their word, as they would trust their gentlemanly counterparts.[61] In the words of Carol Jones, 'in England, there was a prevailing cultural snobbery which determined that men of letters could look down upon men of science'.[62] This distrust also stemmed from the professionalisation of science. As Tal Golan explains:

> The scientific gentleman was supposed to labor for the love of knowledge, not for money, and his heart was supposed to be in his researches, oriented toward communal interests rather than toward individual self-interest. No matter how useful the professionals were, if their object in life was to obtain money, they were morally tainted. And among these professionals, none was more repugnant than the so-called scientific expert who had made his living from his appearances in court, tailoring his opinions to the wants of his clients.[63]

To sum up, scientists, and expert witnesses especially, were initially disadvantaged by the professionalisation of the trade.

The historiography is ambivalent as to how the situation developed. Some historians of science have pointed out that the professionalisation of science changed the culture of trust and authority in science: around the turn of the century, gentlemanly codes of behaviour were traded for the modern ideology of professionalism, institutionalisation and technological advancement.[64] This line of thought complements the argument of Burney and Pemberton that in the early twentieth century a modern forensic regime developed that was characterised by the institutionalisation and professionalisation of forensic services.

However, other scholars have argued that a degree of continuity existed because these new men of science adopted and appropriated the gentlemanly ideal. They explain that with the emergence of 'new men of science' the gentlemanly ideal did not disappear but changed. While historians do not agree on the exact moment of this shift, the literature on the British middle class shows that at some point during the nineteenth or early twentieth century the conception of the gentleman altered. It no longer referred to someone's noble birth but became 'a repository of cultural value to which anyone could aspire'.[65] Based on this reconceptualisation of the gentleman, new men of science turned the tables on the aristocracy. They argued that they were not less reliable because they were professionals but rather more so. Unlike members of the upper class, they argued, they were not driven by impulse or extravagant lifestyles.[66] Moreover, they emphasised that in bourgeois society, legitimate knowledge was warranted by objectivity, not by any feudal claims to privileged, personal authority.[67] From this perspective, they fashioned a new scientific persona, that of the bourgeois gentleman-scientist, who was humble, disciplined and impartial, and who served society by contributing to its technological and industrious development.[68] Presenting themselves as sober middle-class professionals, these scientists sought to win the trust of the public by enacting a sense of impartiality that went hand in hand with a display of disciplined devotion and civil service. The impact of this updated understanding of who a scientist ought to be is illustrated by the course taken by scientists appearing as expert witnesses in court: it

was 'the sober, middle-class scientist' who was believed to earn the trust of the lay jury and expert witnesses modelled their performance on this image.

This increased importance of the bourgeois scientist persona, as distinguished from the upper-class gentleman scholar, helps explain why the middle-class look was successful in the courtroom and the media. The middle-class lounge suit enacted a sense of sobriety that contrasted with connotations of arrogance, vanity or extravagance. This was important to forensic experts who were warned 'not to appear conceited or vain, [but] to look simple while being wise' when entering the witness box.[69] Arrogance was a vice that would 'irritate the court and damn the witness'.[70] The secretary of pathologist Keith Simpson, Molly Lefebure, emphasised Sir Bernard Spilsbury's modesty and love for science to counter the common perception of him as an arrogant and flamboyant man. She writes,

> He was reserved, modest and courteous in manner, very serious, very intent on his work. Indeed, he appeared to exist for nothing but his work. And above everything was his complete integrity […] Despite these adulations Sir Bernard was a deeply modest man; a quiet, withheld man, withheld not in pride but in natural reticence.[71]

The modest, simple, bourgeois look became important for the performance of forensic expertise at a time when forensic culture revolved around the fear of partiality. Humility connoted integrity, a love for science and civil service. It was a middle-class virtue that enacted a sense of servitude, a virtue that was of pivotal importance in the British culture of trust in science. As STS scholar Sheila Jasanoff has argued, in Great Britain the public's trust in experts depended less on professional standing (as it did in the United States) or institutional affiliation (as it did in Germany) and more on 'the embodied virtue of its individual members' of research councils and their 'demonstrated record of service to society'.[72] Therefore, in the British context, it did not make sense for experts to rely on enclothed markers of professionalism or institutional affiliation. Instead, expert witnesses enclothed themselves familiarly, in an outfit that denoted middle-class virtuousness and professionalism. In the medical tradition and according to the new ideals in science, their outfits illustrated that they eschewed personal gain and served justice, not themselves.[73]

