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Pioneers in Criminology XV--Enrico Ferri (1856-1929)

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POLICE SCIENCE BOOK REVIEWS

Edited by
Richard L. Holcomb*

POLICE AND THE PEOPLE. By *Paul A. Ashenhurst*, Charles C Thomas Publisher, Springfield, Ill., 1957. Pp. 197.

Public fear of police encroachment on individual rights has always been an underlying feeling of the American people, perhaps an inheritance of our forefathers whose love for freedom gave birth to this nation. Where there is fear, there is misunderstanding. What, then, can American police do to dispel this fear and create understanding and cooperation between their departments and the people they serve?

Inspector Paul H. Ashenhurst with 35 years of police experience seeks to answer this question with a collection of practical ideas on how the police administrator and his men can win friends and influence people. It is a timely 197 page writing under the title, *Police and the People*, directed at police public relations.

Public realtions as a specific field of endeavor is comparatively new. Just two decades ago a search of the Manhattan classified telephone directory would have yielded only ten names listed under the designation "Public Relations." And vain would have been the attempt to find such courses of study in our colleges and universities.

But today that same telephone book lists seven columns of several hundred names devoted to public relations; and there are now 653 colleges offering courses on the subject or related to it. Private and public institutions and every type and kind of organization dealing in commodities and services have accepted the need for public relations as a specific undertaking requiring expert attention. How much money is spent in achieving better public relations would be impossible to estimate, but it is known that the salaries and fees of hired spe-

cialists in the field exceed half a billion dollars annually.

Followers instead of leaders in adopting administrative techniques to match current conditions, police departments have again demonstrated their tardiness in failing to fall in line with others in recognizing the value of public relations. Inspector Ashenhurst points out this failing and does something constructive to correct it.

The author believes that a large highly trained staff of public relations experts is not required for a police department, but a good job can be done if the chief, commanding officers, and every member of the department are awakened to the need for better public relations and are given basic instructions on how to achieve them.

He lists the determinative factors in the attitude of the public toward the police as:

1. Newspaper and radio publicity.
2. Personal contacts by the citizen with the policeman.
3. What others say about the police.
4. What the citizen observes of the individual police officer.

Each of these points is developed by the author with suggestions as to procedure in attaining the best of public relations. He recognizes that a basic factor in properly utilizing each of the four categories as a means of favorably reaching the public is the acquisition of good personnel and the training of them. "We do not hire policemen; we select good men and make policemen out of them," he writes.

Care in police dress, supplemented by careful and continuous inspection is important. As a morale builder and method of individual encouragement to the officer, all commendations of an officer, whether by letter, telephone, or in person should be carefully preserved in the

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officer's personnel file and called to his attention through a systematic procedure.

The annual report of a police department is valuable as an instrument of better public relations. Dry statistics should be presented in interesting form through the use of charts, graphs, and photographs, and an attractive cover should be used. Distribution of the reports should be to sources that will do the most good, to city officials, other police departments, newspapers, business men, women's clubs, and those who do specific work with the police.

The author advocates community leadership as a responsibility of the chief of police if good public relations are to be obtained. Through his example and encouragement the individual officer can take part in civic and community affairs to the extent time permits and with beneficial results.

In other chapters labeled Employee Relations, Human Relations, Race Relations, and Press Relations, the author continues to advance specific ideas for personal and departmental conduct that will help the policeman

and his organization meet the challenge of winning friends and influencing people.

Inspector Ashenhurst argues for a planned program of better public relations within our police departments, large or small. He believes that, unlike other professional men whose conduct and actions usually reflect on themselves alone, the policeman's acts and omissions are never relegated to him alone, but attach to the whole police department. This emphasizes the importance of the individual officer in achieving better relations with the public. "With a concrete plan and competent supervision, we can succeed," he concludes.

While many police departments are utilizing a number of the ideas advanced by Inspector Ashenhurst, he is to be congratulated for re-emphasizing the points again and in offering them in simple and readable form to those who have not yet awakened to the importance of police public relations.

BERNARD C. BRANNON

Chief of Police
Kansas City, Mo.

Book Notes

THE TROUBLE WITH COPS. By *Albert Deutsch*, Crown Publishers, New York 1955, Pp. 243. \$3.00.

The title of this book pretty well sets the theme—a sensational, negative approach. According to the dust cover, Mr. Deutsch is a famous crusading journalist. This does not qualify him to do much more than he has done here, write a book that seems based on visiting some police officers and going through newspaper files on cases of corruption. Incidentally, many law enforcement officers do not like to be called "cops". This includes some who Mr. Deutsch quotes as though they were old friends of his.

This book probably will not harm law enforcement, nor will it help it.

THE DICTIONARY OF POISONS. By *Ibert and Eleano Mellan*. Philosophical Library, New York, 1956. Pp. 150. \$4.75.

This book is not complete enough to be of use to a physician, and since it fails to deal with the detection of poisonous substances, it is of no use to a toxicologist. It might prove useful for lay persons who are charged with the responsibility of overseeing large groups of children, such as camp counselors, etc. Because of the large number of technical terms used, such as acetylcholine, dichloroethyl ether, etc., it would be of little use in the home. It does however, repeatedly give the sage advice, CALL A PHYSICIAN!

