

The Criminal Body

Lombroso and the Anatomy of
Deviance

David G. Horn



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For Simon and Graham

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Bodies of Evidence

“The scandalous notion . . . of *dangerousness* means the individual must be considered by society at the level of his virtualities, and not at the level of his acts.”

—Michel Foucault, “La vérité et les formes juridiques” (1973)

I. Introduction: Deviant Science

This volume traces, following a variety of genealogical threads, the history of our turning to the criminal body, and of the very idea that bodies can testify (or be made to testify) to legal and scientific truths. The book is focused on nineteenth-century Italy, the site of emergence of a family of discourses and techniques intended to qualify and quantify the bodies of dangerous persons: criminal anthropology, legal psychiatry, and forensic medicine. In each field, though with some important differences, the body was made an index of the interior states and dispositions of suspected individuals, a sign of the evolutionary status of groups, and a more or less reliable indicator of present and future risks to society. Bodies were measured, manipulated, shocked, sketched, photographed, and displayed in order that judges, penologists, educators, and social planners might be guided in the identification and treatment of individuals, and in the development of appropriate measures of social prophylaxis.

This book participates, a full century later, in a renewal of interest in the body-as-evidence, but seeks to problematize this fascination (in the academy, in the laboratory, and in courts of law) by writing its history. Neither a comprehensive account of Italian social sciences, nor a biographical study of their founders, it is organized around particular kinds of *worrying over*, *interrogation of*, and *faith in* the body. It aims, in this way, to make provisional sense of our continued efforts to generate truths from the surfaces and depths of bodies. At the same time, this

book is intended as a contribution to historical and cultural studies of science. It works to situate sciences of deviance (and the practices and technologies these engendered) in particular historical and cultural contexts, and to read sciences now marked as illegitimate or pseudo-scientific in relation to those that have become canonical (evolutionary biology, physiology, biological anthropology, ethnography.) Only such a blurring or transgressing of comfortable boundaries makes it possible, for example, to locate criminal anthropology in relation to the emergence of new reading practices (penile plethysmography, facial thermography, PET scans, the “decoding” of the human genome) that seek to make human difference and dangerousness legible.

With rare exceptions, Italian criminal sciences have not figured in the origin stories anthropologists—even Italian anthropologists—have told about themselves.¹ This is not because the anthropology of the criminal body was, during the last half of the nineteenth century, on the margins of the “science of man.” Indeed, the newly formed discursive field of general anthropology (one could not yet call it a discipline) did not have a well-defined core and periphery, but rather multiple centers for the production of knowledge about human identity and difference. Much of the publication of “anthropological” research went on in the acts and proceedings of local and regional scientific and medical societies. At the same time, anthropology aspired to be a totalizing science, and when the first Italian journal in the field began publication in Florence in 1871,² it was host to articles on folklore, archaeology, ethnology, philology, evolutionary biology, and criminology. If some of the authors of these articles no longer count as ancestors, it is because the discipline has, in Italy as elsewhere, fragmented over the last hundred years, and in the process has sought to distance itself from elements of its past.³

Criminal anthropology has not fared much better in the discipline of history of science, which has not found it worthy even of the attention given to alchemy, astrology, or phrenology. Instead, criminal anthropology has been limited to a supporting role in a cautionary tale about deviant or spurious science; it has been invoked either to make visible the differences between impure and pure ways of knowing, or else to reassure us of the ability of real science to police its borders or to straighten the path to truth. The most familiar account to English

readers is no doubt Stephen Jay Gould's treatment in *The Mismeasure of Man*. Although Gould is at pains not "to contrast evil determinists who stray from the path of scientific objectivity with enlightened antideterminists who approach data with an open mind and therefore see truth," he is unable to resist taking a mocking distance from the work of the criminal anthropologists, labeling the discipline as "pseudoscience" and its arguments as "scientifically vacuous."⁴ For others, the statistical criticism of Charles Goring (1870–1919) is seen to have struck a final, mortal blow to the scientific pretensions of criminal anthropology.⁵

Finally, within social history, the work of Italian anthropologists has been positioned as fundamentally at odds with ethnographic and sociological approaches to crime and other social phenomena, particularly as these developed in France. This binary was first established in debates between the "Italian" and "French" schools of criminology at the end of the nineteenth century—largely at a series of international conferences—but has been reinforced by the historiography of the 1970s and 1980s.⁶ In the most whiggish tellings, the crude and reductive Italian anthropologists, obsessively and excessively focused on the deviant bodies of criminals, are roundly (and forever) defeated by the more subtle French sociologists, attentive to milieu and environment.⁷

Although comparisons between Italian and French criminologies have been productive, more recent historical work—occasioned perhaps by an erosion of our confidence that "nurture" did, in fact, triumph over "nature"—has revealed a variety of problems with this familiar and comforting story.⁸ First, the binary opposition of the French and the Italians has worked to obscure differences and debates *within* both "schools," which were never as coherent as the term implies (in Italy anthropologists fought not only with classical jurists, as we will see below, but also with other scientists for the right to speak authoritatively about the bodies of criminals). To be sure, these labels had *rhetorical* force at the end of the nineteenth century. For the Italians, to affirm the existence of an "Italian school" (a name that was, for its self-proclaimed members, synonymous with the "scientific school," the "positive school," the "modern school," and the "new school") was to aspire for international recognition at a historical moment when

the marginalization of the Italian sciences was acutely felt.⁹ For the French, meanwhile, to set oneself against the “Italian school” was to link the fate of a broad range of heterogeneous claims made by Italian human scientists to the reputation of one man (Lombroso) and one theoretical construct (the born criminal).

