

Criminology

*Compliments of
F. Ward Denys*

**"LOMBROSO'S THEORY OF
CRIME."**

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BY THE
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THE AUTHOR.

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"LOMBROSO'S THEORY OF CRIME."

In approaching this subject it soon became evident to me, as it will to you before I have finished, that none but a specialist could treat it adequately, and if this contribution is of any value at all, it is because it is an attempt on the part of an amateur to strip the subject of technical terms, as far as this is possible, and present an outline in familiar language.

Nor am I unaware that an alienist might remind me of my inability to break loose from the shackles of theological prejudice and prepossession, and present, or see, the subject from the alienist's point of view, I have therefore tried to be strictly impartial, or as impartial as one can be whose mission is to teach the truth as it is conceived and understood by the church of which he is a member. It is possible, however, that I may seem to you, my brethren, to err on the other side, and to be more in sympathy with the alienist than the theologian, although I hope to acquit myself of even this before I have done.

The title "Lombroso's Theory of Crime" was given me. You will note its limitations. It concerns the theory of an individual criminologist within the larger realm of sociology.

Yet narrow as these limits are, this paper will be narrower still, for it must necessarily be confined to a cursory glance at a subject that lies at the very base of the social fabric, and deals with conditions and problems that seriously menace the health, the happiness, and the very permanence of society itself.

Of the gravity of these considerations there is but the barest conception outside the circle of specialists devoted to them, and even here, while all recognize the appalling

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facts, there is not, as yet, an entire harmony as to theories regarding them.

But among the various authorities none rank higher than Lombroso, and the painstaking and thoroughly scientific character of his methods of investigation commend them, even where the—his—theories are not fully accepted.

The subject is, however, one, that, not only you and I, but all who are interested in the reclamation and salvation of the race, are bound by the most sacred obligations to face and to face fearlessly. How true this is becomes evident when we bear in mind, that crime has increased in this land of ours, with all its boasted institutions, out of all proportion to the increase in population; having risen from one criminal to 3442 normal men in 1850 to one in every 757 in 1890.*

It needs no unusual prescience to predict the outcome if this ratio continues.

So much then for its gravity and its concern to us as teachers of a better way.

Suffice it to say, without further gloomy forebodings, that either new instrumentalities must be brought to bear, or those we have must be used more effectively than hitherto.

But let us now consider: First, Lombroso's theory; second, its bearing upon penology, and thirdly, its relation to theology.

What then is Lombroso's theory?

This question will, I regret to say, be very imperfectly answered, for after writing to a number of alienists and criminal authorities, and passing many days in the various libraries,† I have found very little that has been translated

* See Gen. Brinkehoff's address.

† A number of specialists were communicated with and some 20,000 pages read.

into either English or French, as well as few of Lombroso's works in the original. However, his views are probably best embodied in his book entitled "l'Uomo Delinquente"—"Criminal Man"—(indeed he virtually admits this in a recent letter to me) for here the evidence of his wide and painstaking investigations, and his calm and scientific spirit is marshalled in a host of data, drawn from various nationalities and conditions of life.

That he has striven to penetrate deeply into the mystery is made clear in his searching analysis; for in the very beginning he treats of what he terms the embryology of crime.

Here he finds an analogy in the vegetable world, and mentions certain plants that trap, kill and eat insects.

He then calls attention to the cunning, deceit, thievery, and murder among animals, citing the fact, that the Arabs, feeling the force of heredity, will not keep a vicious or a bad horse, nor will they permit its being used for breeding purposes; also, that murders through antipathy, are common among the females of the anthropoid apes.

He now treats of primitive men, and finds the brutal instincts very marked, and all the conditions on a low plane.

Rising higher, he speaks of the outbursts of passion on the part of infants, and implies that the violence shown is quite sufficient to do murder were the power adequate.

He also draws attention to the frequently noted tendency in the case of children to mis-state or deceive, and intimates that these tendencies are fostered and developed from bad to worse or repressed and directed into higher channels by the child's surroundings; leading on the one hand to the criminal class, the prison and the gallows; or on the other, to vigor and enthusiasm in productive usefulness, creative power and nobility.

He notes, too, the evolution of the habitual from the occasional criminal. Nor is it difficult for us to imagine this, when we realize how well equipped he may be when he graduates from one of those universities of criminal knowledge—the prisons; though it is saddening to think of the children born to such parents, and reared in the midst of vicious and vitiating influences.

With them heredity has already done its work and environment will carry it on. What must their children and their children's children be in time!