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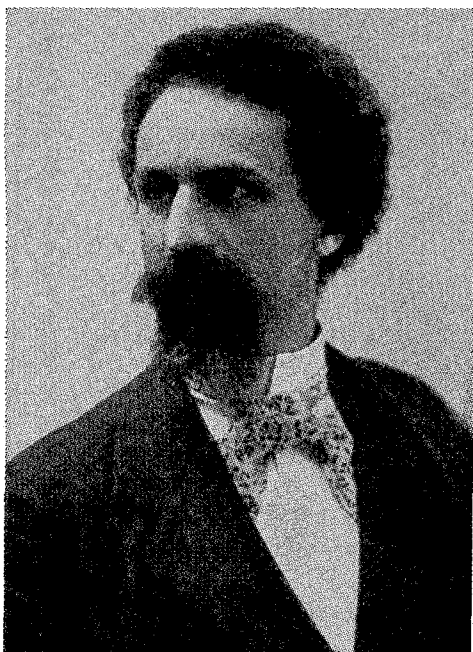
XV—ENRICO FERRI (1856—1929)

THORSTEN SELLIN

Professor Sellin is chairman of the Department of Sociology, University of Pennsylvania; editor of the *Annals of the American Academy of Political and Social Science* (since 1929); and president of the International Society of Criminology. From time to time, during the last thirty years he has published articles in the *Journal* on a variety of subjects of interest to criminologists.

The accompanying photograph by Giacomo Brogi, Florence, is reproduced from "The Italy of the Italians", published by Charles Scribners and Sons. It represents Ferri in middle thirties.

—EDITOR.



ENRICO FERRI

When Enrico Ferri died, April 12, 1929, one of the most colorful and influential figures in the history of criminology disappeared. Born at San Benedetto Po in the province of Mantua, February 25, 1856, his active life spanned more than half a century, beginning with the publication of his dissertation in 1878 and ending with the fifth

edition of his "Criminal Sociology," which was being printed when he died. During the intervening five decades he became the acknowledged leader of the so-called positive school of criminal science, a highly successful trial lawyer and Italy's perhaps greatest contemporary forensic orator, member of Parliament, editor of the Socialist newspaper, "Avanti," indefatigable public lecturer, university professor, author of highly esteemed scholarly works, founder of a great legal journal, and a tireless polemicist in defense of his ideas. His was a rich and varied life, to which no brief article can do justice.

In the book, which Ferri published in 1928 on the "Principles of Criminal Law,"¹ a work which contained the systematic presentation of the legal principles of the positive school, he listed what he himself regarded as his most important contributions. They were the demonstration that the concept of freedom of will has no place in criminal law; that social defense is the purpose of criminal justice; the three types of factors in crime causation; the classification of criminals in five classes; penal substitutes as means of indirect social defense; motivation, rather than the objective nature of the crime, as the basis for sanctions; the demand that farm colonies be substituted for cellular isolation of prisoners by day; the indeterminate sentence instead of the dosage by fixed terms of institutionalization; the demand that hospitals

¹PRINCIPII DI DIRITTO CRIMINALE. xvi, 848 pp. Torino: UTET, 1928.

for the criminal insane be established; the abolition of the jury; the stress on the use of indemnification as a sanction in public law; and the principle that the crime must be studied in the offender.

Other observers have been inclined to add to this list his invention of the term the "born criminal," the introduction of the concept of legal rather than moral responsibility, his pioneer work in establishing criminal sociology, and his propaganda for the scientific training of judges and correctional personnel.

One manner (usually chosen for a brief biography) of dealing with the work of Enrico Ferri would be to pass quickly over his personal life and systematically indicate the nature of his scientific and philosophical contributions in their final form. But anyone who has immersed himself in the writings of Ferri and about him would agree that Ferri, the man, is as fascinating as Ferri, the scholar. In this article, I shall, therefore, attempt both to tell the story of his life and to show the gradual development of his thinking on criminological and criminal law problems, especially during his youth and early manhood.

Ferri was the son of a poor salt and tobacco shop keeper.² His early education was somewhat perturbed—private tutoring for two years, then two years at a school in Mantua where he "learned nothing," failure in an examination when he tried to jump a school year, transfer to another school where he was almost expelled for truancy (he had become a bicycle enthusiast), taken out of school by his father who threatened to put him to manual labor, repentance after a week and return to the *ginnasio*, where shortly he took a successful final examination qualifying him to enter the *Liceo Virgilio* in Mantua.

At the Liceo, he made a beginning at finding himself. Not yet sixteen, he fell under the influence of a great teacher, Roberto Ardigò, who had just published a book, "Psychology as a Positive Science," and had left his clerical robe to devote himself to independent philosophical study. The adolescent Ferri found in Ardigò's lectures a brain food "which decided my scientific orientation for the rest of my life."³ Among other subjects, he

² Biographical details have been garnered from the book of his disciple and co-worker BRUNO FRANCHI, entitled ENRICO FERRI, IL NOTO, IL MAL NOTO, E L'IGNORATO. (183 pp. Torino: Bocca, 1908) and from autobiographical notes frequently found scattered in Ferri's writings.

³ Ferri often acknowledged Ardigò's influence, especially in a brief article, *Ricordi liceali*, which he

made a fine record in mathematics and showed an interest in Latin; he simply ignored the requirement in Greek and was forced to "cheat" in his final examination for the diploma.⁴

Ferri now enrolled at the University of Bologna where he was to spend three years. The first two of them were evidently much devoted to extra-curricular student activities. He attended the lectures in legal medicine and in criminal law, the latter given by Pietro Ellero, a prominent representative of the so-called "classical school." The third year he settled down to serious study. It was then he conceived a thesis in which he tried to demonstrate that the concept of free will, implicit in the current criminal law, was a fiction, and that the pretended moral responsibility of a criminal based on that fiction should give way to the concept of social or legal responsibility, almost every person, regardless of his nature being "socially accountable" for his actions by the fact that he was a member of society and not because he was capable of willing the illegal act. The thesis was brilliantly defended in 1877 and won him a scholarship.

He had struck his first blow at the theories of the classical school and proceeded promptly to spend the next academic year at the University of Pisa, where the acknowledged master and leader of the traditional philosophy of criminal law, Francesco Carrara, held the chair in that subject. Ferri attended lectures, argued with everybody about his ideas (he was nicknamed "free will Ferri"), and practiced his own system of elocution in preparation for a teaching career. Later he referred to these exercises in the following words: "At Pisa I did not as yet think of the bar, being all immersed in the thought of gaining a university chair in spite of my scientific hetero-

contributed to a volume honor of his teacher in 1898 and reprinted in his *STUDI SULLA CRIMINALITÀ ED ALTRI SAGGI* (viii, 542 pp. Torino: Bocca, 1901), pp. 474-77. See also his commemorative article, *Roberto Ardigò*, published after Ardigò's suicide in 1920 in *LA SCIENZA POSITIVA*, ser. 3, vol. 11, pp. 289-94, 1920.

