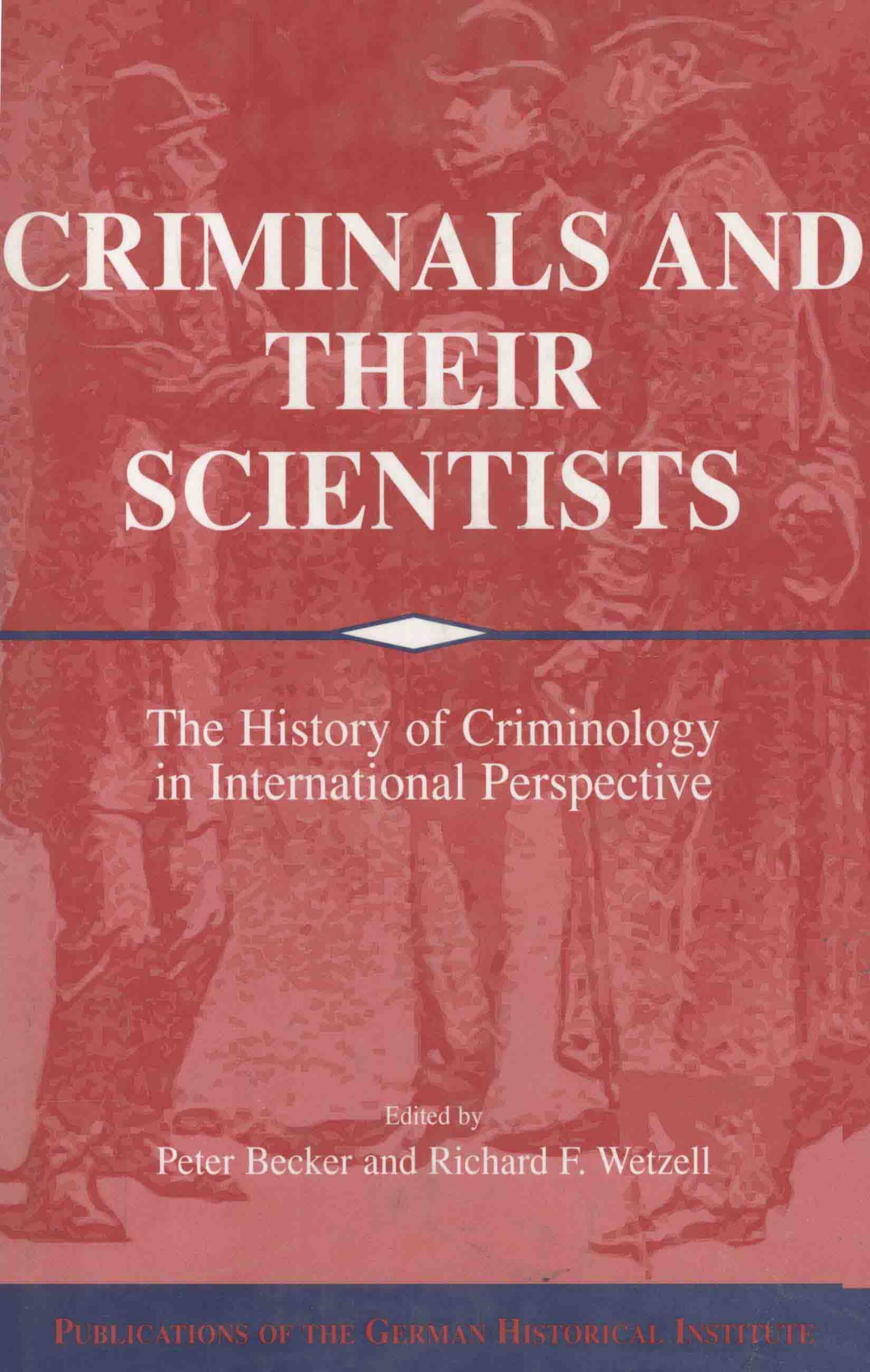

CRIMINALS AND THEIR SCIENTISTS

The History of Criminology in International Perspective

Edited by

Peter Becker and Richard F. Wetzell

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Criminals and Their Scientists

THE HISTORY OF CRIMINOLOGY IN INTERNATIONAL PERSPECTIVE

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Criminals and Their Scientists