Is it strange that men should be found who seem morally blind; who, not only go wrong from the start, but seem incapable of doing anything else?

Theologically speaking, I have heard them declared hopelessly depraved, and damned, for the glory of God, from their very birth. Yes even before they came into the world, it has been said that they existed in the eyes of God as damned. Think of it!

Morally as irresponsible for their condition as men born physically blind are for theirs, but more of this later on.

Lombroso now proceeds upon the principle, that there is an intimate co-relation between bodily and mental conditions and processes, and makes a physical examination of the offender, but it will be impossible for me to describe the methods followed, and the numerous delicate instruments used, in constructing what might be termed a typical murderer, a typical thief, or any type that might stand for its class; for he had not gone far before he found that what he had termed the anthropometrical system was not sufficient, and resorted to the anatomico-pathological as well in the detection of anomalies.

His conclusions are that all criminals, and in particular habitual criminals, have a higher per centage of phys-

ical anomalies than the average of the community.

That there are facial asymmetries, malformations of the skull, brain, ear, eye, nose, mouth, limbs, etc., a swell as of other parts and organs of the body, and that these are often accompanied by functional anomalies.

In short, that the habitual criminal is the product of pathological and atavistic anomalies, and, standing midway between the lunatic and the savage, represents a special type of the human race, though these are not peculiar to him, for he shares them with all degenerates.

Just here let me pause to say, that he protests, that the use of this term type, or criminal type, has been misunderstood by many of his critics.

He says: "No doubt if the acceptance of the idea of type is carried out in its complete universality it cannot be accepted; but I have already shown in my previous writings that it is necessary to receive this idea with the same reserve with which one appreciates averages in statistics."

This I presume means: that as many of the Greek works of art were merely concrete expressions of abstract conceptions with no counterpart in actual life, so the criminal type stands for an abstract and technical conception with no expression or embodiment of it.

In support of his position he gives a wide variety of photographs, measurements and statistics; and remarks that painters depicted types, as for instance, in Giotto's Massacre of the Innocents, the soldiers; in Raphael's Last Supper, the Judas; and in Titian's, Martyrdom of St. Lawrence, the executioners with their ugly heads and low fore-heads.

The last division of the book is devoted to the specific consideration of instances illustrating the peculiarities of criminals.

A chapter is devoted to tattooing, with a chart of illustrations showing that in certain instances it merely commemorated some unimportant event in the subjects life, in others, it indicated a murder or other deed of violence, while others depict the grossest eroticism, particularly in the case of the pornographs.

Others treat of general sensibility and suicide. In the latter, among others, we are told of two young people who deliberately threw themselves into a canal and were found there clasped in one another's arms, preferring death to separation; also of a girl who, having been forced, in the absence of her lover, to marry a man she did not care for, when the former returned on a leave of absence, went with him to the lake, and there having tied their feet together, they threw themselves into the water.

In others, he considers the sentiments and passions of criminals; recidivism, direct and indirect; and their religion, for they have a religion that is sensual and accommodating as the following instances show: the wife of Parenzy, while her husband was murdering an old man, addressed prayers to God that all might go well; and another woman vowed to give a candle to the Madonna, if she succeeded in poisoning her husband, while others are too atrocious or obscene to repeat.

Another speaks of their writing and hieroglyphics, for they not only have a vocabulary peculiar to them, but signs and symbols as well.

An interesting chapter treats of criminal epileptics in which, among others, is an extreme case of a young woman who accused her confessor of violating her person, though her charges were proven at the trial to have been physically impossible.

And the concluding chapter concerns Irresistible Force. But enough has been said to show how thorough,

how varied, and how extensive is his treatment of the theme, and while the author would probably be among the first to recognize that his conclusions were by no means infallible, they certainly constitute a distinct and valuable contribution to this department of knowledge.

In the words of another: "Lombroso has given us the psychology of a distinct and highly individualized class."

This brings us to the second division of the paper; (2) The bearing of Lombroso's theory upon penology.

What then have these considerations to do with society and its servants, the civil authorities in this connection?

Much in every way, as investigators in general, and members of prison reform bodies, in particular, are aware.

Indeed, among the former, Nordau was so impressed by the new psychiatric principles that he applied them everywhere, even to the inclusion, by implication, of Lombroso himself; who, if reports are correct, has been fined \$500.00 for plagiarizing an entire chapter from the book of the Frenchman, M. Crepieux.

