

CRIMINAL MAN

Mary Gibson & Nicole Hahn Rafter

“This book offers English-language readers the first critical, scholarly translation of *Criminal Man* (*L'uomo delinquente*), the classic work by the Italian physician and psychiatrist Cesare Lombroso (1835-1909). *Criminal Man*, first published in 1876 as one slim volume, went through five editions during Lombroso's lifetime, each one greatly expanded in both length and number of topics addressed. This new translation offers lengthy excerpts from all five editions and reveals for the first time the complexity of Lombroso's ideas.” The purpose of this work was that of filling a gap in the history of crime, but reading the lengthy introduction, a book within the book, you feel that the intellectual honesty of Lombroso has somewhat ensnared the editors. Which is no small feat, because Nicole Rafter, a feminist from the early days of her career and probably from her teens, couldn't be further from the positivist biocrimology principles of Lombroso. But Nicole Rafter is a serious researcher who does not succumb to the biases of her ideology and, with an analysis that goes far beyond *Criminal Man*, she leads the reader with admirable wisdom and balance through the tortuous path that criminology has followed over the years.

Circuitous, because perhaps it is crime which represents the crest of the wave of the unresolved contradictions of human nature. Social philosophers, hampered by their own contradictions, have never succeeded in traversing to a straight line through this intricate landscape, crammed as it must be with obstacles of all kinds – wishful thinking, religion, social mores, moral stances, thoughtless compassion and callous indifference, amongst others. I don't believe that *Criminal Man* has changed the viewpoint on crime of its editors, but Lombroso's genuine efforts to extract guiding principles from empirical evidence, coupled with a hefty measure of healthy common sense, have gained their respect to

the point of recognizing the remarkable complexity of his ideas. Today, unfortunately, Lombroso is mainly known as an example of bad science for having tried to find a scientific correlation between somatic traits – gender and race not excluded – and behavioural anomalies that, in the extreme, could be classified as moral insanity and born criminality. He had certainly been carried away by his enthusiasm and a hasty positivistic attitude, but, as the editors point out, at the turn of the 19th century, his reputation was discredited by the rising tide of sociological explanations of crime much more than by his flawed assumptions. Ironically, before being proved wrong by science, Cesare Lombroso – quoted as a stupid man of conservative mentality, but actually a socialist motivated by the best intentions – was defeated by an ideology close to his ideals. Today, in the age of DNA profiling and functional neuroimaging, it cannot escape the subtle observer that moral insanity is being resurrected under the politically correct disguise of neuroscientific study of moral judgement. The evidence offered by the study of the hidden biological traits is definitely more stringent than the physiognomy of skulls, jaws and ears, but the central idea is the same – a death knell for the doctrine of free will. And, in this new light, even the concept of atavism and the differentiation between moral insanity and born criminality might deserve re-assessment. A century has gone by since the days of *Criminal Man* and the scientific research of Lombroso is only of historical value, but the criminological consequences that he derives from the denial of free will are as insightful today as then. As valuable still are the many sound common sense considerations on the legal system or, in general, on the approach of society to crime and penal policy. By carefully sifting through *Criminal Man*, the many social thinkers of our time still unable to manage the emotional reaction to the atrocities of past cynical regimes that have pushed some wise ideas beyond their reasonable limit may find the inspiration for a more equitable stance. The contact with *Criminal Man* inevitably leads to a compulsive desire to know more about the current state of biocriminological research. The urge can be easily satisfied buying *The Criminal Brain*, published in 2008 by Nicole Rafter.

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EDITORS' INTRODUCTION

Lombroso is best known for his theory of the born criminal (*delinquente nato*), a dangerous individual marked by what he called “anomalies” – physical and psychological abnormalities. For Lombroso, these anomalies resembled the traits of primitive peoples, animals, and even plants, “proving” that the most dangerous criminals were atavistic throwbacks on the evolutionary scale. Because anomalies can be examined, counted, and classified, Lombroso promised to turn the study of criminality into an empirical science. He called his new field of research “criminal anthropology,” reflecting his desire to reorient legal thinking from philosophical debate about the nature of crime to an analysis of the characteristics of the criminal.

We began this project with a disdain for what we understood as the simplemindedness of Lombroso’s theory of atavism and with a fear that his biological determinism was prejudicial to women, blacks, and other social groups that he deemed inferior. Many of his conclusions seemed silly, and his project a particularly frightful example of bad science. But our views have changed, based on our careful reading of his criminological oeuvre, our investigation of his place in Italian history, and our research on the evolution of criminology in other countries. Lombroso now appears to have been a curious, engaged, and energetic polymath with a tremendous appetite for literature, art, and folklore, as well as for natural science, medicine, psychiatry, and law. That he was careless and often wrong about the conclusions that he drew from the disparate data provided by these fields does not detract from the significance of his enterprise.

“He proposed humanitarian alternatives to incarceration for so-called occasional criminals”

Although deservedly known for its biological determinism, Lombroso’s criminological theory also embraces sociological causes of crime. As a young liberal supporter of Italian unification and later a member of the Italian Socialist Party, Lombroso sympathized with the working classes and advocated a series of sometimes radical reforms to lessen poverty and prevent lawbreaking. He proposed humanitarian alternatives to incarceration for so-called occasional criminals, or those individuals driven to crime by bad environment, and he became an ardent champion of special medical institutions for the criminally insane. This new edition of *Criminal Man* captures the complexity of Lombroso’s multicausal theory of crime and documents his wide range of proposals for turning that theory into practical policy.

The most famous Italian thinker of his era, Lombroso emerged as the leader of an international movement called the positivist or scientific school of criminology. He led the revolt against the classical school of penology, which traced its roots back to the eighteenth-century Enlightenment and Cesare Beccaria’s famous tract, *On Crimes and Punishments* (1764). In opposition to Beccaria’s emphasis on the free will of criminals and his dictum that punishment be proportional to the crime, Lombroso urges that the severity of punishment match the dangerousness of the criminal, whose lawbreaking is not the result of free choice but determined by biological, psychological, and social factors. Although this so-called medical model of crime – according to which criminality, like disease, required clinical examination and individualized treatment – was not completely new, Lombroso was the first to envision criminology as a new academic discipline independent of law and public hygiene.

Both at home and abroad, Lombroso was known for his lively curiosity, innovative thinking, and dedication to translating ideas into practical reforms. A prodigious researcher and writer, he produced over thirty

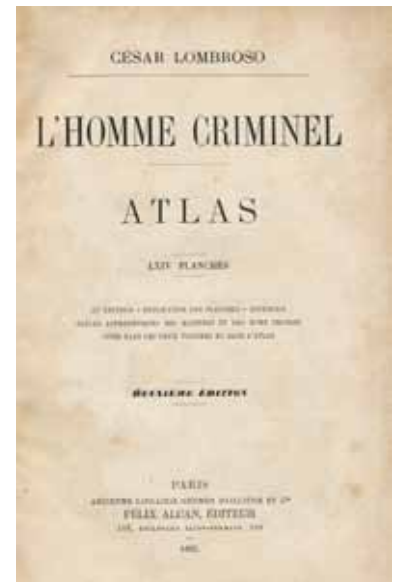
books and one thousand articles during his lifetime. His journal, the *Archives of Criminal Anthropology*, listed 68 collaborators on its masthead in the founding issue of 1880, a number that grew to 106 within ten years. Both lists included many foreign names, a pattern repeated in his lengthy footnotes to *Criminal Man*, where he thanks numerous colleagues for use of their data and cites additional studies supporting his conclusions. These footnotes show the international breadth of Lombroso’s reading; fluent in a number of languages, he was able to follow developments across Europe and North America.