The accounts of social historians have likewise tended to minimize or obscure assumptions and approaches *shared* by the French and the Italians, at a time when there was in fact considerable porosity of both disciplinary and national boundaries.¹⁰ We have thus lost sight both of the French (and British and German) attention to the body of the criminal, as well as the sociological imagination at work in Italian anthropologies of criminals: the notions of social defense, the role of doctors and hygienists in surveys of health in urban areas, and the ethnographic work undertaken by criminal anthropologists in Italy and other parts of the world.¹¹

Finally, the comparison has, in foregrounding tensions at the level of *theory*, downplayed the significance of criminological *practices*—experiments, instruments, techniques of collection and display, measures of prevention and social defense—that circulated throughout and beyond Europe.

II. Texts and Bodies

Although this book is focused on the books and journals of Cesare Lombroso (1835–1909), it does not purport to offer an intellectual biography. Instead, Lombroso stands in, sometimes awkwardly, for a whole discursive or epistemic formation.¹² The various editions of *L'uomo delinquente* [Criminal Man] and the journal *Archivio di psichiatria, antropologia criminale e scienze penali* [Archive of Psychiatry, Criminal Anthropology, and Penal Sciences]¹³ were, much like the bodies of criminals, dense transfer points and generative sites of intersection. If anyone ever doubted the messiness of science-in-the-making,¹⁴ the bulky, unwieldy, editions of *L'uomo delinquente* are proof enough. On one hand, they appear to have grown by simple accretion rather than by incorporation; as we follow the expansion of this foundational text from one volume of 225 pages in 1876 to four volumes totaling almost 2,000 pages in 1896–1897, it is striking to see how little Lombroso

revises.¹⁵ The result is a heterogeneous text, full of contradictions, inconsistencies, and errors. The work is at once organized by an ambition to build a totalizing science of criminal man, animated by an insatiable hunger to know (to measure, to collect, to probe, to categorize) and held together by the naive hope that knowledge is additive or cumulative.

Lombroso's books are noteworthy less for their defensive armatures than for the porosity of their boundaries.¹⁶ The texts, and along with them the pages of the journals and the proceedings of international conferences, are therefore wonderful places to explore the traffic in measurements, photographs and drawings, graphs and tables, arguments, and statements produced in the libraries and laboratories of scholars as diverse as Charles Darwin, Francis Galton, Camillo Golgi, Angelo Mosso, Bernard Perez, Giuseppe Pitrè, Moritz Schiff, Rudolf Virchow, Richard von Krafft-Ebing, Emil DuBois-Reymond, and Carl Ludwig. At the same time, Lombroso's own productions (data, photos, theories) travel outward to reappear in a wide range of texts in a variety of disciplines, in and beyond Western Europe. The point is not that all of these authors were allies of Lombroso or aligned with his theories. Instead, they may have shared with him nothing more than a fascination with the diagnostic or therapeutic possibilities of electricity, a faith in the reliable working of certain graphical recording devices or in the power of statistics to uncover social facts, or a commitment to the experimental method in physiology. They may have been linked to Lombroso by nothing other than an international trade in scientific instruments, handwriting samples, or parts of skeletons.

At times, it must appear that nothing held together the assembled materials but the covers of the volumes themselves. But, as Latour reminds us, and as we will have occasion to see, a considerable amount of work (and not only rhetorical) was involved in trying to make these texts cohere, to hold everything together under the umbrella of a new discipline, and to have it all count as science.¹⁷ The work involved not only building networks among persons, laboratories, instruments, and bodies that could result in durable facts; it was also about resisting the efforts of others to sever these links, and in particular to remove from the network (from the physiology laboratory, from the anthropology journal) the criminal body. That work becomes visible if we

read horizontally—out from the *Archivio* and *L'uomo delinquente* to other texts with which it is in some unstable communication—rather than vertically. Our concern will not be to establish priorities or to trace the chronological development of the discipline, but precisely to make visible the (often chaotic) circulation and (often unstable) linking together of knowledges, practices, and bodies.

Finally, we must remember that the bodies of criminals and of “honest” persons were not passive, not simply sites for the intersection of scientific discourses and practices. On one hand, although the criminal body may have been constituted as a text to be read, it was frequently imagined to resist the exegesis of both lay and professional readers, or to be only partially legible. On the other hand, especially in physiological research, the body was assumed to be actively involved in the production of anthropological knowledge; in particular, it was imagined to testify against itself. Indeed, much of the anthropologists’ interest was in the ways the body might *give itself away*—by writing, by gestures, by movements—if the scientist only knew how to prompt it, or to get out of its way (Figure 1.1). We may be joined with the past by a certain kind of anxious faith in the body—in its potential to signal social dangers, and in its habit of testifying or confessing.