⁴ His stratagem apparently evoked no moral indignation, for in later life Ferri told the story publicly. In a defense speech in a forgery case in 1923, while discussing signatures, he mentioned how he invented his own characteristic one. "During the examination for the liceal diploma, I made a show of writing the paper in Greek, which I did not know and which was written by my very dear fellow-student Achille Loria. To distract the professor's attention, I began writing my name in various ways and finally in the manner I have since repeated for fifty years." See his *DIFESA PENALI* (3 vols., 3d ed. Milano: UTET, 1925), vol. 2, p. 686. Ferri had reciprocated by writing Loria's examination in mathematics.

doxy. But in the interest of this future chair I felt a need to engage in pulmonary gymnastics, make speaking easy, and acquire the habit of order and clarity of exposition. I forced myself daily—at spots removed from the traffic on the beaches, along the Arno outside the city—to talk aloud for an hour at a stretch, improvising on some topic which I picked at random from a number of cards that I had prepared and put into my pocket before leaving home.”⁵

Part of the year was spent in revising his dissertation and preparing it for the printer. Before the end of the term, Carrara, who must have regarded his twenty-year old opponent with a mixture of amusement and irritation, and once exclaimed that “instead of learning from us Ferri has come to teach us,” permitted him to deliver a lecture on criminal attempts from the point of view of the “newer ideas.” It was to be the first of many, for three years before his death, he estimated that he had by then delivered some 2300 university lectures and over 600 public lectures of a scientific nature (on some 40 topics), not counting addresses in court and thousands of political speeches.⁶

When he published his dissertation in the summer of 1878,⁷ he sent a copy to Lombroso who had just brought out the second edition of his “Criminal Man.” Years later, Ferri reported that Lombroso “responded in an encouraging and congratulatory manner, but . . . gave our mutual friend Filippo Turati . . . the following appraisal of my book, in which I explicitly affirmed my intention to apply the positive method to the science of criminal law: ‘Ferri isn’t positivist enough!’ I remember that at that time, burdened as I was by a remnant of scholastic and metaphysical concepts (because of which, as Garofalo said, and as I have since declared and demonstrated in successive publications, my theory of imputability was little in harmony with the preceding negation of free will and with the beginning renovation of the criminal law) Lombroso’s opinion seemed to me inexact and exaggerated. And I wrote to Turati: ‘What,! Does Lombroso suggest that I, a lawyer, should go and measure the heads of criminals in order to be positivist enough?’”⁸

⁵ DIFESE PENALI, vol., p. 5.

⁶ Cited by Teresa Labriola in an article on *Enrico Ferri*, in SCRITTI IN ONORE DI ENRICO FERRI PER IL CINQUANTESIMO ANNO DI SUO INSEGNAMENTO UNIVERSITARIO (526 pp. Torino: UTET, 1929), p. 265.

⁷ LA NEGAZIONE DEL LIBERO ARBITRIO E LA TEORICA DELL'IMPUTABILITÀ, 476 pp.

⁸ ENRICO FERRI, *Polemica in difesa della scuola*

Ferri would, within a few years, answer that question of his in the affirmative, but at the moment he was getting ready to leave for France, having won a travelling fellowship by his dissertation. He was to spend a year in Paris. He had set for himself the task of making a study of the trends and characteristics of criminality in France during half a century, using the data of the judicial criminal statistics which had been appearing since 1826, and which had been little exploited by scholars since the early days of Quetelet and Guerry.

The collection of the data for his project absorbed a great deal of his time, but he also studied German at Melzi's institute (he never really learned English), attended the lectures of Laboulaye, political theorist, and Quatrefages, physical anthropologist, and wrote a lengthy review of Lombroso's book. In November, 1878, he sent the review to the “Rivista Europea” which published it.⁹

He commended Lombroso for having “gone in search of the characteristics that should reveal to us . . . the habitual, incorrigible criminal, who is such . . . because of the inexorable tyranny of his own organic constitution, inherited from his ancestors; a criminal who persists in evil . . . and who is not reformable by the old spiritualistic systems, according to which man commits a crime or is good, reforms or relapses solely by the fiat of his own will and not due to the necessary effect of the conditions in which he is placed by a given environment.” He was especially pleased to see so many case histories in the book, for they provided “a vivid scientific material for any one who wants to search for general juridical principles, not in abstractions of metaphysical character but in the study of those living beings who, while absent from all ancient and modern treatises of criminal law encounter us at every step in the courts of assizes and the lower courts. He [i.e. Lombroso] thus offers us a first ray of light to dispel the most serious contradictions at least, which in practice always arise between the conclusions of psychiatry and the so-called eternal verities of an aprioristic criminal science.”

As for the statement by Lombroso that crime is a

criminale positiva. (1886) Reprinted in STUDI SULLA CRIMINALITÀ ED ALTRI SAGGI, pp. 234-329; p. 245; extract from a symposium with the same title, of which he, Lombroso, Garofalo, and Fioretti were co-authors.

⁹ *Studi Critici su “L'Uomo delinquente” del Prof. C. Lombroso*. Reprinted in STUDI SULLA CRIMINALITÀ ED ALTRI SAGGI, pp. 1-12.

natural necessity—a statement which had caused his critics to point out that one could hardly punish a person unless one assumed his moral responsibility—Ferri simply replied that Lombroso had been grossly misunderstood. Crime is not a social need but it is inevitable in society. But equally inevitable is the law, because society believes that punishments are necessary and inevitable for its protection. Since society has the right to defend itself against aggressors, it has the right to punish. That is all there is to justice. Justice is the will of the majority, which considers a given provision necessary. “When an institution is desired by the majority of the citizens as being necessary for the public welfare, it is—and only because of this—just.” Ferri was to be quite consistent in holding this view. Toward the end of his life it helped him to come to terms with fascism and even to accept, within certain limits, the death penalty to which he had been a lifelong opponent.