Lombroso’s Explanation of Criminality

In *Criminal Man*, Lombroso’s major claim is to have turned the study of crime into a science that draws its conclusions from empirical data and clinical case studies. Such an approach was consistent with his medical training at the universities of Pavia, Padua, and Vienna. His dissertation on cretinism, a mental disorder widespread in impoverished areas of Italy, showed his early interest in psychiatry and his humanitarian impulse to address social issues. As a young military doctor during the wars of Italian unification, Lombroso quickly developed his signature approach of measuring and observing the bodies of his patients, in this case soldiers. He later applied this method, supplemented with psychological interviews, to mental patients and, finally, criminals. Holding posts in both mental asylums and prisons, Lombroso examined thousands of individuals during his lifetime, carrying out his own famous prescription to study the criminal rather than the crime.

Lombroso’s intellectual trajectory was not unusual for the late nineteenth century, when the prestige of science, and particularly biology, was in its ascendancy. Lombroso drew on the popularity of Charles Darwin’s theory of evolution to convince readers of *Criminal Man* of the scientific validity of his theory of criminal atavism. For liberal and secular thinkers like Lombroso, science offered a counterweight to religion and a tool for progress toward a more liberal society. Seeking to incorporate empirical methods into their disciplines, scholars in the nascent social sciences and even traditional humanities joined natural scientists in creating the dominant intellectual movement of the late nineteenth century – positivism. It is not surprising, then, that Lombroso and his followers proudly labelled themselves the positivist school of criminology and criticized the heirs of Beccaria for abstract philosophizing when they could have been collecting data through actual contact with offenders.

Despite his claim to be a lonely pioneer in the application of science to penology, Lombroso drew on earlier movements that had initiated research on the physical and psychological traits of criminals. The first of these was early-nineteenth-century phrenology, which located intellectual and emotional faculties in specific areas of the brain. While rejecting the phrenologists’ map of the skull, Lombroso adopted their assumption that exterior corporal features mirror interior moral states. He fully accepted a second concept developed by early-nineteenth-century psychiatrists, moral insanity, as a diagnosis of individuals who performed depraved acts while remaining rational and logical. Lombroso also cites the findings of Quetelet and Guerry, who in the 1820s and 1830s initiated the study of moral statistics, or the quantification of patterns of human behavior like crime. Finding that aggregate national crime rates remained steady over time, they



argued that crime was rooted not in individual choice but in larger and more constant social and biological factors. This insight informed Lombroso's frequent declaration that crime was "natural" rather than a product of free choice, and that it would always remain a part of the human experience.

For modern readers, Lombroso's methodology appears unscientific and even laughable. While his books are filled with statistical tables, these tables are often sloppy and unsophisticated in their lack of standardization. Control groups appear as early as the first edition of *Criminal Man*, but they are not employed systematically. Even more questionable is Lombroso's mixture of quantitative data with qualitative evidence such as proverbs, historical anecdotes, and examples drawn from painting and literature. Despite these failings, however, Lombroso's approach did not fall outside the mainstream of social science research of his day. Statistical procedures were rudimentary and reliable data scarce in new fields like criminology. Many of Lombroso's flawed assumptions were shared by his colleagues in the fields of medicine and anthropology, including the belief that physical traits constituted visible signs of interior psychological and moral states.

Practical Applications

After unification in 1861, as Italians debated the shape of a new criminal justice system, Lombroso was eager to offer increasingly specialized recommendations for reform of the police, courts, and prisons. In ever-expanding sections on the prevention and punishment of crime, Lombroso showed how these recommendations flowed logically from the principles of his general criminological theory. He also drew on his vast knowledge of legal reforms in other nations, many of which he urged on the Italian government.

Although his practical advice became increasingly specialized over the years, Lombroso's basic philosophy of punishment never changed. In opposition to the Enlightenment principles of Beccaria, he counseled that punishment be tailored to individual criminals rather than to their crimes. He explicitly rejected the principle of moral responsibility, arguing that criminals acted out of compulsion from either their innate physical and psychological degeneracy or from the social environment. Yet even if criminals did not freely choose to break the law, society still had the right to punish them in its own defense. This principle of social defense is not entirely distinct from Beccaria's belief that the major purpose of punishment is to prevent those guilty of crime from further threatening society. Lombroso directly breaks with Beccaria, however, over the mode of determining appropriate punishments. For Lombroso, it is illogical to construct a proportional scale of crimes and punishments since both born and occasional criminals steal and even murder. Therefore, the law should allow wide discretion to judges to assess the degree of dangerousness posed by each defendant as a basis for issuing the appropriate sentence.

In place of the classical scale of crimes and punishments, Lombroso argued for a correlation between types of criminals and punishments. He counseled that occasional crime could be prevented and recommended a growing list of political, social, and economic reforms designed to eliminate the causes of crime. These preventive measures, which he called "penal substitutes" (*sostitutivi penali*), included technical measures like street lighting and alarm systems to discourage robberies and theft; new laws like the introduction of divorce to eliminate domestic violence and

spousal murder; and major social reforms like land redistribution to mitigate the dire poverty of the southern peasantry. Lombroso showed surprising ambivalence, however, toward the spread of public education and of "civilization", that is, urbanization and industrialization. Worried that primary education would help criminals perfect their craft, he opposed schools in prisons, though he grudgingly admitted that the spread of literacy among the general population would decrease crime in the long run. Uncertainty also marked Lombroso's discussion of civilization: while he recognized that modernization had reduced levels of violence and fostered moral, intellectual, and political progress, industrialization had encouraged alcoholism among the working classes, and urbanization the formation of criminal gangs. In addition, civilization had led to fraud and other new types of property offenses that were replacing more atavistic crimes against persons.

Because civilization would never eliminate crime, Lombroso turned his attention to prisons, even while seeking alternatives to incarceration for occasional criminals and criminals of passion. While the classical school had championed prisons as a humane and efficient alternative to corporal punishment, positivists believed that incarceration corrupts reformable criminals by mixing them with congenital deviants. When unavoidable, prisons should be modelled on the so called Pennsylvania or cellular system, where inmates lived and worked in separate cells to prevent communication and moral contamination. Preferable to prison were fines or, if the defendant was poor, community service. For non dangerous criminals, Lombroso advised judges to recommend house arrest, police surveillance, or simply judicial reprimands. He was also enthusiastic about suspended sentences and parole, two modern alternatives to incarceration pioneered in France and the United States that he crusaded to have introduced into the Italian criminal code.

For dangerous criminals, Lombroso recommended a series of specialized institutions. Born criminals and habitual criminals merited perpetual incarceration in the name of social defence and should be sent to special "prisons for incorrigibles". Insane criminals should also be separated from society for life, but in special criminal insane asylums (*manicomi criminali*), where they would receive psychiatric treatment. A strong advocate of criminal insane asylums as a humane alternative to incarceration, Lombroso also envisioned the establishment of specialized mental institutions for groups like alcoholic or epileptic criminals.