THE HISTORY OF CRIMINOLOGY IN INTERNATIONAL PERSPECTIVE

This book presents recent research on the history of criminology from the late eighteenth to the mid-twentieth centuries in Western Europe (Austria, Britain, France, Germany, Italy) and in Argentina, Australia, Japan, and the United States. Approaching the history of criminology as a history of science and practice, the chapters examine the discourse on crime and criminals that surfaced as part of different discourses and practices, including the activities of the police and the courts, parliamentary debates, and media reports, as well as the writings of moral statisticians, jurists, and medical doctors. By providing a comparative study of the worldwide reception of Cesare Lombroso's criminal-anthropological ideas, the book seeks to elucidate the relationship between criminological discourse and politics, society, and culture.

Peter Becker is Professor of Central European History at the European University Institute. His previous books include *Verderbnis und Entartung: Eine Geschichte der Kriminologie des 19. Jahrhunderts als Diskurs und Praxis* (2002).

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Preface

This book grew out of an international conference on the history of criminology, organized by the two editors, that took place in Florence, Italy, in October 1998. The conference was sponsored by the German Historical Institute, Washington, D.C., and the European University Institute, Florence. The editors wish to thank both institutions for their financial and organizational support, without which the conference and this book would not have been possible. We also want to thank all of the conference's participants, who made the Florence meeting a memorable and productive experience of intellectual exchange across the usual national and disciplinary boundaries. The present volume owes much to comments and suggestions made by conference participants who are not represented as authors in this book. We would also like to thank Daniel Mattern, formerly senior editor at the GHI, who shepherded the manuscript through its initial editorial stages, and Frank Smith, our editor at Cambridge University Press. Keith Alexander and David Lazar at the GHI provided invaluable help in the final stages of preparing the text for publication.

Florence and Washington, D.C.

Peter Becker
Richard F. Wetzell

Criminals and Their Scientists

THE HISTORY OF CRIMINOLOGY IN INTERNATIONAL PERSPECTIVE

Contents

Introduction

PETER BECKER AND RICHARD F. WETZELL

The chapters gathered in this book under the title *Criminals and Their Scientists* seek to contribute to a history of criminology as discourse and practice. They do not follow established models of genealogical reconstructions of criminology as a set of ideas.[1] Although famous representatives of the canon of criminological theories, such as Cesare Lombroso, figure prominently in many of the chapters, such icons of "scientific progress" in the study of crime are discussed not as isolated thinkers, but as participants in a polyphonic discourse with close ties to penal institutions. To avoid the danger of replacing a genealogical with an exclusively social historical perspective, the chapters herein approach criminology as a discursive practice. To be sure, the institutional settings that provided the stage for different criminological actors play an important role in our stories. But professionalization and the institutionalization of criminology as a recognized scientific field and later as an academic discipline cannot fully account for the continuities and ruptures in the history of the study of crime and criminals. Nor can the discursive and institutional strategies of criminologists be explained by a conceptual framework that focuses on divergent class interests.[2]

In an attempt to move beyond ideological and sociological analyses of the development of criminology, we have integrated a genealogical approach with a more comprehensive study of criminology as science and practice. Although a genealogical approach can be useful for understanding

1 See Hermann Mannheim, ed., *Pioneers in Criminology*, 2d ed. (Montclair, N.J., 1972); Piers Beirne, ed., *The Origins and Growth of Criminology: Essays on Intellectual History, 1760–1945* (Aldershot, 1994); Paul Rock, ed., *History of Criminology* (Aldershot, 1994).

2 For an excellent discussion of Marxist approaches to the history of criminal justice and criminology, see David Garland, "Punishment as Ideology and Class Control: Variations on Marxist Themes," in *Punishment and Modern Society: A Study in Social Theory* (Chicago, 1990), 111–30; compare also Garland's earlier book *Punishment and Welfare: A History of Penal Strategies* (Aldershot, 1985).

the contributions that eighteenth- and nineteenth-century physicians made to the biological theories of Lombroso and some of his critics, it fails to integrate other varieties of criminological discourse. For the criminological writings of police officials, Victorian judges, or experts in juvenile delinquency, for instance, have a much more complicated relationship to the biological and sociological theories of crime that dominated at the end of the nineteenth century. An alternative conceptual framework was also needed in order to integrate the reconstruction of the discourse into its institutional and political contexts. While the authors of the chapters have used a variety of theoretical and methodological approaches, Michel Foucault's concept of "discursive practice" proved useful for organizing and conceptualizing the volume as a whole.[3] Before providing an overview of the four sections of this book, we shall briefly sketch some general thoughts about a history of criminology as discursive practice.