If he had not been a complete positivist when he left Italy, his stay in France completed his education. He later looked upon his study of the French criminal statistics and his attendance at the lectures of Quatrefages as a “healthful naturalistic bath from which I issued a true and convinced positivist.” It is not that he accepted the positivistic philosophy in toto, but that he would from then on repeatedly declare that the “experimental,” i.e. inductive method of investigation, the method of Galileo and Bacon, was the only one that would yield knowledge that would permit a nation to deal intelligently with the problem of crime.

It is not surprising that Ferri went to the University of Turin the following year: Lombroso was professor of legal medicine there. Some time before he left Paris in the spring of 1879, Ferri had asked the Council of Higher Education in Rome for a license as titular docent in criminal law and had also applied to the University of Turin for a docentship in criminal procedure with the right to hold examinations. To qualify for this latter position he lectured on the jury system before the examining committee. He remained a consistent opponent to jury trials for ordinary crimes, for in a scientifically oriented court procedure, judges trained in the social and psychological sciences would be better able to dispose of offenders properly. The lecture, which won him the docentship, grew into a celebrated monograph published late in 1880.

In the Council at Rome, Ferri's application

faced tough opposition. One very influential Council member, averse to his views, nearly defeated his application, but finally he received his license and promptly afterward gave his introductory lecture at the University on “Penal Substitutes.”¹⁰ By this term he meant all the social measures, including non-criminal legislation, which a nation might take in order to prevent crime and thereby reduce the need for using criminal sanctions. It was in this lecture that he stated what he called his law of criminal saturation, according to which the level of a country's criminality is determined by factors in the social environment and changes when they change.

Ferri completed his analysis of the French data and prepared a manuscript for publication while he was in Turin.¹¹ He had begun that research because he recognized that Lombroso's studies, which had been largely limited to habitual and insane prisoners, dealt only with a narrow aspect of the problem of criminality. “Crime,” he said, “like every other human action, is the effect of multiple causes, which, although always interlaced in an indissoluble net, can nevertheless be separated for research purposes. The factors of crime are anthropological or individual, physical or telluric, and social. Anthropological factors are: the offender's age, sex, civil status, occupation, residence, social class, degree of training and education, organic and mental constitution. Physical factors are: race, climate, fertility and distribution of soil, the daily cycle, the seasons, the meteorological factors, the annual temperature. Social factors are: increase or decrease of population, migration, public opinion, customs and religion, the nature of the family; political, financial and commercial life; agricultural and industrial production and distribution; public administration of safety, education and welfare; penal and civil legislation, in general.”¹²

He chose the social factors for investigation for two good reasons: the scope of the investigation of the “phenomenon of crime” needed to be widened, and these factors had a more direct relationship with sociology and legislative practice.

¹⁰ *Dei sostitutivi penali*, ARCH. DI PSICHIATRIA, vol. 1, 1880.

¹¹ *Studi sulla criminalità in Francia del 1826 al 1878, secondo i dati contenuti nei “Comptes generaux de L'administration de la Justice criminelle”*. ANNALI DI STATISTICA, ser. 2, vol. 21, 1881; reprinted in STUDI SULLA CRIMINALITÀ ED ALTRI SAGGI, pp. 17–59. Citations are to the reprint.

¹² *Ibid.*, p. 18.

Even when the legislator in this area of "social pathology" had some understanding of the importance of anthropological and physical factors there was little he could do to modify them; social factors could be influenced because they were more tractable. His findings convinced him of the wisdom of his judgement, for he arrived at the conclusion that criminality had shown an enormous increase (i.e. total criminality, divided into offenses against persons, property and public order) in France, and at the conviction that since both physical and anthropological factors undergo relatively minor changes in time, changes in the social environment must have been responsible for the increase.¹³

This first empirical study of Ferri's, begun in a positivistic spirit and pursued with great skill, was very well received. He was soon after (1882) appointed by the Minister of Justice, Zanardelli, a member of the Commission on Judicial and Notarial Statistics and remained as such for a dozen years.

Ferri had gone to Turin, because of his belief that "in order to formulate principles concerning crimes, penalties, and criminals, it is first necessary to study . . . criminals and prisons, since facts should precede theories. "I therefore went for a year to Turin to study with Lombroso and, as his student, visited prisons, mental hospitals, and laboratories."¹⁴ It was the year in which Lombroso started to edit his periodical, the ARCHIVIO DI PSICHIATRIA. Ferri contributed to its first volume not only his lecture on penal substitutes but also a paper on the relationship of criminal anthropology and criminal law,¹⁵ which contained what he always regarded as one of his basic ideas, a scientific classification of criminals, which would serve as the basis for a rational system of sanctions. In presenting this classification, consisting of five classes, he coined the term "born criminal" to designate the atavistic type which Lombroso

believed he had identified. The classification included "(1) the born or instinctive criminal, who carries from birth, through unfortunate heredity from his progenitors (criminals, alcoholics, syphilitics, subnormals, insane, neuropathics, etc.) a reduced resistance to criminal stimuli and also an evident and precocious propensity to crime; (2) the insane criminal, affected by a clinically identified mental disease or by a neuropsychopathic condition which groups him with the mentally diseased; (3) the passional criminal, who, in two varieties, the criminal through passion (a prolonged and chronic mental state) or through emotion (explosive and unexpected mental state), represents a type at the opposite pole from the criminal due to congenital tendencies and, besides having good personal antecedents, has a normal moral character, even though he is nervously very excitable; (4) the occasional criminal who constitutes the majority of lawbreakers and is the product of family and social milieu more than of abnormal personal physico-mental conditions, and therefore has psychological traits less deviating from those of the social class to which he belongs; (5) the habitual criminal, or rather, the criminal by acquired habit, who is mostly a product of the social environment in which, due to abandonment by his family, lack of education, poverty, bad companions in urban centers, already in his childhood begins as an occasional offender; add to this his moral deformation, caused or not hindered by contemporary prison systems where he enters into contacts with other and worse criminals in the prisons, as well as the difficulties of social readaption once he has served his term, and he will acquire the habit of criminality and, besides constant recidivism, may actually come to make crime a trade."¹⁶