Conclusion

The sober suit that forensic experts wore in the courtroom was an important actor in the enactment of impartiality in the modern English and Scottish jury systems. The middle-class lounge suit conjured up a sense of familiarity between the experts and the jury, consisting predominantly of middle-class men. It demonstrated that these experts, like the jurors, were neutral servants of the court. The relation between the sober suit and impartiality derived from a history of class struggle experienced both by physicians and new men of science. In the medical context, a sober suit enabled physicians and surgeons to distinguish themselves from both quacks, who were characterised by their flamboyance, and manual labour. In the scientific world, the simple professional look signified the development of a new bourgeois scientific persona whose impartiality was safeguarded by his sobriety and servitude.

The literature on forensic science and medicine in the UK suggests that a modern forensic regime developed around the 1930s. Ian Burney and Neil Pemberton have argued that this modern regime developed with the establishment of the metropolitan police laboratory, team-based investigative practices and the new protocols for the collection of trace-based evidence. In line with this finding, the analysis of experts' dress practices has illustrated that in the mid-twentieth century forensic pathologists started to value hands-on skills and the collection of evidence in the mortuary. However, my analysis also shows that in different forensic spaces – the courtroom and news media – other expert performances were in place. In the public domain specifically, experts continued to rely on the performance of a bourgeois scientist persona to win trust and credibility. It was only around the 1960s that they started to rely on self-representations in white lab coats, symbolising the team-based, anonymised, technology-driven research practices and institutional affiliations.

The occurrence of this change in forensic culture reflected a general shift in British medical and scientific life. Historian Steven Shapin argues that in the 1960s and 1970s 'heroically self-denying bodies and especially virtuous persons are being replaced as guarantees of truth in our culture, and in their stead we now have

notions of "expertise" and of the "rigorous policing" exerted on members by the institutions in which expertise lives'.[74] In this line of thought, it was no longer the person of the expert who ensured impartiality but the forensic institutes, their protocols and training programmes that endorsed objectivity and won the trust of the British population.

Notes

This project has received funding from the European Research Council (ERC) under the European Union's Horizon 2020 research and innovation programme (grant agreement No 770402).

1 Tal Golan, *Laws of Men and Laws of Nature: The History of Scientific Expert Testimony in England and America* (Cambridge, MA: Harvard University Press, 2004), pp. 6–20.
2 Carol A. G. Jones, *Expert Witnesses: Science, Medicine and the Practice of Law* (Oxford: Clarendon Press, 1994), p. 14.
3 Jones, *Expert Witnesses*, p. 14.
4 'The Expert Witness', *The Lancet*, 3 November 1923, p. 991.
5 Alison Adam, *Crime and the Construction of Forensic Objectivity from 1850* (London: Palgrave, 2020); Willemijn Ruberg and Nathanje Dijkstra, 'De forensische wetenschap in Nederland (1800–1930): een terreinverkenning', *Studium* 3:9 (2016), pp. 121–143.
6 Ian Burney and Neil Pemberton, *Murder and the Making of English CSI* (Baltimore, MD: Johns Hopkins University Press, 2016).
7 'The Duties of the Medical Witness III', *British Medical Journal*, Medico-Legal, 31 March 1934, p. 600.
8 H. A. Burridge, *An Introduction to Forensic Medicine for Medical Students and Practitioners* (London: H. K. Lewis & Co, 1924), p. 23; Keith Simpson, *Forensic Medicine* (London: Edward Arnold & Co, 1947), p. 211.
9 Golan, *Laws of Men*, p. 58.
10 Karen Harvey, 'Craftsmen in Common: Skills, Objects and Masculinity in the Eighteenth and Nineteenth Centuries', in Jane Hamlett, Leonie Hannan and Hannah Grieg (eds), *Gender and Material Culture c.1750–1950* (London: Palgrave Macmillan, 2015), pp. 68–89, here p. 83.
11 Laura Ugolini, *Men and Menswear: Sartorial Consumption in Britain 1880–1939* (Aldershot: Ashgate, 2007); Brent Shannon, *The Cut of His Coat: Men, Dress, and Consumer Culture in Britain, 1860–1914*

