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LOMBROSO'S THEORY OF CRIME.

CHARLES A. ELLWOOD.

The publication of Lombroso's works in English should mark an epoch in the development of criminological science in America. The book before us,¹ together with a volume published almost simultaneously by his daughter, Madame Gina Lombroso Ferrero,² summarizing her father's criminological theories, make it possible for the English reader to gain a concise and accurate view of Lombroso's theory of crime. It is safe to say that these two books should be found in the library of every judge of a criminal court, every criminal lawyer and every student of criminology and penology.

Moreover, Lombroso's work is now before the world in its final form. His death in 1909 put an end to one of the most brilliant and fruitful scientific careers of the last century; but unlike many scientific men Lombroso lived to complete his work. It is his matured theories which are now before us in English dress. Under these circumstances it would seem not out of place to review, not simply the present book, but to some extent Lombroso's work and theories in general.

This is made all the more necessary by the fact that the present book on "Crime, Its Causes and Remedies" is but the third volume of his larger work on "Criminal Man." A striking characteristic of this volume is the emphasis which it places upon the geographical and social causes of crime, factors which some of Lombroso's critics, as he himself notes in the preface, have accused him of neglecting. Over one-half of the present volume is devoted to the discussion of those causes of crime to be found in the physical or the social environment. With a wealth of learning which amazes, Lombroso discusses successively meteorological and climatic influences in the production of crime, the influence of geographical conditions, the influence of race, of civilization, of the density of population, of alcoholism, of education, of economic conditions, of religion, of sex and age, of civil status, of prisons and of political conditions. In this wide discussion he has apparently drawn from almost every available source. American statistics are, of

¹"Crime, Its Causes and Remedies." By Cesare Lombroso, M. D., Professor of Psychiatry and Criminal Anthropology in the University of Turin. Translated by Henry P. Horton, M. A., Boston. Little, Brown & Co., 1911, pp. XLVI, 471.

²"Criminal Man, according to the classification of Cesare Lombroso" (Putnam's); reviewed in the September issue of this JOURNAL.

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course, somewhat inadequate from the American reader's point of view, but even American sources have been drawn upon heavily. It is evident that Lombroso was much more than a psychiatrist dabbling with social problems. While his statistical treatment of these causes of crime in the environment would fall far short of the exacting demands of trained statisticians (for it contains much loose use of statistics), yet it is such that no one can deny that Lombroso was a careful student of social and political conditions as well as of anatomy and neurology.

However, one would get a totally wrong impression if one inferred from this long discussion of the social causes of crime that Lombroso's theory of crime was essentially a social theory. On the contrary, it is possible to get clearly the Lombrosian point of view only by reading carefully, either Professor Parmelee's excellent critical introduction, or Madame Ferrero's equally excellent summary of her father's teachings. Both of these show clearly enough the main or central position in Lombroso's theory, which was that crime is primarily due to biological or organic conditions. In other words, Lombroso's theory of crime was a completely biological theory, into which, especially in the later years of his life, he attempted to incorporate the social and psychological factors which are also manifestly concerned in production of crime. Lombroso believed, in other words, that the criminal was essentially an organic anomaly, partly pathological and partly atavistic. The social causes of crime were at most, according to Lombroso, simply the stimuli which called forth the organic and psychical abnormalities of the individual. While the removal of the social causes of crime constitutes the immediate practical problem before criminologists, according to Lombroso, because they are the exciting causes, yet the ultimate roots of crime lie in the atavistic and degenerate heredity of the born criminal and the criminaloid, and only the extirpation of these ultimate sources of criminality can afford a final solution of the problem of crime.