Ferri did not believe that every criminal always fitted completely into his classification. Classes do not exist in nature, he said, but they are a necessary instrument by which the human mind can better understand the multiform reality of things. In daily life, criminals would often not appear so well-defined as the classification suggested. Rather, a judge would find that the defendant would present mixed characteristics. This realization was to cause Ferri, in a near future, to study the murderer with greater care in order to acquire

¹³ Two decades later, Ferri added a footnote to the reprinted study, in which he congratulated himself on having stressed the importance of social factors as early as in 1880. This, he said, proved that Italian and French critics, who claimed that the positive school dealt only with anthropological factors, were wrong. It also served "to explain the logical evolution of my thinking, which has gradually, but on the basis of scientific research in the field of both general and of criminal sociology, arrived at the ultimate consequences of socialistic doctrines" *Ibid.*, p. 19.

¹⁴ *Polemica in difesa della scuola criminale positiva*, loc. cit.

¹⁵ *Dei limiti fra diritto penale ed antropologia criminale* ARCH. DI PSICH. I, pp. 444 ff, 1880-81.

¹⁶ As elaborated in his *L'OMICIDA NELLA PSICOLOGIA E NELLA PSICOPATOLOGIA CRIMINALE*. 2d ed.—*L'OMICIDIO-SUICIDIO. RESPONSABILITÀ GIURIDICA*. 5th ed. (xii, 768 pp. Torino: UTET, 1925), pp. 54-5.

knowledge about aggressive dangerous criminals that would aid judges in identifying them as such.

The classification remained unchanged in Ferri's mind for most of his life. In fact, his addition of a sixth class in the fifth edition of his "Sociologia Criminale" (1929-30) appears to have been a kind of afterthought which, although clear, was so poorly integrated that he forgot or had no time to revise other sections of his book that still mentioned only five classes. Even his co-worker, Arturo Santoro, who had seen his book through press, later mentions only the five classes in his biography of Ferri. Yet, in the work just mentioned, Ferri said: "To these five categories of voluntary criminals it is necessary to add a class, which is becoming more and more numerous in our mechanical age and in the vertiginous speed of modern life, namely the involuntary criminals . . . They are pseudo-criminals who cause damage and peril by their lack of foresight, imprudence, negligence or disobedience of regulations rather than through malice, and they represent various degrees of dangerousness." Some of them have a weak sense of moral sensitivity, some lack technical knowledge, some are inattentive, and others are exhausted.¹⁷

Between Ferri and the twenty years older Lombroso there began a deep and lasting friendship marked by mutual respect and profit to both, for while Ferri owed much of his system of ideas to the stimulation of Lombroso, he also became the catalyst who synthesized the latter's concepts with those of the sociologist and had no little influence on Lombroso's thinking.

Ferri stayed but a year in Turin. Pietro Ellero had been appointed a justice of the Supreme Court and before he left his chair at Bologna he expressed the desire that Ferri be appointed as his successor. Ferri thus returned to his Alma Mater as professor of criminal law three years after receiving his degree. In December 1880, before he was twenty-five years old, he held his introductory lecture on the subject of "the new horizons in criminal law and procedure." One present described it as one of those events "that are epoch-making in university annals." The young professor "spoke impassionately for two hours, with growing enthusiasm, irresistibly. Borne upon impetuous waves of eloquence were the daring, magnificent and original ideas dressed in a limpid, imaginative,

exact, and always challenging prose."¹⁸ It was this lecture, which grew into his best known work, the "Criminal Sociology."¹⁹

Ferri was a born and imaginative teacher. He began at Bologna a plan which he continued to follow later in teaching criminal law—he took his students on a tour of penal institutions and mental hospitals, true to his belief that the future system of criminal justice must be administered by people who have a knowledge of the criminal.

In the fall of 1881 he began a study of 699 prisoners in the prisons of Castelfranco Emilia and Pesaro, 301 insane in the mental hospital of Bologna and 711 soldiers in the military barracks of Bologna, the soldiers being a control group so selected that they would belong to the same sections of Italy from which the experimental groups came. The research was based on individual case studies. He assembled as much information about each individual as possible from the institution's records, observed each prisoner discretely in his

¹⁸ Quoted in FRANCHI, *op. cit.*, p. 94.

¹⁹ The first and second editions of 1881 and 1884 carried the title I NUOVI ORIZZONTI DEL DIRITTO E DELLA PROCEDURA PENALE. The third edition, with the title SOCIOLOGIA CRIMINALE was issued in 1892. (He had defined the term criminal sociology in an article published in 1882.) In the preface Ferri observed that the new title was more in harmony with the content of the book and he characterized the opus as "a work of propaganda and an elementary guide for anyone who intends to dedicate himself to the scientific study of offenders and of the means of prevention and social defense against them. Hence the almost superabundant citations and the voluminous bibliography." The fourth edition came in 1900 and he claimed that he had examined all the literature of the previous decade to complete his documentation. The fifth and final edition was published in two volumes in 1929 (vol. I) and 1930, post-humously. Arturo Santoro, who had been assisting Ferri, and who had been asked to complete the footnotes, wrote the preface and saw the work through to publication. It seems clear that in the nearly three decades between the last two editions, Ferri had found less and less time to keep up with the literature, except that of his own country. Of the circa 4700 footnote references in the 5th edition less than 1100 date from this century and 75 percent of these are to Italian sources, compared with 48 percent of the references to works published before 1900. Ferri used to say during his later years that he found nothing written of such importance that it had caused him to change his views.