Despite his rejection of the death penalty in the first edition of *Criminal Man*, Lombroso gradually came to advocate it in the case of born criminals convicted of a series of bloody crimes and for members of organized gangs who threatened state security. In so doing, he defied a public consensus in Italy that had abolished capital punishment in the Zanardelli Criminal Code of 1889. To his adversaries he replied in the fifth edition of *Criminal Man* that "to claim that the death sentence contradicts the laws of nature is to feign ignorance of the fact that progress in the animal world, and therefore the human world, is based on a struggle for existence that involves hideous massacres." Society need have no pity for born criminals, who were "programmed to do harm" and are "atavistic reproductions of not only savage men but also the most ferocious carnivores and rodents". Capital punishment, in this social Darwinist view, would simply accelerate natural selection, ridding society of the unfit.



Fig. 4. Tipo degenerato - Parricida latro.



Fig. 5. Tipo degenerato - Uccisita grassatore.



Fig. 6. Tipo pazzesco - Assassino.

Lombroso's Influence

Since his death in 1909, Lombroso has remained central to criminological debates, even though his ideas have not always been understood and have often been lambasted by critics. Controversial from its inception, the notion of the born criminal has both fascinated and repelled succeeding generations of criminologists. With the publication of the first edition of *Criminal Man*, Lombroso's image of the atavistic offender with his small skull, low forehead, protruding jaw, and jutting ears fired the imagination of not only jurists and doctors but also writers, journalists, and artists throughout Europe. Criminal anthropology became central to the construction of the new discipline of criminology by offering a seemingly more modern and scientific explanation for crime than did traditional legal philosophy based on free will. In 1885, after the appearance of three editions of *Criminal Man*, Lombroso hosted the first International Congress of Criminal Anthropology in Rome, where his theory of the born criminal went practically uncontested. The international repute of Lombroso and his followers brought them fame within Italy, where positivist criminology was dubbed the Italian School.

By the second International Congress of Criminal Anthropology in Paris in 1889, however, Lombroso had come under attack, particularly from the French delegation. The French proposed an alternative theory of social milieu that emphasized the role of social factors in initiating physical and psychological processes of degeneration. In following years, German proponents of the so-called modern school of criminal law rejected the importance of physical anomalies in favor of psychological signs of pathology in the diagnosis of criminality. Neither the French nor the Germans denied the hereditary nature of crime, but their specific rejection of born criminal theory with its emphasis on atavism injured Lombroso's prestige.

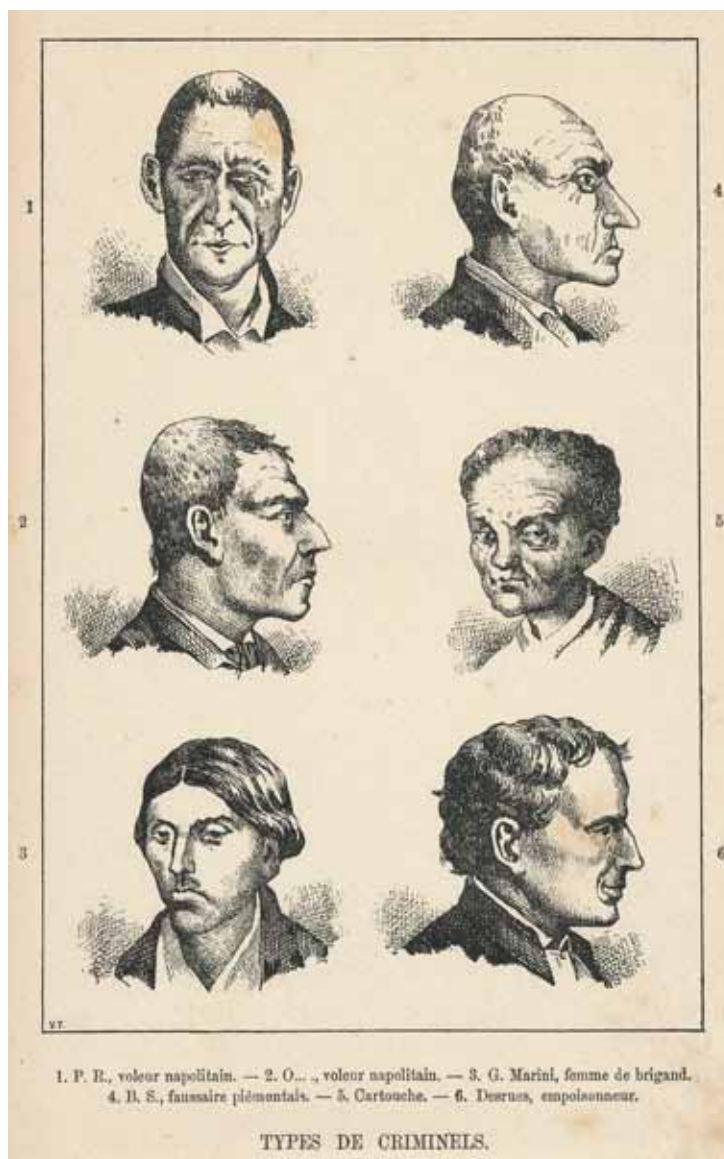
For the most part, criminologists in the United States rejected biological determinism in the 1920s and 1930s, adopting sociological explanations of crime. The Chicago school of criminology, with its emphasis on the formative influences of family and neighbourhood, came to dominate academic theories of crime. Biological perspectives did not disappear, however, particularly when the offenders were women. While few American criminologists followed Lombroso's lead in devoting serious attention to female crime, those who did echoed his conclusions.

“Capital punishment, in this social Darwinist view, would simply accelerate natural selection”

Lombroso's resurgence

Today, criminologists are again considering the possibility that crime may be rooted (at least partially and occasionally) in biological factors. In the United States, where for most of the twentieth century sociological theories dominated explanations of male offending, this shift represents a major change.

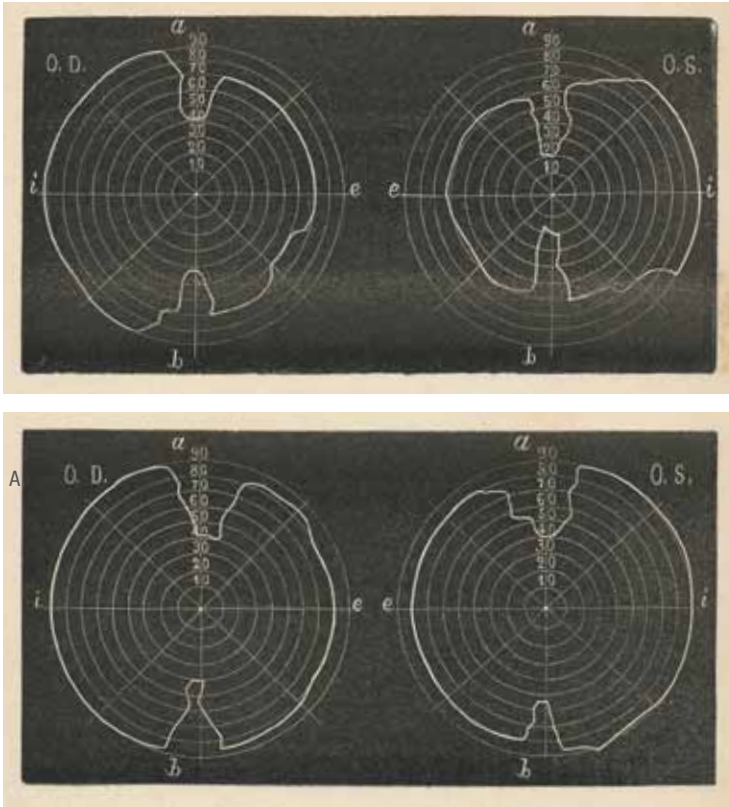
Of course, the current revival of biological explanations does not mark a simple return to Lombroso's positions. There are at least three fundamental differences between biological theories of crime today and in the past. One lies in the fact that whereas criminal anthropologists often spoke in terms of a nature-nurture dichotomy, theorists today speak of gene-environment interactions, holding that heredity seldom works independent of a context. A second major difference concerns determinism: whereas Lombroso claimed that born criminals are biologically bound to commit crime, criminologists today are likely to speak in terms of probabilities, risk factors, and antisocial predispositions. (To be fair, however, one must recognize that Lombroso's strict determinism applied only to born