(Athens, OH: Ohio University Press, 2006); David Kuchta, *The Three-Piece Suit and Modern Masculinity: England, 1550–1850* (Berkeley, Los Angeles, London: University of California Press, 2002); Catherine F. Horwood, *Keeping Up Appearances: Fashion and Class Between the Wars* (The Mill, Brimcombe Port: The History Press, 2005); Jane Tynan, 'Military Dress and Men's Outdoor Leisurewear: Burberry's Trench Coat in First World War Britain', *Journal of Design History* 24:2 (2011), pp. 139–156; Quintin Colville, 'Jack Tar and the Gentleman Officer: The Role of Uniform in Shaping the Class and Gender-Related Identities of British Naval Personal, 1930–1939', *Transactions of the RHS* 13 (2003), pp. 105–129; Hajo Adam and Adam D. Galinsky, 'Enclothed Cognition', *Journal of Experimental Social Psychology* (February 2012), pp. 1–28, here pp. 5–6.

12 Katerina Honeyman, 'Following Suit: Men, Masculinity and Gendered Practices in the Clothing Trade in Leeds, England, 1890–1940', *Gender and History* 14:3 (2002), pp. 428–429; Frank Mort, *Cultures of Consumption* (London and New York: Routledge, 1996), p. 137.

13 *Ibid*.; Simon Szreter and Kate Fisher, *Sex Before the Sexual Revolution: Intimate Life in England 1918–1963* (Cambridge, New York: Cambridge University Press, 2010), p. 295.

14 Szreter and Fisher, *Sex Before the Sexual Revolution*, pp. 295–296.

15 Susan Hardey and Anthoney Corones, 'Dressed to Heal: The Changing Semiotics of Surgical Dress', *Fashion Theory* 20:1 (2015), pp. 27–49, here p. 28.

16 Mineke Bosch, 'Scholarly Personae and Twentieth-Century Historians: Explorations of a Concept', *BMGN – Low Countries Historical Review* 131:4 (2016), pp. 33–54, here pp. 53–54.

17 Kelly-Ann Couzens, ' "Upon My Word, I Do Not See the Use of Medical Evidence Here": Persuasion, Authority and Medical Expertise in the Edinburgh High Court of Justiciary', *History* 104: 359 (2019), pp. 42–62. For literature on clothes of victims and perpetrators see: Alison Matthews David and Serah-Marie McMahon, *Killer Style: How Fashion Has Injured, Maimed, and Murdered Through History* (Berkeley: Owlkids Books, 2019); Alison Matthews David, *Fashion Victims: The Dangers of Dress Past and Present* (London and New York: Bloomsbury, 2015).

18 Couzens, ' "Upon My Word", p. 51.

19 Jones, *Expert Witnesses*, p. 148.

20 Elizabeth Wilson, *Adorned in Dreams: Fashion and Modernity* (New York: Rutgers University Press, 2003), p. 33; Ann Hollander, *Sex and Suits: The Evolution of Modern Dress* (New York, Bloomsbury,

1994), p. 109; Brent Shannon, *The Cut of His Coat: Men, Dress, and Consumer Culture in Britain, 1860–1914* (Ohio: Cambridge University Press, 2006).

21 'Clothes and Psychic Health', *The Lancet*, 8 October 1949, p. 679.

22 Mort, *Cultures of Consumption*, p. 137; Kuchta, *The Three-Piece Suit and Modern Masculinity*, p. 178; Beth Jenkins, 'Gender, Embodiment and Professional Identity in Britain, c.1890–1930', *Cultural and Social History* 17:4 (2020), pp. 499–514, here p. 501; Honeyman, 'Following Suit', p. 334.

23 Fred Miller Robinson, *The Man in the Bowler Hat: His History and Iconography* (Chapel Hill, 1993), p. 27.

24 'The Duties of the Medical Witness I', *The British Medical Journal*, Medico-Legal, 3 March 1934, p. 407.

25 'The Doctor in the Law Courts', *The British Medical Journal*, 22 March 1930, p. 549; emphasis added.