CRIMINALS AND SCIENTISTS

The title *Criminals and Their Scientists* is meant to provide a framework for discussing a wide variety of discourses and practices in a field that Laurent Mucchielli has aptly called "sciences of crime" (*sciences du crime*) and which would be classified as "criminology" today.[4] The word "criminal" in the title reflects the fact that a considerable part of this discursive field could actually be characterized as "sciences of the criminal" rather than "sciences of crime." For even though nineteenth-century "moral statisticians" and later proponents of "criminal sociology" focused on crime rather than criminals, most nineteenth-century physicians, phrenologists, philanthropists, police experts, and penologists attempted to understand and explain the problem of crime by investigating the mind, lifeworlds, and physical constitution of *criminals*. A focus on the criminal rather than crime thus provides a unifying element of the criminological discourse that makes the binary relationship between criminals and their scientists a plausible starting point for a fresh look at the history of criminology.

The definition of the "criminal" in the criminological discourse was often imprecise. Criminals were frequently represented as "others" whose otherness distinguished them from respectable citizens and made them prone to engage in criminal acts. Many criminological "scientists" categorized as "criminals" not only persons who had committed a crime but anyone who

3 Michel Foucault, *The Archaeology of Knowledge*, trans. A. M. Sheridan Smith (New York, 1972), 179ff.
4 Laurent Mucchielli, ed., *Histoire de la criminologie française* (Paris, 1994), 1.

displayed characteristics that were thought to indicate a criminal propensity according to their semiotics of deviance. We are thus forced to use a very broad definition of "criminals," ranging from bourgeois youths who frequented brothels to highwaymen and murderers.

Although, from today's vantage point, the "otherness" of criminals was only elusively defined, contemporary commentators firmly believed in the clarity and visibility of their categories. They were convinced that a subject's failure to comply with the norms for respectable behavior and personality development could be detected through trained observation. Nevertheless, one sometimes also finds an awareness that their project of rendering not only criminal acts but criminal propensities visible and detectable had not been realized. This failure was not only due to the problem of unreported crime, but also to the difficulties of developing a semiotics that would allow for the detection of people who were considered to be in the process of turning to crime.

The diversity of the participants in the criminological discourse and of the sites where knowledge about criminals was produced also calls for some comment about the usage of the term "scientist" in the title of this book. Although religiously inspired philanthropists who visited houses of correction, for instance, do not fit received notions of scientists, the term scientist is, for our present purposes, meant to apply to every active participant in the discourse on crime and criminals. For all participants in this discourse understood themselves as "scientists" insofar as they claimed to have at their disposal a trained and experienced gaze at deviant *others*. The distance they maintained vis-à-vis the subjects of their inquiries endowed them with an institutionally sanctioned authority that characterized both their daily routines and their reflections on the nature of crime.

Criminologists legitimated their authority through the superiority of their skills of observation and analysis over commonsense approaches to the crime problem. In the introduction to his classic *On Criminal Man*, Cesare Lombroso expressed exactly this claim when he emphasized that mass observations were impossible in his field of research. Valid observations could only be made by "competent men."[5] Similarly, Hans Gross, the Austrian author of an influential handbook for judges, advised his fellow magistrates to systematically replace their commonsense understanding of as many different aspects of life as possible with an experienced gaze. From the moment when someone took up judicial office, Gross argued, all his thoughts and activities,

5 Cesare Lombroso, *Der Verbrecher (homo delinquens) in anthropologischer, ärztlicher und juristischer Beziehung*, trans. M. Fränkel, 2 vols. (Hamburg, 1887–90), xix.

whether private or official, had to be subjected to the single criterion of their value for his work.[6] Thus the common attribute of the criminological "scientists" was their widely accepted role as expert-observers, which entitled them to speak with authority about criminals in general and individual offenders in particular.