criminals; for other offender types he recognized a probabilistic interplay of social and biological factors.) A third outstanding difference lies in the type of causal factors studied by biological theorists in the past and today: whereas Lombroso focused on atavism, degeneration, epilepsy, and moral insanity, theorists today study such factors as the evolution of antisocial personality traits, behavioral genetics, hormonal imbalances, and neurocognitive deficits.

Despite these crucial differences, however, there also exist a number of significant parallels between the ideas of criminal anthropologists and present-day biocriminologists. Most striking is the way members of both groups have distinguished between a small inner circle of very serious, habitual offenders and an outer ring of more numerous run-of-the-mill offenders. Lombroso spoke of born criminals, differentiating them from less serious occasional criminals, accidental criminals, criminals by passion, and so on; these basic differentiations resurface in current distinctions between life-course persistent and adolescence-limited offenders. The recent work does not derive from Lombroso's teachings, but in this respect it does reach similar conclusions.

Second, Lombroso foreshadowed one of the major currents in biocriminology today, that of evolutionary psychology. Profoundly influenced by Darwinism, Lombroso perceived a multitude of evolutionary effects on criminal behavior, most obviously in his theory of the criminal as an atavism or throwback to an earlier evolutionary stage, but also in his attribution of innate criminality to poorly evolved organisms such as savages, children, animals, and even plants. Today's evolutionary psychologists argue that our social behaviors, including perhaps male sexual aggressiveness and women's overall lower rates of crime, can be



Champ visuel de jeune fille criminelle

A. En calme.

B. En état d'épilepsie psychique.

explained as by-products of adaptation and sexual selection over long periods of time. But their work, like Lombroso's, uses Darwinian concepts as a starting point.

A third parallel between past and present biological explanations of crime lies in Lombroso's anticipation of yet another major current in today's theories, that of behavioral genetics. While Lombroso did not think in terms of genes, which were identified just at the time of his death, he did believe that heritable tendencies, transmitted through the generations, influenced criminal behavior. This is not far from what current genetic theories of crime hold when they speak of genetic predispositions or propensities to behaviors such as impulsiveness or sensation-seeking that may lead to crime, especially if the individual is born into an environment that does not instill self-restraint. On a fundamental level, criminal anthropology's emphasis on heredity anticipated current genetic explanations of rule-breaking behavior.

In major ways, *Criminal Man* proves to have been a forerunner of current theories about biology and crime.

Editors' Foreword

In the first edition of *Criminal Man* (1876), Lombroso sets forth many of the fundamental tenets of his theory; but these ideas, while elaborated and expanded in the subsequent four editions, remain sketchy in this short initial volume of just 255 pages. First, Lombroso calls for a new type of research that focuses on the criminal rather than the crime. He promises that his new criminal anthropology – the scientific study of the physical and psychological traits of criminal man – will identify the causes of crime that have eluded traditional legal experts. Second, Lombroso criticizes the philosophical doctrine of free will that attributes to human beings moral responsibility for their actions. Pointing to rising rates of recidivism, he denies that criminals' behavior is a product of free choice and argues that it is instead determined by forces outside of their control. Third, he proposes atavism, or regression to an earlier stage of evolution, as the most important of these forces. Signs of atavism, which Lombroso calls anomalies in later

editions, mark the body and mind of the criminal and provide empirical data for criminological research. As atavistic throwbacks on the evolutionary scale, criminals constitute a group that differs from law-abiding citizens and instead resembles "savages" from less civilized societies. (He also notes that) while criminals may share some anomalies with the insane, the insane are not atavistic but acquire mental diseases later in life.

To identify the physical and psychological anomalies of criminals, Lombroso lays out the methodology that he would pursue through the five editions. He begins with an analysis of the circumferences and abnormalities of sixty-six criminal skulls, including that of the thief and brigand Giuseppe Vilella. Lombroso later claimed that his theory of atavism had been sparked by the discovery of a median occipital fossetta, or indentation at the base of Vilella's skull, an anomaly which reminded Lombroso of a cranial formation typical of primitive peoples and animals. Lombroso supplements his measurements of skulls from cadavers with data on the anthropometry and physiognomy of 832 living subjects, including their height, weight, and strength. He paints an indelible portrait of the criminal face with its hawklike nose, receding forehead, and jug ears. To emphasize the scientific nature of his research, Lombroso presents a series of statistical tables enumerating the physical abnormalities of criminals, sometimes comparing them with control groups of healthy individuals and the insane.

“Pointing to rising rates of recidivism, he denies that criminals' behavior is a product of free choice and argues that it is instead determined by forces outside of their control.”

Lombroso presents a no less striking psychological profile of the criminal, an individual hobbled by moral abnormalities mirroring those of the body. Emblematic of Lombroso's conviction of the close connection between the body and the mind are his tests of sensitivity, which equate dullness of touch in criminals to their moral blindness. Vain, vindictive, and bloodthirsty, criminals shun work and delight in orgy. Education alone cannot instill honesty, he argues, for it often provides new tools for criminal activity. This first edition of *Criminal Man* contains the seeds of two ideas that will grow to occupy a more central place in later editions: that the etiology of crime is multicausal and that the sexual nature of women's crime differentiates it from that of men. In addition, later editions will complicate his tripartite comparison among real criminals, honest individuals, and the insane. He ends the first edition with an invocation to the theory of social defense as a rationale for punishment, anticipating criticism that his denial of moral responsibility to criminals will unleash social chaos.

THE TRANSLATION

Lombroso's Preface

Those who follow criminal trials and study the results by visiting prisons or examining statistics are disheartened by the endless debate over punishment. On the one hand judges almost always ignore the criminal and emphasize the crime, thinking of the latter as a mere anecdote, an incident in the life of the offender, one unlikely to be repeated. On the other hand, there are those who, knowing the rarity of repentance and frequency of recidivism (which reaches 30, 55, and even 80 percent), attempt to show the costliness of crime and to expose the weaknesses of a justice system that provides, ultimately, no more than an illusory shield against

recidivism. Those who have had direct contact with offenders, such as members of their families or prison wardens, know that they are different from other people, with weak or diseased minds that can rarely be healed. Psychiatrists in many cases find it impossible to neatly distinguish between madness and crime. And yet legislators, believing exceptions to free will to be rare, ignore the advice of psychiatrists and prison officials. They do not understand that most criminals really do lack free will. In past years, having decided that reform is the greatest goal of their terrestrial mission, legislators established legal criteria that failed to recognize any gradations whatsoever among healthy, diseased, and guilty minds.

