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Les Archives d'anthropologie criminelle: a journal fit for a nascent scientific field

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EDITOR'S NOTE

Translated by: Neil Davie (adapted by Patricia Bass)

« In these archives are recorded in considerable detail the scientific observations, the legal proceedings and the legislative changes of every country. We can state, without fear of exaggeration, that it is possible to find in the Archives a trace of every major court case which has come to light during the past quarter century. It constitutes a veritable goldmine of information for the researcher of the future».

Étienne Martin, Preface to the 25th anniversary edition. *Archives d'anthropologie criminelle*, 1910, p. 6.

- 1 The *Archives d'Anthropologie Criminelle* was the first French-language academic journal devoted to “criminology”, understood in its broadest sense as “the science of crime and the criminal”. This journal is an essential source for understanding the state of knowledge on the study of crime and of criminals during its significant period of publication (1886-1914), and each of these issues is freely accessible in full on Criminocorpus with annotation on the context of its production.

1. Criminology: a problematic historical subject

- 2 Since the Second World War, criminology in France has been confined to the status of an off-shoot of Criminal Law and, indeed, it long seemed to lack a history of its own given its precarious standing in the present and future¹. It is striking in this respect that Michael Foucault's *Discipline and Punish*, first published in French in 1975, devotes no more than a few lines explicitly to the subject of criminology. Foucault's work would inspire a whole generation of researchers interested in the history of the prison, but its impact on criminology in his home country was negligible. This may have something to do with the fact that Foucault represented criminology as a minor science, a mere auxiliary to the study of law. In his work, criminology's practitioners can be observed spouting meaningless, ideologically-infused “chatter” while hanging onto the coat-tails of the more prestigious *juristes*. He does not stop there, however. In his account, criminology is portrayed above all as a symptom of the new “economy of power”, aimed not just at applying the criminal law, but also “rehabilitating” the offender. With little need for exaggeration, Foucault casts French criminologists in the less than flattering role of unreflexive agents of state ideology, content to give their “scientific” seal of approval to the penal policies of the day²: hardly a worthy subject for historical study.
- 3 When attempting to investigate the origins of French criminology, two questions stand out, though neither can be answered unequivocally. Firstly, there is the question of the definition of the object of study: what precisely do we mean by “criminology” in the French context? Next comes the question of periodization: at what point exactly is it possible to identify the emergence of the discipline in the country? Most scholars agree that criminology constitutes a form of knowledge claiming to provide a scientific understanding of both crime and the criminal. However, consensus does not extend much beyond this broad definition, with a number of competing criminological schools each claiming a monopoly of scientific truth³.
- 4 With so many rival intellectual currents, it comes as no surprise to learn that several different individuals are accorded the status of *the* founding father of the discipline. For

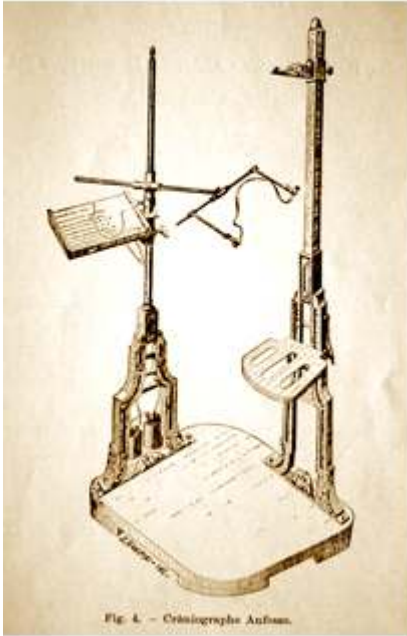


example, if French criminology is considered as the study of criminal psychology, then it can be traced back to the alienists Étienne-Jean Georget and Jean-Étienne Esquirol. If, on the other hand, it is to be conceived as the sociology of deviance, then its birth pangs can be sought in the work of Émile Durkheim. If, again, an anthropological understanding of the criminal is seen as the key, then Cesare Lombroso's *Criminal Man* is where it all started. Finally, if the birth of criminology is to be defined as the point when the personality of the defendant was officially taken into account in the workings of the French criminal justice system, then the key moment is the search for "psychical anomalies", formalized in the Chaumié Circular of 1905.

- 5 All of these origin stories have been put forward by scholars, and all still garner support in some quarters today. The problem in each of the fields listed above is that there is always room for dispute about just who should be accorded founding father status. In the field of forensic psychology for example, why single out Georget or Esquirol rather than, say, Prosper Lucas or Paolo Zacchias? Or, in the sociological realm, why Durkheim, rather than Gabriel Tarde? Or again, why not Alexandre Lacassagne for his theory of the "*milieu social*" or André-Michel Guerry for his work on "moral statistics"? For the anthropologists, is there not a case for dating the real origin of the discipline not to Lombroso but to Paul Broca, or to Franz Joseph Gall and his French followers? Moreover, why not attribute the same importance to the penal code reforms of 1832 as is attributed to the Circular of 1905?
- 6 It could be argued that *any* attempt to pin down the origins of criminology to a particular work or event is inevitably going to raise suspicions of decontextualized reductionism, accompanied by a whiff of hagiography. One way around the problem is to fall back on institutional benchmarks; to consider that "criminology" was born when it achieved academic recognition, accredited teaching programs and salaried practitioners. This was the criterion adopted by David Garland when he claimed that criminology in Britain did not exist before 1935⁴. In France, the first *Institut de criminologie* was created as early as 1922, but despite that early institutional recognition, the status of the discipline of "criminology" in the country at the beginning of the twenty-first century remains both precarious and ambiguous. France is not alone in this respect, a fact which may account for the fact that criminologists tend to group together in "schools", sharing common theories and methodologies, while remaining relatively independent of institutional affiliations⁵. Seen from this perspective, as Alvaro P. Pires has pointed out⁶, three alternative moments in the discipline's history compete for privileged status:
 - Some argue that criminology was born in the second half of the eighteenth century, with the emergence of the "Classical School" of Beccaria, even though his treatise *On Crimes and Punishments* makes no explicit claim to "scientific" status⁷.
 - Others consider that criminology was born rather in the first third of the nineteenth century, with the first statistical analyses of crime conducted by Guerry, Ducpétiaux and Quételet⁸.
 - According to most specialists, however, the origins of the discipline date rather from the last third of the nineteenth century, with the work of the trio from the Italian "Positivist School", Lombroso, Enrico Ferri and Raffaele Garofalo. The positivists, it is argued, succeeded both in creating a new object of study, "the criminal" (thereby replacing "the crime"), and in developing a new experimental scientific method in order to understand his workings, one which soon replaced older models grounded in legal philosophy and jurisprudence⁹.