Criminological research was characterized by a close link between discourse and institutional practice. To fully understand the dynamics of the criminological discourse, one therefore has to pay attention to both its theoretical and its practical side and to abandon the traditional differentiation between the production of knowledge in scholarly institutions and its reception in institutions of prevention and repression. Michel Foucault provided a useful conceptual framework for such an analysis in his *Archaeology of Knowledge*. Critical of teleological approaches that anachronistically applied concepts such as "science" or "discipline" to fields of knowledge that did not fulfill the criteria for either, Foucault developed the concept of "discursive formations" (or "positivities") in which common rules, a specific gaze, and a consensus about the phenomena to be studied brought together actors from different backgrounds.[7] This concept of a "discursive formation," rather than a discipline, can be fruitfully applied to an analysis of criminology as discourse and practice. For unlike modern disciplines, "criminological" knowledge from the late eighteenth century onward surfaced on a variety of different sites: in medical treatises, in literary works with psychological interest, in publications from practitioners, in reports from prison and police experts, as well as in laws and decrees.

Although this volume cannot trace all the interdependent manifestations of criminological knowledge, we have tried to cover the most important sites of this discourse. These include the police, the reformatory, and the penitentiary as well as medical and psychiatric institutions. The emphasis we have placed on particular institutions shifts with their changing importance for the production of criminological knowledge. Thus, toward the end of the nineteenth century, the police and its collection of biographical data became less relevant for the reconstruction of the criminological discourse than academic research and criminal-biological documentation centers.

CRIMINOLOGY AS DISCURSIVE PRACTICE

Approaching criminology as a discursive practice rather than a discipline, this volume searches neither for the "birth" of criminology nor for the

6 Hans Gross, *Handbuch für Untersuchungsrichter*, 6th ed., pt. 1 (Munich, 1913), 50.
7 Foucault, *Archaeology*, 31–9, 125, 178–81.

genealogy of current criminological thought. Nor is it our intention to evaluate the more or less "scientific" character of the various contributions to criminological discourse. The ethnographic approach of police practitioners and Franz Joseph Gall's phrenological theories receive the same attention as criminal statistics and forensic psychiatry, even though the latter have attracted more scholarly treatment as possible forerunners of modern criminology as a scholarly discipline.[8] Drawing on Foucault's archaeological approach to the history of knowledge, we will present some common features that characterized the criminological discourse from the late eighteenth to the mid-twentieth centuries. These features provided a common framework for a range of different types of criminological arguments, including Gall's phrenological theories, Friedrich Avé-Lallemant's reconstruction of criminal lifeworlds, Cesare Lombroso's theory of atavism, and criminal biology in the Weimar Republic and the Third Reich.

At the core of this highly polyphonic discourse about crime and criminals was a binary relationship in which criminals were confronted by their "scientists" within a system of power and knowledge. The knowledge part of this relationship was determined by the claims of scientists to possess the theoretical and empirical knowledge for analyzing crime in general and individual criminals in particular. The power aspect of the criminal–scientist relationship was structured by institutional practices, in which the scientist, as a practitioner and/or scholar, was engaged in studying, classifying, and disciplining criminals as members of a "class apart." Their official or social authority kept the scientists at a distance from the objects of their intellectual endeavors, and the interaction of criminals and scientists was always hierarchically structured. Nevertheless, because the scientists needed a measure of collaboration of criminals to reconstruct the hidden factors that they believed led men and women astray, criminals retained a measure of independence or *Eigen-Sinn* (Lüdtke).[9]

The criminal–scientist dyad already implies the second common element in the discourse of criminology: the focus on the person of the criminal, rather than the criminal act. This focus on the criminal characterized criminological discourse earlier than is often supposed. Some historical accounts have conflated nineteenth-century criminology with the legal discourse on penal reform and therefore concluded that pre-Lombrosian criminology focused on the crime rather than the criminal.[10] But if the arguments of

8 See, for example, Piers Beirne, *Inventing Criminology: Essays on the Rise of "Homo Criminalis"* (Albany, N.Y., 1993), and Beirne, ed., *Origins and Growth of Criminology*.

9 Alf Lüdtke, *Eigen-Sinn: Fabrikalltag, Arbeitererfahrungen und Politik vom Kaiserreich bis in den Faschismus* (Hamburg, 1993), 9.

10 See, for instance, Monika Frommel, *Präventionsmodelle in der deutschen Strafzweck-Diskussion* (Berlin, 1987).