III. From Crimes to Criminals

Italian criminal anthropology positioned itself as a modern, scientific discourse and practice, with links not only to evolutionary theory, but also (and perhaps more important) to the emergence of the science of statistics, which had enabled both the “discovery” of social facts and the identification of populations as appropriate objects of scientific knowledge and government.¹⁸ The production of “the criminal”—and, more specifically, the criminal body—as objects of knowledge in late-nineteenth-century human sciences was dependent on technologies of counting and calculation that had worked to reconfigure crime as a social and scientific problem: a patterned and predictable consequence of social life, rather than the sum total of individual acts threatening the sovereignty of law or the king. Just as “the knowledge of the calculus of the probability of human life” had given rise to societies of life insurance, Lombroso observed, “the knowledge of the perpetual



1. P. C., brigante della Basilicata, detenuto a Pesaro.



2. Ladro piemontese.



3. Incendiario cinedo di Pesaro, soprannominato *la donna*.



4. Misdea.

TIPI DI DELINQUENTI ITALIANI.

Fig. 1.1 Types of Italian Criminals.

succession, in given epochs, of homicides, thefts, suicides, etc.” had begun to modify profoundly the “semi-barbarous” ideas of “juridical experts.”¹⁹ Crime had, in effect, become a “risk” that human scientists proposed to manage through knowledge of statistical laws and a new attention to the bodies typical of criminals.

Criminal anthropology’s reliance on practices of quantification was, for Lombroso, one sign of the science’s modernity. For some historians, he noted, the progress of modern civilization could be traced to the discovery and mastery of marvelous machines that had reduced temporal or spatial distances. For other, “more myopic,” commentators, progress consisted of the triumph of certain principles: freedom of thought, nationalism, or universal suffrage. For Lombroso, what truly distinguished the modern era from all that had come before was the triumph of “the number” over the “vague opinions, prejudices, and vain theories” that had circulated from the folk to the learned community and back again. Among these was the conviction—shared by the masses and the greatest physiologists and psychologists—that there was an “immeasurable abyss” between the world of “life and intelligence” and the world of “brute materiality.” But numbers, he observed in a volume on weather and mental illness, had been able to bridge the abyss, entering “with their marvelous power” even into the “mysterious world of life and the intellect.”²⁰

In a preface to his 1869 translation of the physiologist Jacob Moleschott’s (1822–1893) volume on the “circulation of life,” Lombroso celebrated the penetration of a quantifying materialism into even the moral sciences:

Moral statistics, now rather aptly named social physics, demonstrated the succession, at determined days and months and hours, of marriages, births, deaths, suicides, murders—acts that many believed depended on the free will of man or on providential will; they revealed that there is in their unfolding a natural necessity, a complete regularity like the movement of the stars and the seasons and, in fact, dependent to a great extent on these.²¹

Numbers had shown crime to be “an unfortunate natural production, a form of disease, which demanded treatment and isolation rather than penalty and vendetta.” Although it might have threatened human

vanity to discover that the weather, for example, played a role in crime, genius, or madness, this knowledge offered, for the first time, a means “to prevent and treat” crime.²²

For Lombroso, the second mark of the modernity of criminal anthropology was a new focus on the criminal imagined as a sick or monstrous person. Indeed the “positive school” of criminology sought to distinguish itself from its predecessor and rival, the “classical school,” by this shift of objects: from the crime to the criminal and his or her environment.²³ The classical school, which most commentators traced back to the work of Cesare Beccaria (1738–1794), had operated at the intersection of legal code, criminal act, and penalty.²⁴ The juridical and moral problem at the center of Beccaria’s liberal penal reform was to establish just (that is, uniform and nonarbitrary) punishments for specified offenses. As Lombroso’s daughter and collaborator Gina Lombroso-Ferrero (1872–1944) put it, the classical school “aimed only at establishing sound judgments and fixed laws to guide capricious and often undiscerning judges in the application of penalties.” All criminals were presumed to be “endowed with intelligence and feelings like normal individuals,” and were imagined to “commit misdeeds consciously, being prompted thereto by their unrestrained desire for evil.”²⁵ What varied instead was the gravity of the offense, and this in turn regulated the severity of sentences. If the personality of the criminal was left “in the background,” this was because classical jurisprudence was concerned only with establishing the fact of a crime, the legal identity of the individual to be punished, and in unusual cases, with establishing his or her degree of legal responsibility—that is, his or her *capacity* freely to will the commission of the offense. This capacity could be diminished, for example, by being insane, drunk, a minor, or a deaf-mute.²⁶

The new anthropological school centered instead on the two main poles of society (imagined as an object of prophylaxis and defense) and the criminal (imagined as a dangerous individual).²⁷ On the one hand, the positivists expressed a new concern with statistical regularities (including, as we will see in the next chapter, regular regional differences). Lawyer and positive sociologist Enrico Ferri (1856–1929) complained that the classical school had not been able to explain why there were 3,000 murders every year in Italy, and not 300 or 300,000: “No one, from Beccaria to [Francesco] Carrara, has ever thought of this problem,