Translations of this or that edition were published in different countries. A partial translation into English of the third edition appeared in a "Criminology Series", edited by a British clergyman, W. DOUGLAS MORRISON (CRIMINAL SOCIOLOGY, xx, 284 pp., London and New York: Appleton, 1896), who, according to Ferri, omitted the entire first section of the work, because it was too heterodox. The American Institute of Criminal Law and Criminology sponsored a translation of the fourth edition (CRIMINAL SOCIOLOGY, xiii, 577 pp. Boston: Little, Brown, and Co., 1917).

¹⁷ SOCIOLOGIA CRIMINALE, 5th ed. vol. II, pp. 295-6.

cell or in the prison yard, interviewed him and examined him for about half an hour, on the average, one part of the examination being somatic, the other psychological. Out of this research which occupied him intensively for three years, grew his monograph on homicide-suicide and his work on homicide, both of them important.²⁰

And so he finally also "measured the heads of criminals!" A few years later, 1886, he was to write: "Having digested and assimilated some kilograms of criminal statistics and added some anthropological researches, I believed that I had gained an adequate enough concept of reality to be able to undertake the construction of a truly positive legal system. That is what I am now doing with the monograph on homicide, studied both naturalistically and juridically, at which I have been working for three years (because positivistic studies are slower and more difficult than the construction of fantastic syllogisms) and which will be, I hope, an eloquent response, for my part, to the minute criticisms now being directed at us even though the scientific edifice of the new school is unfinished (we have worked at it only seven years) . . . Then I also understood clearly what Lombroso meant by his opinion of my first book and therefore I now understand the psychological state of mind and the intellectual phase in which our critics find themselves, for at that time, I too did not have that scientific attitude, which can only be acquired by the methodical examination of facts."²¹

He had already left Bologna, before the works just mentioned were seen in print. In 1882, he accepted a chair at the University of Siena, where he remained for four years. This was a fruitful period of teaching and study. Papers on "the right to punish as a social function" (in which his concept of legal responsibility took final form); "the positive school of criminal law;" "collective property and the class struggle" and "socialism and

criminality" were written. The book on homicide-suicide was published and a second edition of his "New Horizons." The International Prison Congress, in 1885, and the simultaneous first Congress of Criminal Anthropology gave him an opportunity to present his views on prison reform in an address on the cellular (i.e. Pennsylvanian) system and the labor of prisoners, in which he condemned the cellular system as the greatest mistake of the century.

But, he was soon to leave, for a long time, the calm atmosphere of the university. In the province of Mantua a large group of peasants were being prosecuted for incitement to civil war, the case having grown out of certain troubles between them and their landlords. Ferri was engaged as one of their defense attorneys. His brilliant socio-economic address to the court secured their acquittal.²² Two months later, in May, 1886, Mantua elected him a deputy to the national Parliament, where he was to sit, through eleven re-elections, until 1924, representing various boroughs of the country.

The election was a personal victory, because Ferri carried no party label. His studies had brought him close to socialism, but the brand of naive utopian socialism current in Italy did not appeal to his rational mind. He had at various times pointed out to those who claimed that a socialist society would eliminate crime that crime is an inevitable phenomenon and that every society, whatever its nature, had its own forms of criminality. Where in a feudal society crimes against the person dominated; in a capitalistic society, crimes of theft and fraud prevailed; in a socialist society, new forms would arise. His Mantuan defense speech revealed how far he had progressed toward a consistent Marxism. At least, it revealed it to Ferri himself who, after re-reading it in 1925, said that doing so made him realize "that already then, in 1886, I was a Marxist without knowing it. The speech is, in fact, completely oriented toward historical materialism (which I have called economic determinism) by means of which it can be demonstrated that historical individual and social facts are the direct or indirect product of the underlying and determining economic conditions of the individual and the collectivity."²³

²² "Contadini Mantovani al processo di Venezia imputati di 'eccitamento alla guerra civile'". *DIFESA PENALE*, vol. I, pp. 85-156

²³ *Ibid.*, p. 8.

²⁰ Already cited. The monograph on homicide-suicide appeared first serially in 1883-84 in the *ARCHIVIO DI PSICH. E SCIENZE PENALI* and in book form in later editions in 1884, 1892, and 1925. The monograph on homicide was not published until 1895; the second edition of 1925 omitted all the anthropological and statistical data which occupied 216 pages in the first edition, together with several hundred pages of graphic material. The second edition was entirely devoted to the psychology and psychopathology of the homicide and was frankly addressed to judges, prosecutors and defense attorneys. For a comment on the first edition, see H. ZIMMERN, *Enrico Ferri on Homicide*. *POP. SCI. MO.* 49: 678-84, 828-37, Sept. Oct., 1896.

²¹ *Polemica in difesa della scuola criminale positiva*, *loc. cit.*

And so the Ferris moved to Rome. He had married a Florentine woman in 1884, Camilla Guarnieri, a marriage which proved most successful from all points of view and was to give him two sons and a daughter. In Parliament Ferri attached himself to the radical liberals. He had given up his chair at Siena but continued to teach in Rome as "libero docente," wrote about the positive school and its mission, began to increase his fame as a trial lawyer and started to organize labor co-operatives among the poverty-stricken agricultural workers of Mantua. In 1890, he was—miracle of miracles—called to succeed Francesco Carrara at the University of Pisa, but he was to hold the chair only three years, because Marxian doctrines were becoming known in Italy and he was led, partly by his philosophy of economic determinism and partly by his loyalty to his constituents who were being drawn into the newly organized (1892) Italian Socialist Labor Party, to join the Party in 1893. This act led to the loss of his professorship.