It seems to me important to reconcile these opposing views and to determine whether the criminal man belongs in the same category as the healthy man or the insane individual or in an entirely separate category. To do this and decide whether there is a force in nature that causes crime, we must abandon the sublime realms of philosophy and even the sensational facts of the crime itself and proceed instead to the direct physical and psychological study of the criminal, comparing the results with information on the healthy and the insane.

“This book has provided convincing evidence that many of the characteristics of primitive man are also commonly found in the born criminal”

Atavism and Crime

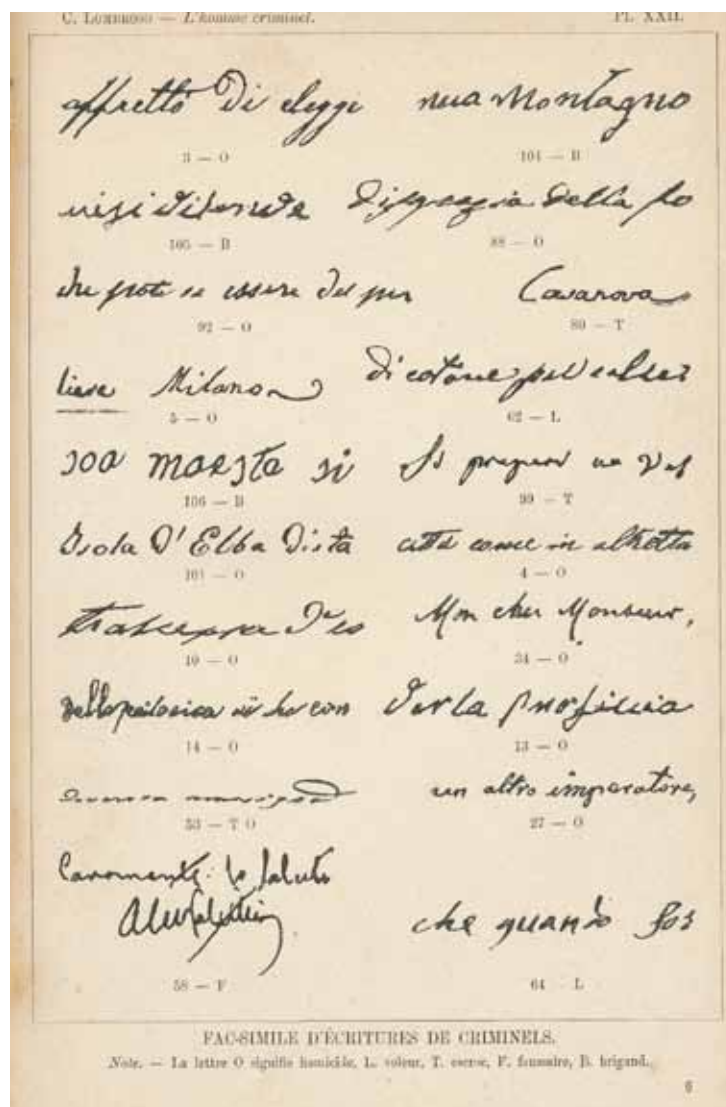
Thus the concept of arrested development forms an important addition to the more predominant factor of atavism in the aetiology of crime. Atavism remains one of the most constant characteristics of the born criminal, in spite of, or rather together with, pathology. This book has provided convincing evidence that many of the characteristics of primitive man are also commonly found in the born criminal, including low, sloping foreheads, overdeveloped sinuses, frequent occurrence of the medium occipital fossetta, overdevelopment of the jaw and cheekbones, prognathism, oblique and large eye sockets, dark skin, thick and curly head hair, large or protuberant ears, long arms, similarity between the sexes, left-handedness, waywardness among women, low sensitivity to pain, complete absence of moral and affective sensibility, laziness, absence of remorse and foresight, great vanity, and fleeting, violent passions.

Atavism also helps us to understand the limited efficacy of punishment and the consistency in the yearly aggregate number of crimes. Both statistics and anthropology show crime to be a natural phenomenon or, to use the language of philosophy, a phenomenon as necessary as birth, death, and conception, and one that is so similar to mental illnesses to be simply a variant. From the perspective of atavism, the difference between the instinctively cruel acts of animals, plants, and criminals is very small.

Everything we have said about the criminal type relates to only a small proportion of offenders. Physiognomical studies suggest that the criminal type constitutes 23% of all offenders. I can confidently estimate the actual proportion of born criminals to be close to 40% of all offenders – including those with no physiognomic evidence.

Organized Crime

Organized crime is one of the most important phenomena in the realm of illegality because it reveals the powerful effects of association. Why does the union of perverse souls generate an intensification of wickedness that would be repugnant to individuals acting alone? Why does it revive savage tendencies and, reinforcing them with group discipline,



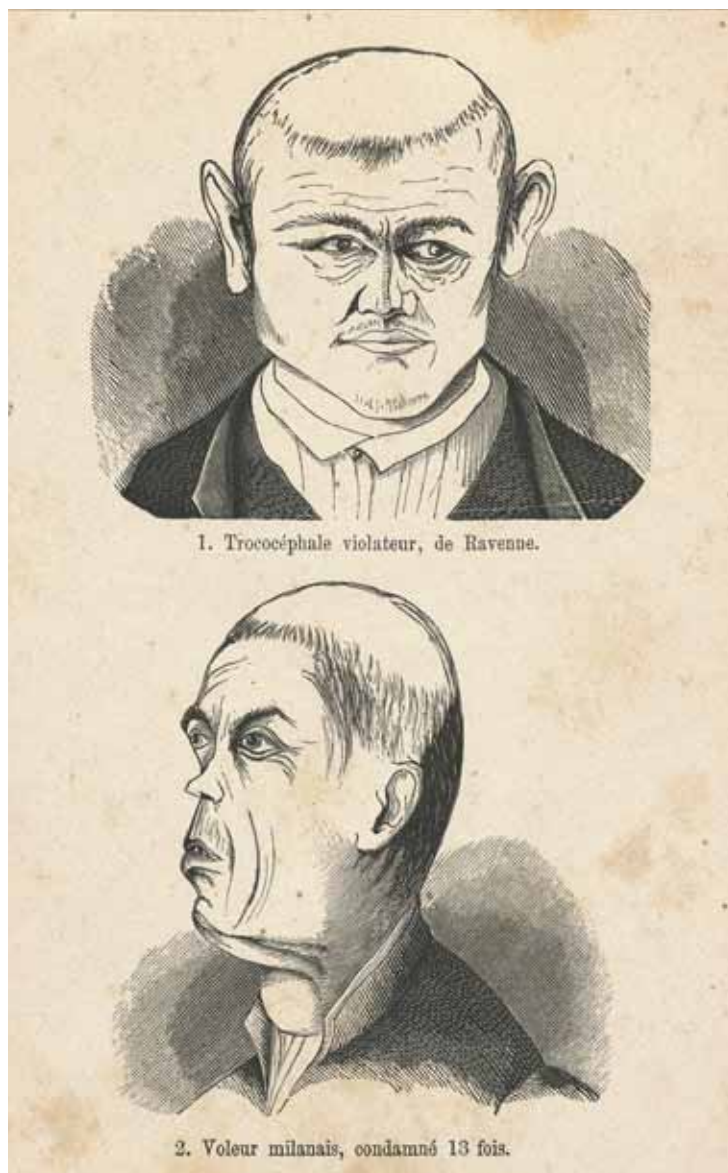
stimulate atrocities? Unfortunately for us in Italy, these burning questions are often intertwined with political issues.