In this organic or biological view of crime, Lombroso was, of course, in harmony with that biological monism which characterized much of the thought of the latter years of the nineteenth century. The psychological and social defects of the criminal are traced by Lombroso in every case to organic causes. It must be admitted that Lombroso makes out the strongest possible argument for such a biological view of crime. Especially strong is the table on pages 371-372, in which he shows that practically all the defects of criminals are also marks of the epileptic class, and that most of these defects are either atavistic or morbid in character. One has to admit at once that such an array of evidence is conclusive proof that some criminals at least, if not all,

owe their criminality to biological defects. Lombroso has demonstrated beyond a doubt that crime has biological roots. The problem remains, however, whether these biological roots are the true causes of crime or whether crime would still exist without them. Lombroso strongly implies that the perfectly normal individual, from the biological point of view, could not become a real criminal. Social circumstances, in other words, could not create a true criminal out of a naturally honest or normal man, although social circumstances may be necessary to call forth the latent criminal tendencies in the abnormal or degenerate individual. Lombroso admits that these criminal tendencies are found regularly in the normal child, and rightly says that "the most horrible crimes have their origin in those animal instincts of which childhood gives us a pale reflection."³ But he implies that the normal child outgrows these instincts through the normal course of organic development whatever may be his social surroundings. Madame Ferrero even goes so far as to quote Professor Carrara that the bands of neglected children who run wild in the streets of Cagliari, the capital of Sardinia, spontaneously correct themselves of their thievishness and other vices as soon as they arrive at puberty.

But it is a great question whether any child, normal or otherwise, can spontaneously correct itself of the criminal tendencies which naturally inhere in its instincts. It is a great question, in other words, whether any of us would be honest except as we were taught to be so by society. The fundamental question, then, which arises on considering Lombroso's theory of crime, is whether he has not mistaken radically the whole nature of crime. Is not crime a cultural and social category rather than an organic or biological category? Is not the great stress which Lombroso lays upon organic conditions liable to obscure the essential nature of criminality? These questions, of course, cannot be fully answered until there has been much more observation and sifting of facts than has yet been done. There is need of many more experiments before we fully understand the nature of criminality. It would be a great mistake to take Lombroso's work in criminology as, therefore, in any sense final. It is only a beginning of scientific investigations along criminological lines. In the meanwhile, however, it may be well to consider certain a priori reasons why Lombroso's exclusively biological theory of crime is untenable from a scientific point of view.

The general psychology of crime renders it highly improbable that biological causes are as influential in the production of crime as Lombroso thought. For what is crime? Crime is a matter of conduct, and

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conduct is a matter of habit. Now, when large numbers of individuals live together in very complex relations, their habits have to be nicely adjusted to one another if the welfare of the group is to be assured. While crime is a matter of habit, it is manifestly the social life which makes crime possible. When the maladjustment of the habits of an individual to those of the other members of his group is too great, we have a social reaction which leads to various forms of coercion, sometimes even to the expulsion and death of the offending individual. Crime is, therefore, a form of social maladjustment, due to the formation of habits which are regarded by the mass of the group as inimical to its welfare. The manifest reason why we find so little crime among savages and only foreshadowings of it among animals is mainly due to the fact that the social life is so simple in such low groups that no high intelligence or large amount of training of the individual is necessary in order to assure that he shall not have habits in conflict with those of his group. It is equally manifest that the reason why there is so much crime, or rather so much possibility for crime, in highly civilized, complex groups is because in them high intelligence and careful training are necessary to assure that the individual shall have habits in harmony with those of his group. Crime is, therefore, largely a phenomenon which civilization, though, of course, imperfect civilization, has produced.

Now, if crime is a form of social maladjustment produced by the development of wrong habits in the adolescent individual, the question remains how largely these habits are determined by the biological conditions of the organism. The present writer is one who believes that it would be a great mistake to think that the biological conditions of the individual organism are not determinative of individual habits in many instances. Habits are, we know, mainly rooted in instincts. And instinct is essentially a biological matter, varying, however, with racial and individual heredity. The ultimate source of habits unquestionably must be sought in the nervous constitution of the individual. Now, in all individuals, as Lombroso and many writers on psychology have pointed out, there are developed during the period of early adolescence certain natural or instinctive tendencies which would hurry the individual into a life of crime, if they were not inhibited. Mentally defective individuals, however, are incapable of developing beyond the period of childhood or early adolescence. In such individuals the natural or instinctive tendencies, which are adapted only to a very low type of social life, come to dominate the whole character, and such a defective individual may well be termed a "born criminal." On the other hand,