The family now moved to San Domenico, near Fiesole, where he was to live for several years. Life was becoming more and more hectic. Ferri soon discovered the weakness of the Party in Parliament and threw himself into the task of educating the masses. Franchi claims that during twenty years Ferri spent 200 out of 365 nights in a pullman sleeper. He became the people's orator, par excellence, lecturing on some 40 topics of scientific, historical, economic, and sociological character. There was no village in Italy where he had not been at least once; the urbanites heard him more often. In 1896 when the National Socialist Congress decided to start a party newspaper, it was Ferri who went out on a three weeks' lecture tour to collect the necessary 10,000 lire, and later, during a brief period, he edited the "Avanti."

In the Parliament he achieved nation-wide attention on more than one occasion, but especially when he led a filibuster against the government in 1899 and particularly when he campaigned for an investigation of graft in the Navy Department. That experience, 1903-1906, involved him in law suits. He was even sentenced to 11 months in prison in a criminal libel suit brought by the Minister of the Navy, but finally Parliament set

up an investigating commission, which discovered that the charges made by Ferri were true. He was openly praised in Parliament, the sentence against him was dropped and he was called, in 1906,²⁴ to succeed Impallomeni as professor of criminal law at the University of Rome. He had been a candidate for this chair and for professorships at other universities several times during the previous decade, but had always been by-passed because of his political views and the government's preference for more traditional ideas on criminal law, although he had, as already mentioned, been lecturing as "libero docente." He had also given lecture courses at the University of Brussels every other year from 1895 to 1903, and at the School of Advanced Social Studies in Paris in 1889 and 1901, not to mention a lecture tour at Dutch and Flemish Universities.

His campaign for the reform of the criminal law had suffered nothing in the meanwhile. In 1892, Ferri had founded a legal journal, "La Scuola Positiva." This gave the positivists an organ of their own, where they could propagate their ideas. The journal became a worthy opponent to Luigi Lucchini's "Rivista Penale," chief organ of the classicists, and complemented Lombroso's "Archivio." He remained editor, or chief of the editorial board, until his death, though he had many collaborators and associates.

In 1908, Ferri went to South America on a lecture tour, giving 80 lectures in 110 days. The tour was evidently handled by some impressario and the topics were chosen to appeal to a lay public. His success was phenomenal. Two years later he returned there at the invitation of universities when he lectured to professional audiences. He died before he could realize his ambition to lecture in the United States.²⁵

²⁴ In addition to his *Criminal Sociology*, translated into English in 1896 and 1917, a few books and articles by Ferri appeared in the United States. The books were *SOCIALISM AND MODERN SCIENCE (DARWIN—SPENCER—MARKS)*, 213 pp. New York: Intern. Libr. Publ. Co., 1900, and *THE POSITIVE SCHOOL OF CRIMINOLOGY*, 125 pp. Chicago: Charles H. Kerr & Co., 1913. An article of his on *The Delinquent in Art and Literature* appeared in the *ATLANTIC*, vol. 60, pp. 233-40, Aug. 1897, and the following appeared in the *JOURNAL OF CRIMINAL LAW AND CRIMINOLOGY: Present Movement in Criminal Anthropology* (Part 2 of a symposium on CHARLES GORING'S *THE ENGLISH CONVICT*), vol. 5, pp. 224-7, July, 1914; *Nomination of a Commission for the Positivist Reform of the Italian Criminal Code*, vol. 11, pp. 67-76, May, 1920; *Reform of Penal Law in Italy*, vol. 12, pp. 178-98, August, 1921; *A Character Study and Life History of Violet Gibson, who attempted the life of Benito Mussolini*, on the 7th of April, 1926, vol. 19, pp. 11-19, Aug., 1928.

²⁵ It was during this period that portraits of Ferri appeared in American magazines. See *MUNSEY'S* 26: 829, March, 1902; *WORLD TO-DAY* 9: 876, Aug., 1905; *OUTLOOK* 85: 692, May 23, 1907.

His views also became well-known abroad due to his participation in nearly all international congresses of criminal anthropology and in many similar congresses of the International Criminalistic Society (now the International Association of Criminal Law); of the International Prison Congresses he attended only the one in Rome, 1885, and the one in London, 1925.

The positive school placed great emphasis on trained judges and the professionalization of all who dealt with crime or criminals. In 1912 Ferri founded, in Rome, a School for Applied Criminal Law and Procedure (*Scuola di applicazione giuridico-criminale*) which drew many students, even from abroad.

Finally, at the end of the first world war, it seemed that the time of harvest had arrived for the positivists. In 1919, the Minister of Justice, Ludovico Mortara, one of Ferri's schoolmates in the Liceo at Mantua, invited him to take the presidency of a commission that would prepare a project of a criminal code to replace the one of 1889. The Commission was to have a membership drawn from all the various "schools" of thinking on such matters, but in the end, as a result of resignations, it came to represent mostly a positivistic orientation. The resulting Project was presented in 1921 and is the greatest achievement of the positivists, even though it contained some compromises. It was translated into several languages, including English, and was widely distributed.²⁶ John H. Wigmore, to cite but one example, wrote Ferri on April 17, 1921: "I am happy to have received the Italian project. It is a masterpiece, even judging from a cursory examination. What a marvelous reward for your patient, brilliant apostolate, which has permitted you to translate your ideas into a code! I hope that the Parliament will approve this project."