Organized criminals are almost always young. Many criminal groups, even though they are enemies of society, form their own unique type of social organism. Nearly all have a leader invested with dictatorial power that, as in savage tribes, derives more from his own personal qualities than from the acquiescence of his followers. All criminal bands have external associates or protectors in case of danger. Very large groups sometimes institute a true division of labor, with members who function as executioner, teacher, secretary, traveling representative, even curate or surgeon. All criminal organizations follow specific codes or rituals that are impersonal but develop spontaneously. Even if they are not written, these rules are followed to the letter.

Mafia. A variant of the ancient Camorra is a group variously called the bonachi (because of their smocks), the sgaraglioni, or the spadajuoli, but now labeled mafiosi after the title of a recent and popular play by Rissotto. The Mafia differs from the Camorra perhaps mainly in its ability to keep secrets, an attribute of the Semitic race. Members faithfully adhere to the code of omertà, or silence, which was first described by Tommasi-Crudeli and Maggiorani and is often reflected in popular proverbs.

Those who fall short of this code are declared infame, or infamous, and are killed shortly afterward, even in prison where, if there are no weapons, the victim is drowned in a bucket of excrement.

In essence, the Camorra and the Mafia are nothing but variations on the old theme of brigandage. This is made clear by the fact that both camorristi



and mafiosi have the characteristics of common criminals. For example, they love to go around laden with rings and in their own sort of uniform – a characteristic of thieves. Like other criminals, they have their own jargon and like most criminal groups, the Mafia and the Camorra have their headquarters in prisons.

They are implacable toward their enemies. Anyone who has seen a true camorrista, with his muscles of iron, his warlike scowl, and his harsh pronunciation as he rolls his rrs, immediately notes the contrast between him and the generally flabby population with its soft accent and mild manners. It was inevitable that a diseased phenomenon like the Camorra would develop from the disequilibrium between a few energetic, robust individuals and the docile and soft multitudes. The camorrista himself rises above the others involuntarily. The Camorra is thus an expression of natural arrogance on the part of those who feel strong in the midst of the masses who feel weak. The Camorra maintains its power more by fear than by force.

Prisons and Organized Crime. The breeding grounds for organized crime are those prisons that do not isolate inmates in separate cells. Nearly all the leaders of criminal gangs (Maino, Lombardo, La Gala, Lacenaire, Soufflard, Harduin) were escapees from prison and chose their accomplices from incarcerated companions who had exhibited particular audacity or ferocity.

The origins of the Camorra lie in the prisons themselves. At first the Camorra was a problem that did not spill outside the penitentiary, but when King Ferdinand of Naples pardoned many galley prisoners in 1830, they transferred their prison profits and habits to the outside world (Monnier, p. 58).

Race, Heredity, and Organized Crime. Race shapes criminal organizations. Both Bedouins and Gypsies can be considered races of organized criminals. The inhabitants of Palermo, which is the center of the Mafia, are descended from the ancient bodyguards of the nobles (according to Villari) and, even further back, from the rapacious Arab conquerors of Sicily who were related to the Bedouins.

Questions of race lead to the issue of heredity. Harris (Atl. Montl., 1875) was unable to explain why a town in the Hudson River area of New York produced an extraordinary number of criminals, nearly all of whom had the same name. He set about studying the parish registers of the area and discovered that a large number of those concerned were offspring of a certain Margaret, an infamous woman who had lived about two centuries earlier. Among nine hundred of her descendants, two hundred were criminals and another two hundred insane or vagabonds.

This explains why in a given village there may be more criminals than in another. All it takes is the survival of one family descended from a wicked progenitor, and the whole place will be corrupted. Up to a certain point, this justifies the barbarous practice of the ancients and savages who punished the innocent relatives of guilty criminals.

Excessive Wealth and Poverty

Crime is caused not only by poverty, as many maintain, but also by wealth acquired rapidly and in enormous amounts. We need social legislation that mandates greater equity in wages, makes jobs more accessible, and reduces the hours of work for women and children. We need to legalize strikes in more than theory, so as not to suppress the power of workers and their organizations. Excesses of wealth are always harmful and should be limited by allowing workers to share profits and by progressive taxation, particularly on inheritances.

By taxing the rich, we could continue that progress toward economic equality that was initiated with the forced expropriation and subdivision of ecclesiastical lands and abolition of feudal entails by the state. We should remember the words of the great Cavour: "Either the upper classes concern themselves with the fate of the poor, or they accept civil war as inevitable". As time goes on, philanthropic initiatives must detach themselves from religion and transform themselves into measures of social welfare, cooperation, and, ultimately, collectivism.

Education

Born criminals should not be allowed to infiltrate elementary schools because education would harm both them and society. There should be special schools for born juvenile delinquents which render them less dangerous by channeling their energies into sport, sailing, hunting, or training for special occupations (such as butchery for the bloodthirsty). These occupations should include the military (which is a form of official butchery) and the circus (which satisfies the vanity of athletes). Advances in criminal anthropology have now made possible the preventive isolation of criminals—the most important measure of social defense. Teachers are now able to identify in children the incurable signs of inborn criminality and to use these signs to distinguish between innate criminality and the temporary criminality of all youth. The family can be even more effective than the teacher in identifying signs of born criminality in children. Given the temporary criminality common to youth, parents need not be worried about or severely punish isolated criminal acts in children who do not display physical and psychological anomalies. In normal individuals, childhood wickedness evolves naturally into adult goodness, just as the fetus grows into the infant. Bad upbringing, however, can stimulate the vicious instincts of infancy until they become habitual.

Absurdities of the Legal System.

Contradictions within the legal system lead to trials marked by wasted money, scandalous publicity, and uncertain outcomes.

Juries. The inappropriateness of juries for judging anything but political crimes is shown by the variation in the number of acquittals from year to year and place to place. Numerous cases demonstrate the complete ignorance of most jurors. Jurors can be easily corrupted because they are answerable to no one and have nothing to lose through an acquittal. The jury, indeed is a cause of corruption: many honest people become corrupt as soon as they become jury members, because the Mafia loves to show off its power over the outcome of trials.

Pardons and Misguided Theories. Another problem in the Italian legal system is the right to grant pardons. The practice of granting pardons is contrary to the spirit of equality that underlies modern society, for it favors the rich and encourages the poor to believe that for them there is no justice. As a result, the poor commit new crimes.

More than a few jurists and theorists, even the most enlightened, have called for the reduction of sentences in an effort to be up to date in applying the new science of criminal man. They misinterpret the anthropological discovery that many criminals are insane or feeble-minded to imply that criminals should not be held responsible for their crimes. What they have not understood is that criminal anthropology, while not blaming the born criminal for his behavior, nevertheless prescribes for him a life sentence. We believe that those individuals least responsible for their behavior are most to be feared. Only sequestration can neutralize their innate, atavistic urge to crime, which resembles a wave that crashes within them when it finds high banks but overflows and floods when it does not. Many jurists, like Dutchmen in reverse, believe it possible to contain the wave by breaking the dykes - that is, by recommending abolition of the death penalty, stronger rights for defendants, and the granting of royal pardons - instead of measures to increase security and repress crime.