individuals of normal nervous constitution, that is, without mental defects, may easily fail to build up the habits which would adjust them to a complex social life, if they live during the period of their development amid low and vicious surroundings. While there are a few defectives in every population who cannot take on the habits necessary to adjust them to a complex social life, yet it is also highly probable that there is no one born so fully adjusted to a complex social life that he would not become vicious and criminal if surrounded by a vicious and criminal environment. In other words, everyone has the potentialities of crime in his makeup, and the only reason why larger numbers of the children in civilized societies do not grow up to be criminals than do is because of the strenuous efforts put forth by the home, the church, and the school and all of the other civilizing and moralizing agencies of our society.

Now, Lombroso fails to see and to emphasize this fact. He fails, in other words, to see that criminal potentialities are normal in one sense to every individual and that the repressing of them is due to various social agencies. Habits of action, he fails to see, are derived even more from social than from individual organic conditions. The habits which the normal individual in society possesses, in other words, are probably far more a result of his environment than of any organic peculiarities of his nature. The difference between the student in the university and the boy in the reform school is frequently in no sense organic, but is rather due to the accident of social environment. On the other hand there can be, of course, no longer any doubt that the organic peculiarities of many individuals make one form or another of social maladjustment inevitable. It was Lombroso's merit that he called the attention of the world to the class of defectives or degenerates in whom organic abnormalities are the determining causes of criminal tendencies. He estimates this class at about one-third of the total criminal class, which may be possibly too high, although the criminological importance of this class is very great; but Lombroso makes a great mistake when he tries to extend the influence of the organic factor over the whole class of criminaloids, as he calls them, that is, weak individuals who are candidates for good or evil according to circumstances, leaving only a small per cent of the total criminal class who may be considered organically normal in the fullest sense.

Lombroso's theories are open to criticism, however, even as regards the "born criminal." As has often been pointed out, he certainly makes too much of atavism. The born criminal, according to Lombroso, is essentially an atavistic anomaly, reproducing the physical and psy-

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chical characteristics of remote ancestors. He is "a savage born into the modern world"; and Lombroso traces an elaborate parallel between the born criminal and the savage. While we should expect atavistic reversion to characterize any defective or degenerate class, yet it is questionable whether atavism in itself can be considered an important causative factor in the production of the born criminal. Rather atavistic phenomena are simply an outcome, as the French critics of Lombroso have insisted, and as Lombroso himself in part admitted, of the process of degeneration. The real causal factor at work is, then, the process of degeneration, atavism being only one of its incidents and not an independent process at all. As Lombroso himself says, the criminal is "a savage and at the same time a sick man." But the parallelism of the savage and the criminal is at least in part based upon certain faulty conceptions which Lombroso had of savage life. Lombroso seems to assume that man has slowly passed from an anti-social to a social state, whereas we know now that the social life of primitive man was probably not less intense than that of civilized man, only it was narrower. At least the savage is more law abiding, for the reasons which we have noted, than the civilized man. Lombroso's statement that all savages are in the same stage of development as the criminals of the present seems, therefore, to be based upon a misconception of savage society. Moreover, the state of many higher savages and barbarians can upon no good ground be said to represent that of primitive man. The parallelism which Lombroso draws between the born criminal and the savage is greatly weakened when we learn through the study of social evolution that the ferocity and animalism, which he ascribes to the criminal, are more characteristic of some of the stages of barbarism than of the lowest stages of savagery. This, however, is only an illustration of the extreme to which Lombroso carries his conception of atavism as a causative factor in the production of crime. An even better illustration of the same tendency might, however, be found in his ascribing such things as hernia and tattooing to atavism.