Nordau not only points out extreme and hopeless cases, but passing rapidly on to maddoids and cretins is soon so far afield as to descry evidences of degeneration on all sides, and demolishes many an idol like the neurotic geniuses Wagner, Tolstoi, and Ibsen, by showing that the accuracy of Emerson's saying: "genius is akin to madness," has a scientific support in Lombroso's dictum, that "genius is a form of degenerative neurosis."

From a calm height, an attempt is made to take account of present conditions and tendencies; and noting the increase of crime, of suicides, of nervous wrecks, of insanity, and other evidences of degeneration, to find some adequate explanation; with the result, that most of it is

charged to the terrific strain of modern life.

And, spite of occasional exaggerations and confusions, as, for instance: terming the music of Wagner atavistic—a Javanese music—and saying that certain men are insane and therefore they are not geniuses; or, to quote the words of Lombroso again: "More alienist than the aliens he no sooner finds a neurotic or maddish author than he thinks his work can be demolished;" spite of these, one may well pause and reflect in the presence of his conclusions, as to how much we may all be affected, rushing as we are with the whirl and tumult of the times.

One phase to which our attention is called, is the tendency to avoid continuous effort—one of the first essentials to permanent growth and progress—and to crave short, bright and varied things.

I wish I could pause here to show that not only are specialists necessary for thorough and continuous research, analysis and synthesis in each specialty, but synthesists as well, men able to grasp the salient features of all specialties, and to so present them as to bring them within the reach of men of average intelligence. Time, however, constrains me to pass on from these general considerations relating to mankind to the specific one of man's duty, to the extreme or hopeless cases treated of in the first part of this paper.

Here in the sphere of penology, what theory shall be followed?

Shall it be:

(1) The "lex talionis," or an "eye for an eye," &c., of which the definite sentence is an expression?

Or (2) That the protection of society is the first consideration?

Or (3) That the improvement, and, if possible the reformation of the criminal should precede all else?

As to the first, the final penalty of constantly violating the physical laws, is sterility and extinction, and the persistent violation of moral law brings an equally relentless nemesis.

This is the application of "an eye for an eye" with a vengeance. Without a doubt, virtue will ultimately triumph over vice, but meanwhile has humanity no responsibility?

Without a doubt, the criminal class will ultimately become extinct before a normal and hence higher and permanent force, but meanwhile are we not bound to help our abnormal fellow men by modifying and adapting our treatment of them to their needs and conditions, by indeterminate sentences, reformatory methods, and, in provenly hopeless cases, permanent isolation, to prevent reproduction or contamination?

This brings me to the third theory, for I believe the second, the protection of society, is best secured by the improvement and reformation of the criminal.

Unquestionably, it becomes man's duty to study crime in its beginnings, and treat it as far as possible with preventives.

To do what he can for criminal parents. To see that infants and children are taken from vicious associations and surrounded by influences that make for morality and character.

To see that in the administration of justice, the nature of the offender, as well as the nature of the offence, be kept in view.

At present a drunkard is sent up for a week, or whatever the time may be, serves it, comes out, gets drunk again, is sent up again, comes out again, and so on indefinitely. It is needless to characterize the absurdity of this.

After a man has proved himself a hopeless dipsomaniac he should be treated as such.

When we reflect that 84 per ct. of the prostitutes in one city had habitual drunkards for parents, does it seem wise or right to permit habitual drunkards to become parents if it can be prevented?

In the face of these facts, if it is permitted, then society more than the individual becomes responsible; for, as Lacassagne says, "Society has only the criminals it deserves."

I know I am on dangerous ground, and as time will not permit me to explore it, I will pass on from the treatment of criminals as individuals, to methods of reclamation.

Here indeterminate sentences are being considered favorably, and reformatory systems are highly commended, even by so eminent an authority as Lombroso, who makes a favorable allusion to those in our own country.

Indeed, it would seem to me that every means of reformation should be tested, and finally, when it becomes clear that a case is hopeless, it should, as already stated, be permanently isolated.

That there should be a gradual reformation, and, if needs be, elimination of criminals, as well as an attempt made in the same direction, in treating the criminal tendencies in men.

This may seem visionary and utopian; and it may be truly said, it would involve a decided increase in the cost of dealing with this class; but that would apply only to the beginning, for with the reduction of the class, by rational and scientific treatment, would come a constantly decreasing outlay.

That something ought to be done, is evident from the

alarming increase of crime shown in the figures mentioned at the start, that is, from 1 in 3442 in 1850 to 1 in 757 in 1890.

