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### Vincent Barras, Michel Porret, (Eds.), *Homo Criminalis. Pratiques et doctrines médico-légales, 16<sup>e</sup>-20<sup>e</sup> siècles*

Genève 1999 (Équinoxe, revue de sciences humaines, nr. 22).

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- 1 In their brief introduction, the editors define legal medicine as «l'ensemble des connaissances médicales appliquées aux questions de droit pénal ou de droit civil» (6). As its main title indicates, this collection deals in particular with the interrelationships between the criminal law and medicine. They range from biological approaches in criminology to the anatomy theater, where, after all, the body to be dissected publicly was usually that of an executed convict. The editors organized a conference on this subject in Geneva in 1997 and the present volume contains a selection of the papers presented there. The selection is heavily weighted toward Italy and France, each represented with four contributions. The two remaining essays deal with Germany and China, respectively.
- 2 The contributors all reveal themselves as erudite on their subject, providing an in-depth discussion with many details. They are more reticent when it comes to broader conclusions. In the first article, Alessandro Pastore reviews the opinions of Italian lawyers and medical writers in the sixteenth and seventeenth centuries on how to distinguish true illnesses from simulated ones. Obtaining charity or alms and avoidance

of judicial torture were among the reasons for faking an illness. After examining a number of authors, Pastore concludes that Girolamo Cardano had the least negative approach toward the art of simulation. Donatella Bartolini deals with medical-legal practice in three small towns of the Venetian Terraferma. The most interesting theme of her article concerns a register in which surgeons documented the lesions and wounds from violent attacks they had treated. Do we finally have a reliable source for measuring the incidence of nonhomicidal violence? I would have liked the author elaborating on this aspect. Instead, her conclusion stresses the richness, in terms of a variegated array of cases, of her source material.

- 3 Luigi Lazzerini examines the writings of early modern Italians who reported their observations made in anatomical dissections. Although the purpose of anatomy was to explore the inside of the human body generally, it appears that these authors were well aware of the fact that the particular bodies they cut into were those of criminals. They commented, for example, on the shape of a muscle in the hand which made the fingers particularly agile – a convenient physical quality for thieves. Or they explained that the back of the head, the seat of memory, of a subject was rather small, which had made him forget about the crimes he had committed. Anatomical views about the seat of memory or the soul were elaborated in the work of the philosopher Pomponazzi, who argued that the soul was mortal. In their turn, these anatomical and philosophical ideas found an echo in the opinions of Menocchio, the miller made famous by Carlo Ginzburg.
- 4 Marc Renneville discusses the views of insanity and the insanity defense among psychiatrists and lawyers in nineteenth-century France. He concludes that the latter were more prone than the former to assume a person's responsibility for a crime and that the inherent conflict continues until the present day. Laurence Dumoulin deals with the institutionalization of the discipline of legal medicine at French universities in the nineteenth century. She connects this with the simultaneous process of increasing recognition and prestige for the medical profession. Bruno Bertherat describes the notorious *Morgue* of Paris, where all poor bodies found dead were stored and examined and whose predecessor has been immortalized in Richard Cobb's *Death in Paris*. A major task of the physicians connected with the *Morgue* was to collect statistics, in particular of suicide. With his overview of the writings of successive professors of legal medicine in nineteenth-century Naples, Antonio Borelli takes us back to Italy. Philippe Artières analyzes the obsessive interest in writing – in particular the handwriting and spelling of criminals and madmen – shown by French medical experts of the late nineteenth century. He labels this obsession as the disorder of 'graphophilia' and proceeds to discuss its various symptoms. The irony of his essay is amusing, but we miss the references for several quotations.
- 5 Oliver Liang's contribution is, in the opinion of this reviewer, the most interesting one of the collection. He discusses biological approaches to crime in Bavaria during the Weimar period, with an excursus into Nazi Germany. In 1923 the Bavarian ministry of justice instituted a 'department of criminal biology' which had to examine the province's incarcerated convicts. Liang assesses the advantages for three groups involved – lawyers, physicians and clergy – for working at or cooperating with this department. Biological explanations of crime offered the first group a convenient tool for classifying incorrigibles from inmates who could be resocialized, while it gave the second a more important position in the prison hierarchy than before. Clergymen, while stressing human free will, nevertheless blamed the inability of some convicts to take their message

to heart on biological defects. Liang also examined the documents with the evaluations of individual convicts. Paradoxically, they dealt with everything relevant for the person or character of the criminal except with biology proper. The criteria for establishing a 'criminal profile' were based first of all on sexuality and then on milieu of origin and religious and political beliefs. The mix of these elements was somehow considered to be hereditary. This criminal biology was exported to other German provinces during the Weimar period and formed the basis for the Nazi approach to crime.

- 6 Frank Dikötter's essay on twentieth-century China concludes the volume. In this case, too, biological views of crime and criminals constitute an important theme. They were adopted by a number of intellectuals in the 1920s and 1930s, but -no surprise- denounced after 1949, since the Communists maintained that crime resulted from social inequality. Biological - and even racial - theories reappeared, however, with the ascent of Deng Xiaoping.
- 7 Although this collection as a whole is a little uneven and lacks an overall theme, the individual contributions offer valuable material for readers interested in a particular subject.

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