26 Richard Ellis, 'Initiation', *The Lancet*, 27 August 1955, pp. 403–404; Ordway Hilton, 'The Essence of Good Testimony', *Medicine, Science and the Law* 8:2 (April 1968), pp. 85–87; A. L. Wells, 'The Expert Witness', *The Lancet*, Letters to the Editor, 30 May 1953, pp. 1103–1104; Melitta Schmideberg, 'Point of View of the Psychiatrist', in *The Court and the Expert: Writing Reports*, Essays in Comparative Forensic Psychiatry (*International Journal of Offender Therapy*, 1971); Michael Cleary, 'Personal View', *British Medical Journal*, 1 June 1974, p. 498; Gerald Pearce, *The Medical Report and Testimony* (London, George Allen & Unwin LTD, 1979).

27 Sydney Smith, *Forensic Medicine: A Textbook for Students and Practitioners* (London: J.A. Churchill, 1925), p. 5.

28 'The Doctor in the Law Courts', *The British Medical Journal*, 22 March 1930, p. 550.

29 Douglas J. A. Kerr, *Forensic Medicine: A Textbook for Students and a Guide for the Practitioner* (London: A&C Black LTD, 1935), p. 29.

30 See for example: 'Dramatic Scenes at Gloucester Assizes', *Gloucestershire Chronicle*, 8 November 1924, p. 13.

31 Horwood, *Keeping Up Appearances*, p. 47. And see the dress codes and description of dress in: 'The Harvey Tercentenary: Celebration by the Royal College of Physicians of London', *The Lancet*, 24 March 1928, pp. 621–622; 'Scotland: Medical Women's International Association', *The Lancet*, 27 July 1937, pp. 212–213. For Keith Simpson's description of his teacher in 1923 see: Keith Simpson, *Forty Years of Murder: An Autobiography* (London, 1980), p. 23.

32 Horwood, *Keeping Up Appearances*, p. 45.

33 For information on the impact the police uniform could have on the jury, see: London, National Archives, J 82/1371, Mr Justice Ashworth, Summing Up, 30 January 1969, p. 17.
34 According to this ideal that pictured forensic physicians as a stable element of Francoist courts, in 1947 and 1949 forensic physicians were allowed the use of a corporative medal, a lawyer's cap (*birrete*), they were granted to report in court located spatially as prosecutors and lawyers, instead of as witnesses, and they were legally considered as authorities while in service: BOE, 199, 18 July 1947, 'Ley de 17 de julio de 1947 orgánica del Cuerpo Nacional de Médicos Forenses', 4018; BOE, 1, 1 January 1949, 'Orden de 9 de diciembre de 1948 por la que se aprueban las normas descriptivas a que deberán ajustarse en su forma y características la Medalla y Placa que usarán los Médicos forenses', p. 10; Ricardo Royo-Vilanova Morales, Blas Aznar and Bonifacio Piga, *Lecciones de Medicina Legal* (Madrid: Benzal, 1952), p. 25.
35 Molly Lefebure, *Evidence for the Crown: Experiences of a Pathologist's Secretary* (London, Melbourne, Toronto: Lippincott, 1955), p. 10.
36 ' "FINGERPRINT EXPERT WAS 'IDEAL WITNESS' 'Darkie of the Yard' Retiring" ', *Dundee Evening Telegraph*, 12 November 1938.
37 'The Amazing Dr. Lynch', *John Bull*, 29 July 1939, p. 34.
38 Kuchta described this look as iconic for British men: Kuchta, *The Three-Piece Suit and Modern Masculinity*, p. 178.
39 Andrew Watson, *Speaking in Court: Developments in Court Advocacy from the Seventeenth to the Twenty-First Century* (New York: Palgrave Macmillan, 2019), p. 209.
40 Watson, *Speaking in Court*, p. 217.
41 *Ibid*., p. 210.
42 McMahon, 'Declining Professionalism in Court', p. 849.
43 Hardey and Corones, 'Dressed to Heal'.
44 *Ibid*., p. 44.
45 *Ibid*.; Mark Hochberg, 'The Doctor's White Coat: An Historical Perspective', *AMA Journal of Ethics* 9:4 (2007), pp. 310–314.
46 Simpson, *Forensic Medicine*, p. 203.
47 *Science Fights Crime (1946)*, 2014, www.youtube.com/watch?v=2MAjELT0WEc&t=238s.
48 John Glaister, *Final Diagnosis* (London, Sydney, Toronto and New York: Hutchinson & Co Ltd, 1964) cover image.
49 H. J. Walls, *Expert Witness: My Thirty Years in Forensic Science*, 1st ed. (London: Random House UK, 1972).