Like military strategy, the proper functioning of the legal system requires knowledge of practical matters with little resort to philosophy. But our present professional class of jurists substitutes metaphysics for strategy by daydreaming of a free will that never was, of a liberty disconnected from material causes, and of a right to punish based on abstract legal notions rather than on social necessity. Not only do they fail to remove or reduce the sources of crime such as alcohol and juvenile gangs but they have introduced into our legal system an array of fashionable defendants' rights. At the same time, they have failed to enact legislation based on the new principles of social defense, such as taxing alcohol, instituting probation, and establishing criminal insane asylums and prisons for incorrigibles.

Punishment

The purpose of punishment should be not the infliction of pain on the criminal, but the well-being of society and restitution to the victim. Punishment should be proportional less to the gravity of the crime than to the dangerousness of the criminal. There is a vast difference between the future threat posed by an individual who kills a man for honor, politics, or an ideal after leading a completely honest life and one who kills to rape or rob, crowning a life already full of crime. In the first case, punishment is almost unnecessary because the crime itself tortures the perpetrator, who will never repeat it. In the second case, every delay and mitigation of punishment endangers society. As Ferri aptly writes: "It is impossible to separate the

crime from the person who commits it." Punishment should vary according to the type of offender: the born criminal, the insane criminal, the habitual criminal, the occasional criminal, and the criminal of passion.

Alternatives to Prison. Brief and repeated prison sentences should be avoided because prison is a school for crime. A few days in prison in the company of corrupt companions has little intimidating effect; instead, it cancels any fear of punishment and incites recidivism through contact with habitual criminals (Ferri, o. c.).

Thus we must find alternative methods of punishment for petty crimes. Some that have already been proposed include house arrest, judicial warnings, fines, forced labor without imprisonment, local exile, and corporal punishment.

The Probation System. Probation, widely used in the United States, constitutes an excellent penalty for minors and occasional criminals. Under probationary sentences, judges free nonrecidivist criminals but warn them that any lapse in behavior will bring imprisonment. The criminal is kept under surveillance by an agent of the state for a specified period; if the agent feels that the family does not provide a suitable environment, an underage criminal may be placed in a reformatory for morally abandoned youth. Should the juvenile commit another crime, he is returned to court and possibly prison.

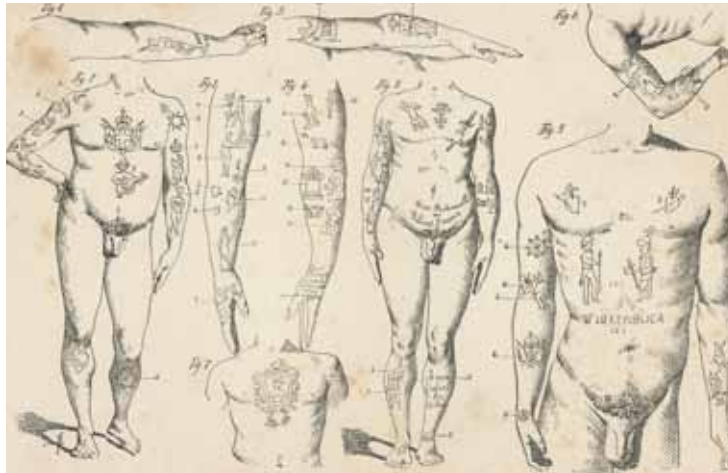
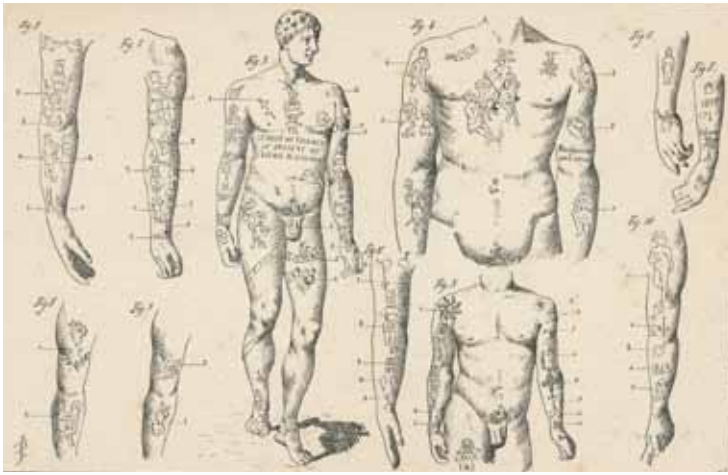
Elmira Reformatory. In the United States, the Elmira Reformatory provides another alternative to prison; it was inspired, according to its founder, Brockway, by an earlier edition of *Criminal Man*. The reformatory admits only young men between the ages of sixteen and thirty who have committed non-serious crimes. For each prisoner, Brockway studies the psychological condition, family background, and causes of the crime; on the basis of this information, he designs an individualized program of reform that usually includes exercise, showers, massage, gymnastics, and a good diet. The aim is to reinvigorate the will, turn the inmate into his own boss, and give him a stake in his own liberation, which he will obtain as soon as he demonstrates that he is able to fend for himself. At the beginning of the month, Brockway himself assesses the physical condition of each inmate and establishes what amount of work will produce maximal results.

Criminal Insane Asylums. Criminal insane asylums can reconcile humane treatment with the need for social protection. While theories of punishment can be debated at great length, experts agree on one point: many criminals are insane. For them, prison is an injustice, liberty a peril, and most other provisions half measures that violate the demands of both morality and security. Only criminal insane asylums can provide an alternative to prison for those unhappy beings whose crimes have arisen out of morbid psychological impulses rather than inner perversity. For judges, criminal insane asylums provide an answer to the eternal conflict between justice for the insane and defense of society.

Types of Offenders

We now turn to the direct application of positivist penal theory to Offenders according to sex, age, and crime. Punishment should vary according to whether the criminal is young or old; male or female; a country or a city dweller; and a criminal of passion, occasional criminal, born criminal, or insane criminal.





Sex. The majority of female criminals are occasional criminals, criminals of passion, or both in succession. Only between 11 and 20 percent of all female offenders have inborn criminal tendencies. Prison and other afflictive punishments are, therefore, much less necessary for women than for men. Because female crimes are almost always an effect of suggestion, their perpetrators are much less of a threat when they are distanced from the prompter, who is usually a lover or husband; it is sufficient to impose on women a judicial warning followed by probation.

Abortion. Abortion should be punished merely with a judicial warning, except in the case of professionals performing abortions for profit. One of our leading jurists, Balestrini, has brilliantly proven that abortion does not constitute a crime. Society derives no advantage from the birth of illegitimate (unwanted) children. Finally, it is contestable whether the fetus is a social being because the fetus is still at an animalian stage of evolution and not yet human. During the first few months after conception, only a trained embryologist can identify a future human.

Infanticides. The same logic applies to infanticides, albeit to a different degree. Danger to society, which should form the basis of punishment, is completely absent in infanticide, which is a crime of occasion or passion and rarely repeated. Thus the penalty of judicial admonition is certainly sufficient.