This hope was not fulfilled. Post-war Italy became more and more unsettled. The Fascist revolution succeeded because the government was unable to cope with the country's economic and social problems. Ferri had left the Socialist Party before the war and in 1924 he was to close his parliamentary career by refusing re-election. His attempts to save his Project failed; the need for a new code was to be filled by one drafted by the new government. Ferri was made a member of the commission which, in 1927, presented a project

which was adopted in 1930. In the 5th edition of his *Criminal Sociology*, in connection with a discussion on the need for social reforms that would eliminate poverty and other social evils, he wrote in a footnote: "While in the 4th edition (1900) I alluded hopefully to socialist trends—to which I have given my fervid enthusiasm, especially by the propaganda I have carried on for the moral and social education of the Italian masses—now in the 5th edition (1929) I have to note with regard to Italy that since the influence of the Socialist Party disappeared after the war, because it neither knew how to make a revolution nor wanted to assume the responsibility of power, the task of the social prevention of criminality was assumed and has begun to be realized by the Fascist government, which both in the Rocco Project of a Penal Code and in many special statutes has accepted and is putting into effect some of the principles and the most characteristic practical proposals of the positive school."²⁷ In theory, he objected to many concepts in the Rocco project, which carried the stamp of the middle of the road school of thinking of the neo-classicists, but as a practical man he viewed it as a step in the right direction and as a partial victory for his idea. As for Fascism, he saw something of value in it, so far as criminal justice was concerned, because it represented to him a systematic re-affirmation of the authority of the State against the excesses of individualism, which he had always criticized.

His last years were devoted chiefly to the work which was to contain the entire legal formulation of positivistic thought in the field of criminal law. He had for nearly fifty years taught this subject and out of this teaching grew his "Principles of Criminal Law," which he sent to the printer the summer before he died. He was also working on the final revision of his *Criminal Sociology* and had just completed it at his death. A month before that event he had been nominated Senator, but his confirmation never took place.

An activity as varied and rich as Ferri's could be exercised only by a man whose life was well organized. He reserved his mornings from seven to half past twelve for his authorship—the preparation of books, articles, briefs, etc. In the afternoon he read professional literature, made notes for

²⁶ *Relazione sul Progetto preliminare di Codice Penale Italiano* (Libro I), LA SCUOLA POSITIVA, N.S. I, pp. 1-130, 1921. The project itself follows on pp. 131-156.

²⁷ *SOCIOLOGIA CRIMINALE*, vol. 1, pp. 11-12. See also his *Fascismo e Scuola Positiva nella difesa sociale contro la criminalità*. LA SCUOLA POSITIVA, n.s. 6: 241-74, 1926.

future use, and took care of his correspondence. He never worked after eight in the evening and went to bed after his evening meal. He was abstemious, never smoked, believed in physical exercise and manual labor, which he took some opportunity to engage in during his vacations. In the summer he usually took his family to different parts of Italy so that his children would become acquainted with them. During these periods he rested from all work as much as possible. In August and September he travelled to international congresses. He was no theater or concert goer; it interfered with his sleep.

As he became more and more famous as a lawyer, he learned more and more about the practice of advocacy. The lengthy prefaces to the editions of his "Difese penali," a veritable case book for the aspiring trial lawyer, are a manual on the art of the advocate, not only how to prepare and develop an oration but on the personal hygiene of the orator.

Ferri's system of ideas has been, at least partially, evoked in the preceding pages. A remarkable fact is that his basic philosophy of criminal justice and most of his fundamental concepts had been formulated and stated in various publications by the time he was 26 years old. Looking backward, he was able to say, in the preface to his collected essays in 1901, that he was fortunate in that his "early theoretical and practical conclusions were firm, for while their integration has inevitably evolved and been completed and corrected in some details, they have remained basically unchanged."

Ferri was essentially a legal reformer. His solid contributions to the study of the etiology of criminal conduct were incidental means for achieving a greater understanding of the course which the reformation of criminal justice should take. A broad vein of practicality ran through all his work; a desire to achieve a demonstrably effective criminal justice, which would afford maximum protection or defense of society against the criminal.

The "positive school" of which Ferri was the chief architect stood in clear opposition to traditional, "classical" criminal jurisprudence. Historically, the principal reason for the rise of a positivistic view of criminal justice was the necessity . . . to put a stop to the exaggerated individualism in favor of the criminal in order to obtain a greater respect for the rights of honest

people who constitute the great majority.²⁸ Practically, "the positive school consists of the following: study first the natural origin of crime and then its social and legal consequences in order to provide, by social and legal means, the various remedies which will have the greatest effect on the various causes that produce it. This is our assumption, this the innovation we have made, not so much in our particular conclusions as in our research method."²⁹ Ferri repeatedly contrasted this mode of thinking with that of the "classical school." In 1886, he said, in a polemic against the critics of that persuasion, who were attacking the new movement, "Very well, what can we positivists do against such critics? Frankly speaking, nothing. We speak two different languages. For us, the experimental [i.e. inductive] method is the key to all knowledge; to them everything derives from logical deductions and traditional opinion. For them, facts should give place to syllogisms; for us the fact governs and no reasoning can occur without starting with facts, for them science needs only paper, pen and ink and the rest comes from a brain stuffed with more or less abundant reading of books made with the same ingredients. For us science requires spending a long time in examining facts one by one, evaluating them, reducing them to a common denominator, extracting the central idea from them. For them a syllogism or an anecdote suffices to demolish a myriad of facts gathered through years of observation and analysis; for us the reverse is true."³⁰

The positive school cultivated a "science of criminality and of social defense against it." As Ferri conceived it, this discipline consisted (a) of the scientific study of the crime as an individual fact (somato-psychological condition of the offender) by anthropology, psychology and criminal psychopathology; and (b) as a social fact (physical and social environmental conditions) by criminal statistics, monographic studies and comparative ethnographic studies—for the purpose of systematizing social defense measures (a) of a preventive nature, either indirect or remote (through "penal substitutes") or direct or proximate (by the police); or (b) of a repressive nature through criminal law and procedure, techniques of prison treatment, and after-care. This science

²⁸ Preface to the Spanish edition of the *New Horizons* . . . , reprinted in *STUDI SULLA CRIMINALITÀ ED ALTRI SAGGI*, pp. 320-33; p. 324.

²⁹ *Ibid.*, p. 323.

³⁰ *Polemica in difesa della scuola criminale positiva*, *op. cit.*, p. 244.