50 See for example: Christopher Menaul, 'Prime Suspect', mini-series, 7 April 1991.
51 Judy Williams, *The Modern Sherlock Holmes: An Introduction to Forensic Science Today* (Glasgow: Eagle Colourbooks, 1991); Reader's Digest Association, *Great Cases of Scotland Yard* (Pleasantville, NY: Reader's Digest Association, 1978), http://archive.org/details/greatcasesofscot00read.
52 Christopher Lawrence, 'Medical Minds, Surgical Bodies: Corporeality and the Doctors', in Christopher Lawrence and Steven Shapin (eds), *Science Incarnate: Historical Embodiments of Natural Knowledge* (Chicago and London: University of Chicago Press, 1998); Keren Rosa Hammerschlag, 'The Gentleman Artist-Surgeon in Late Victorian Group Portraiture', *Visual Culture in Britain* 14:2 (2013), pp. 154–178; Hardey and Corones, 'Dressed to Heal'.
53 Hammerschlag, 'The Gentleman Artist-Surgeon in Late Victorian Group Portraiture'.
54 Lawrence, 'Medical Minds, Surgical Bodies: Corporeality and the Doctors', p. 118; Hammerschlag, 'The Gentleman Artist-Surgeon in Late Victorian Group Portraiture', p. 158; L. J. Jordanova, *Defining Features: Scientific and Medical Portraits, 1660–2000* (London: Reaktion, 2000) p. 163, http://archive.org/details/definingfeatures0000jord.
55 Anne Digby, *The Evolution of British General Practice: 1850–1948* (Oxford and New York: Oxford University Press, 1999), p. 38; Roy Porter, *Bodies Politic: Disease, Death and Doctors in Britain, 1650–1900* (London: The University of Chicago Press, 2014), p. 255.
56 Hardey and Corones, 'Dressed to Heal', p. 31.
57 Porter, *Bodies Politic*, p. 260.
58 See examples in: Rebecca Crites, 'Husbands' Violence against Wives in England and Wales, 1914–1939: A Review of Contemporary Understandings of and Responses to Men's Marital Violence' (PhD thesis, University of Warwick, 2016), p. 180; Jane Custance Baker, 'Fear and Clothing: Dress in English Detective Fiction Between the First and Second World Wars' (PhD thesis, University of London, 2019), p. 118; See also contemporary remarks in: L. W. Harrison, 'Some Disadvantages of Medical Evidence on Venereal Diseases, to the Public Health and to the Administration of Justice', *Transactions of the Medico-Legal Society* 26:154 (1932–1931), p. 155.
59 Jones, *Expert Witnesses*, p. 95.
60 Haia Shpayer-Makov, *The Ascent of the Detective: Police Sleuths in Victorian and Edwardian England* (Oxford: Oxford University Press, 2011), p. 248.

61 Jordanova, *Defining Features*, p. 74; Jones, *Expert Witnesses*, p. 59; Golan, *Laws of Men*, p. 51.
62 Jones, *Expert Witnesses*, p. 72.
63 Golan, *Laws of Men*, p. 125.
64 *Ibid*., p. 123.
65 Andrew Miles and Mike Savage, 'The Strange Survival Story of the English Gentleman, 1945–2010', *Cultural and Social History* 9:4 (2012), pp. 595–612, here p. 598.
66 Kuchta, *The Three-Piece Suit and Modern Masculinity*, p. 142.
67 Jones, *Expert Witnesses*, p. 65.
68 Heather Ellis, *Masculinity and Science in Britain, 1831–1918* (London: Palgrave MacMillan, 2017).
69 'The Doctor in the Law Courts', p. 550.
70 A. L. Wells, 'The Expert Witness', *The Lancet*, Letters to the Editor, 30 May 1953, p. 190.
71 Lefebure, *Evidence for the Crown*, pp. 10–11.
72 Sheila Jasanoff, *Designs on Nature: Democracy in Europe and the United States* (Princeton: Princeton University Press, 2005), pp. 187, 262, 266, 268.
73 Jordanova, *Defining Features*, p. 95.
74 Steven Shapin, *Never Pure: Historical Studies of Science as if it Was Produced, by People with Bodies, Situated in Time, Space, Culture, and Society, and Struggling for Credibility and Authority* (Baltimore: Johns Hopkins University Press, 2010), p. 257.