This certainly means, if it means anything, a constantly increasing expense to the community, and an increase far in excess of the ratio of increase of population.

A rational as well as economic method, would be, to face these facts and meet them at the start.

Society can, however, take either of two courses; permit things to continue as at present, and take its chances in letting the natural and moral laws work out a certain and final retribution on both the criminal and society that permits him to be; or, it can take more definite and intelligent steps to lessen the criminal class, and at the same time increase the general sum of human happiness in society itself.

We have now reached the concluding division of this paper, namely:

"The Relation of Lombroso's Theory to Theology." Or, to put it in a more practical way, the bearing of the foregoing upon the church's attitude:

That she has a responsibility is evident from St. Paul's statement; "That Christ Jesus came into the world to save sinners;" for the church is simply Christ's body—the spirit of Christ in the world, and with all its gifts and agencies its work remains substantially what it was in the beginning.

Most certainly, if "God is Love," and "God so loved the world that he gave his only begotten Son, to the end that all that believe in Him should not perish, but have everlasting life," the church's duty toward sinners is evident to-day.

But as to this I presume there is no contention. The

only question is, to what extent can she be of practical service?

Her wiser members recognize at once, that it would be of very limited moment if confined to devotional exercises, and the verbal teaching of certain facts and doctrines. It is the translation of all these into life that helps.

A vital manifestation that all men can recognize to-day just as they did when Jesus made clear the meaning of life and love.

Where then shall she draw the limits to her service of men?

If she does as Christ did she will not fear to eat with publicans and sinners; she will not draw back because formalists charge her with associating with wine biblers and gluttonous men.

Apropos of this a Bishop of our own church once said to me: "I am so stirred by the temperance question that I sometimes feel I must drop everything else and devote myself exclusively to that."

Even now I have not departed far from conventional standards, but I have gone far enough to show that the church's life has to do with all life and a distinct and specific duty toward sinful life.

Probably, most, if not all, would admit this as far as her indirect influence is concerned, though, as the rector of St. George's is aware, not all would consent to her taking a direct hand in certain reforms. Nor is there time to even hint at definite limits or confines, for I wish to meet what probably occurred to you when I said certain criminals seemed to be as morally blind as men are physically blind.

The question as to their responsibility is a natural one.

This might seem to involve the doctrines of original

sin; freedom of will; and many other doctrinal and metaphysical considerations, but though the temptation is great, I have not the remotest intention of entering any such unlimited realms, and yet to some Lombroso's conclusions seem to have a scientific and pertinent bearing upon the doctrine of original sin, for they see a promise that the conclusions of the scientist and the theologian may ultimately be harmonized because each will rise to a higher plane.

No, I am quite content to leave the question where a recognized and scholarly authority has left it; an authority with whom, in this respect at least, deists as well as Christians have no contention, that is, under the general principle laid down by St. Paul: "that men having not the law are a law unto themselves, and will be judged by what they *do* know and what they *can* do, and *not* by what they do *not* know and can *not* do."

Or again I am quite willing to judge not, for here according to the famous criminologist Lacassagne the verdict of science is at one with Christianity, especially where judgement means condemnation, but "to commit it to Him that judgeth righteously."

To abide by our Lord's statement; "neither hath this man sinned nor his parents, but that the work of God should be made manifest in him," which meant that he who came not to call the righteous but sinners to repentance opened the eyes of him that was born blind, certain that if the labyrinth of antecedents that lay behind this physical blindness, could be, that the work of God should be made manifest, surely another born morally blind or dead, will, in the Fathers own good time, be cared for and judged with equal mercy and justice.

None could be more blind than the men who crucified the Master, and yet the first words that rise from the cross

are "Father forgive them for they know not what they do."

To me the supreme test of all things is ; do they or do they not, consist with the statement that "God is Love."

If they do not then either they have no right to be, or the interpretation placed upon them is a false one.

Justice is but a single aspect of love.

And after all the church's duty is not so much to determine the responsibility and pronounce upon the final condition of sinners as it is to help those sinners become saints.

Her concern is chiefly with the positive questions of calling, teaching and helping by insisting on her members becoming, and aiding in every way all men to become healthy, physically, morally and spiritually.

In this light none can escape his degree of responsibility ; for each is bound to exert his full measure of influence with himself, with his community, and with its civil representatives and spiritual servants.

Each certainly has his part in the working of the heaven, the divine leaven, that means the influence of God's spirit in the world.

Nor is it too much to hope, in view of the splendid changes wrought during the Christian centuries, that vastly richer results may be looked for in the future.