Another criticism which may be made of Lombroso's treatment of the born criminal class is his claim that that class constitutes a definite anthropological type. This idea of a definite criminal type has, of course, been one of the points in Lombroso's theory of crime which has been most fought over. While the matter must be regarded as yet unsettled, it seems probable that there is no definite criminal type or types, but that the born criminal who is, as we have already seen, a defective, exhibits in common with other classes of defectives more or less of the stigmata of degeneration. These stigmata of degeneration

are not, however, definite signs of criminality but rather of degeneracy, and the person possessing them may belong not specifically to the criminal class, but to some other class of degenerates. It seems highly improbable at any rate that any gross morphological criterion of conduct should be discoverable in the individual, since such conduct must be based, not upon gross anatomical abnormalities, but upon the minute structure of the nervous system, which may or may not be correlated with abnormalities of the grosser sort. The association of any very definite stigmata of degeneration with the tendency toward crime must be, therefore, regarded as more or less accidental, although the association of degeneration in general and crime cannot be so regarded.

Lombroso's own theories, indeed, point to this conclusion, because he identifies the born criminal with the moral imbecile on the one hand, and with the epileptic on the other. In the striking table, to which we have already referred, there is scarcely an anomaly which can be found in the born criminal which cannot be found also in the epileptic. Other students of the defective classes have shown that the same thing is also true of the born criminal and the class of feeble minded. This looks as though no criminal type can be made out, even in the case of the born criminal, which clearly separates the criminal from other classes of degenerates. The so-called born criminal, in other words, is simply a mentally defective person who, from tendency and opportunity, becomes associated with the criminal class.

A still further criticism must be made of Lombroso's treatment of the born criminal, and that is the great emphasis which he gives to epilepsy as a causative factor in the production of the born criminal class. Epilepsy became, indeed, with Lombroso a "master key" to explain practically all psychical and mental peculiarities in humanity. He finds that congenital criminality is but a form of psychic epilepsy, and so also is genius. Hysteria is also, he says, probably a form of epilepsy, and we have besides, of course, the common form. Congenital criminality is identical, according to Lombroso, on the one hand with moral insanity or imbecility, on the other with a peculiar form of psychic epilepsy. He marshals a great many facts in support of this position, and it must be admitted that to the layman his arguments seem for the most part sound, although they do so only by reason of his great extension of the definition of epilepsy. He finds epilepsy, therefore, present in the same proportion in the total criminal class as atavistic degeneration. He even says that the criminaloid is an epileptoid.

While this position of Lombroso's must be accepted as yet, if at all, with great caution until medical men have agreed upon a definition

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of epilepsy and carefully investigated the prevalence of "masked," or so-called psychic epilepsy, in the general population, yet the facts that Lombroso puts forward do unquestionably show that there is a much closer connection between epilepsy and criminal tendencies than the layman has generally believed. What Lombroso unquestionably demonstrates is, not that all born criminals are epileptics and all persons with any criminal tendencies epileptoid, but that the epileptic class is a very dangerous defective class in society and should be dealt with by different means than those thus far adopted, if degeneracy and crime are to be successfully combatted. If there is any argument for the segregation of the insane, Lombroso's researches show that there is equal argument for the segregation of all pronounced epileptics.

If the theory of crime implied in the above criticism is at all correct, it is evident that the criminal class is not essentially different in its genesis from the pauper class. Just as the nucleus of the class of legal paupers is made up of individuals so organically weak or defective that they cannot adjust themselves to society, so also is the nucleus of the criminal class. But just as the class of legal paupers contains also, besides these physical and mental defectives, a large number of individuals who are biologically normal, or whose organic weakness is wholly adventitious, who, in other words, are the unfortunate victims of circumstances, so the criminal class contains large numbers whose criminality is wholly produced by the immediate social conditions under which they have lived. But this view of the parallelism of pauperism and crime was remote from Lombroso's thought.

One thing Lombroso's work has definitely accomplished, and which will remain forever a monument to his name, and that is, that the criminal man must be studied and not simply crime in the abstract; that the criminal must be treated as an individual and not his act alone considered. The individualization of punishment, which all humanitarian and scientific thinkers are now agreed upon, is something which Lombroso's work, more perhaps than that of any other man, has helped to bring about. While there may be many errors in Lombroso's theory of crime, he set about to demolish a much more absurd theory. That the theory of the "classical school," that crime is the product of an arbitrary free will, and the resulting criminal law and procedure, received from him a death stroke is now beginning to become apparent to all intelligent observers.