Youth. Prison is even less appropriate for youths than for women. Children require upbringing in families whose rectitude inspires morality and stimulates a sense of emulation, and which provide bland but benevolent treatment. For orphans and minors from corrupt families, moral education can be provided by charitable institutions, foster families, reformatories like Elmira, and agricultural colonies. Internment in reformatories will at least prevent juvenile delinquents from contaminating honest youths.

Occasional Criminals. A prison sentence serves no purpose for occasional criminals who commit minor offenses and are not essentially dangerous. When violations by occasional offenders are more civil than penal, they should be punished by fines rather than incarceration.

“The ideal form of punishment for urban criminals is industrial work in the new large factories.”

Criminaloids. The appropriate punishment for the first offense of an adult criminaloid who acted alone is a suspended sentence accompanied by bail, a judicial warning, and payment of damages or (if the offender has no money) forced labor. Only criminaloids who refuse to work should be sent to a prison.

Habitual Criminals. Recidivists and criminaloids who become habitual offenders should be treated like born criminals, with the following proviso: since their crimes are less serious (theft, forgery, fraud), their punishment should be less severe. While a born criminal's first offense, if it is serious, may justify a life sentence, the habitual criminal would need to recidivate several times before being declared incorrigible.

The ideal form of punishment for urban criminals is industrial work in the new large factories. Rural criminals should work on penal farms, with the most dangerous offenders assigned to the least healthy lands.

Insane Criminals. Criminal insane asylums are the only solution for insane criminals and for those numerous born criminals in whom epilepsy and moral insanity causes violent fits. Permanent internment in asylums will prevent insane criminals from transmitting their disease through heredity, from associating with ordinary criminals, and from forming criminal gangs. In addition, criminal insane asylums would reduce recidivism, the costs of additional trials, and the number of imitative crimes.

Incorrigible Criminals and Born Criminals. Dangerous habitual criminals and born criminals must be interned in special institutions for the incorrigible. My proposal is not new, for in England – the international leader in finding practical solutions – the House of Lords as early as 1864 proposed that second-time recidivists be condemned to lifelong penal servitude. An agricultural colony for 4,500 incorrigibles already exists at Mexplas, Belgium, where inmates construct their own houses under the direction of only thirty to forty master builders (Joly, o.c.).

“When adults possess the following impetuous passions of children, psychiatrists call them moral madmen, and we call them born criminals.”

Death Sentence. When criminals repeat bloodthirsty crimes for the third or fourth time – despite being punished by incarceration, deportation, and forced labor – there is no choice but to resort to that extreme form of natural selection, death. To claim that the death sentence contradicts the laws of nature is to feign ignorance of the fact that progress in the animal world, and therefore the human world, is based on a struggle for existence that involves hideous massacres. Born criminals, programmed

to do harm, are atavistic reproductions of not only savage men but also the most ferocious carnivores and rodents. This discovery should not make us more compassionate toward born criminals (as some claim), but rather should shield us from pity, for these beings are members of not our species but the species of bloodthirsty beasts.

Moral Insanity and Crime among Children

The seeds of moral insanity and criminality are found in man's early life. Just as the fetus shows deformities that in the adult would be considered monstrosities, so, too, does the child lack moral sense. When adults possess the following impetuous passions of children, psychiatrists call them moral madmen, and we call them born criminals.

“When you believe they love you, you discover that children are just like prostitutes. They adore you for the benefits they receive”

Anger. Perez has shown the frequency and precocity of rage in children. “In the first two months the infant demonstrates true excesses of rage by moving his eyebrows and hands when he is to be bathed or has an object taken away. By the age of one, the strength of his anger causes him to hit people and to break plates and throw them at people he does not like. Children resemble savages. Anger is thus a human emotion present from infancy which can be controlled but not extinguished.

Desire for Revenge. Children frequently show a desire for revenge. Even at the age of seven or eight months, a child may scratch his nurse when she withdraws her breast and return the slaps he receives. I knew a boy, slightly backward and hydrocephalic, who became irritated at the slightest scolding right up to the age of six years old. If he could hit the person who had irritated him, he felt better; if not, he shouted and bit his own hands, just as caged bears do when threatened from the outside.

Lying. Montaigne has observed that lies and obstinacy grow in proportion to children's bodies. Along the same lines, Bourdin writes that all children are liars, particularly foundlings, who lie for fun. One reason children lie is their impulsiveness and undeveloped or incomplete sense of the truth. Like savages and criminals, they easily alter the truth, dissimulating in ways that we would not believe possible among more mature individuals. A few days after overhearing her adoptive mother describe a scandalous crime reported in the newspaper, a girl of five or six pretended to have been raped by her father and grandfather. During the subsequent trial, a medical examination showed the rape to be pure fantasy. (Bourdin, o. c.).

Lack of Moral Sense. Children lack any sense of morality in the first months and even the first year of their lives. On their own, they have no sense of what is bad; only when they have been punished and told what is wrong do they start to develop a sense of justice and property. Self-interest, strong feeling, the development of the intelligence, and reflection teach the child the difference between good and evil. The most effective means of instruction are kindness, good examples, and inculcation of fear of reprimand. These approaches help mold the child's moral conscience. He will be more or less inclined to develop it according to his own capacity and circumstances (Perez, o. c.).

Lack of Affection. Children also lack any innate sense of affection. They are attracted by pretty faces or by things that give them pleasure, including small animals that can be tormented, and they dislike things that are

unfamiliar or frightening. But they do not feel affection, and even at the age of seven, children can forget a mother whom they seemed to adore. When you believe they love you, you discover that children are just like prostitutes. They adore you for the benefits they receive and stop loving when they have no further hope of gain.

Cruelty. La Fontaine, that skilled student of human nature, declared of childhood: “This age has no pity.” Cruelty, in fact, is one of the most common characteristics of children. There is hardly a boy who does not bully those who are weaker, as Broussais has observed. In general, the child prefers bad to good. He is more cruel than kind because he experiences strong emotions and has a sense of unlimited power. Thus we see him deriving great pleasure from breaking inanimate objects. He loves stabbing animals, drowning flies, hitting his dog, and suffocating sparrows. Sometimes children dip cockroaches in hot wax to make them into kites or dress them as soldiers, prolonging their agony for months on end.

Vanity. Excessive vanity—the foundation of megalomania and inborn criminality—is one of children's outstanding characteristics. In two families in which the parents taught the principles of equality, the children displayed all the pretensions of class snobbery. At the age of three, they treated the poor with disdain, while at the same time they behaved respectfully to the children of rich and titled families. One sees the same tendency among animals, as when a household dog torments strays.

These facts provide a natural explanation for why moral insanity originates spontaneously among savages and children: it flows from lack of self-control. Education alone cannot rescue children from moral insanity. As Campagne writes in his *Folie raisonnée*, children who are insensitive to both praise and blame may be afflicted with moral insanity. Laziness, masturbation, self-indulgence, and overexcitement are typical of that particular exaltation which is known as moral insanity, “reasoning madness” or madness without delirium. We can see why great criminals reveal their tendencies at an early age. Starting in childhood, Lafarge took great pleasure in strangling chickens. By the age of nine, the brigand B. was a thief and rapist; at the age of eleven, Lasagna nailed oxen's tongues to benches.