- 7 The last of the three options remains the most popular among French scholars, even though there is some disagreement, such as that over the “prescientific” period that Pinatel traces back to Plato, Sophocles, and Aristotle¹⁰. This focus on the late nineteenth century is also the preferred option for those researchers working on the origins of the discipline in Italy, Germany, Spain, Britain and the United States¹¹. If we choose to concentrate on the emergence of a “scientific” approach to criminal questions, then the mid-1880s has a lot going for it. This period witnessed the multiplication of scientific congresses and the appearance of new academic journals devoted to the subject. Veritable criminological museums also saw the light of day in these years, attracting public attention in the same manner as the cabinets of phrenological curiosities had done earlier in the century¹². In 1885, the first International Congress on Criminal Anthropology was held in Rome, providing a prioritized soapbox to Lombroso’s theory of the “born criminal”. Garofalo’s influential book, *Criminology*, appeared the same year. It is now clear that the “Italian School” was neither as homogenous nor as innovative as it liked to present itself. It is also clear that in many respects contemporaneous developments in France were just as significant, with the passage in 1885 of the Recidivists’ Deportation Act (*Loi de rélévation des multirécidivistes*) and the launch, the following year, of the criminological journal, *Archives de l’Anthropologie Criminelle*, edited by Lacassagne. Indeed, the intellectual vitality and longevity of this journal constitute strong arguments in themselves for situating the birth of the discipline in France at this precise moment¹³.
- 8 Even though this might not be considered conclusive evidence for situating the birth of French criminology at this particular date (rather than at one of the other moments listed earlier), the detailed research conducted on this period over the last thirty years or so has made it possible to reconstruct in considerable detail these intellectual debates in *fin de siècle* France, and place them in the socio-political context of the Third Republic. What this research has also revealed is that the Lyons-based *Archives d’Anthropologie Criminelle* played a critical role in those debates¹⁴, which is precisely the subject of this dossier.

2. The dossier



- 9 At this time, new sciences like statistics – the science of numbers – and criminal anthropology (*anthropologie criminelle*) – the science of the delinquent – were contributing to the rationalization of penal law. The *Archives de l'anthropologie criminelle* aimed to be the primary French-language forum for the discussion of these issues, by publishing **theoretical work and practical applications of criminal anthropology and forensic medicine.**
- 10 Founded in 1886 by **Dr. Alexandre Lacassagne** (1843-1924) as an association with a 7-year duration, the journal had a three-member editorial board: A. Lacassagne, René Garraud, Professor of Criminal Law in Lyon, and **Henry Coutagne**, like Lacassagne, a senior figure in the forensics department of the university of Lyon's Faculty of Medicine. This Lyon-based journal aimed to link disperse disciplines and its title, *Archives de l'anthropologie criminelle. Médecine légale, judiciaire. – Statistique criminelle. Législation et Droit*, clearly indicates this interdisciplinary ambition.
- 11 **The Archives** indeed created a forum that encouraged discussion and even controversy. Despite the fact that the particularities of certain authors and schools of thought were evident in the original works published, academic debates reined in the second half of the journal. Thanks to its wealth of information and relative eclecticism, the “critical review” functions as a precious window onto the production of such research. In this section, summaries of conferences, book reviews and analyses of national and international journals, were published alongside legal and scientific texts, summaries from sessions of courts of appeal, and overviews of recent academic dissertations.
- 12 The dossier titled “On the *Archives de l'Anthropologie criminelle*” does not pretend to exhaust the possibilities of this journal. It aims simply to facilitate the use of this precious resource by providing the context of its publication. The articles of this dossier are organized in four parts:
- **The first part** is dedicated to the journal and its founders, and more specifically, to its

two primary editors: A. Lacassagne and G. Tarde.

- **The second part** indicates several examples of themes and theories under debate that can be found in the journal (psychiatry, the body, sexuality, the “born-criminal”, etc).
- **The third part** addresses the intersection of criminological knowledge with penal issues through the example of judicial practices (the death penalty, the use of forensic science expertise in courts, etc). In a similar vein, it also addresses the adoption of new laws such as the deportation of repeat offenders, parole, and conditional freedom.
- **The fourth part** provides a look at three countries (Italy, Spain and Great Britain) where criminal anthropology was discussed in different ways.

NOTES

1. Laurent Mucchielli, « L'impossible constitution d'une discipline criminologique en France », in Jean Poupard et Alvaro P. Pires (dir.), « Criminologie : discipline et institutionnalisation. Trois exemples francophones », *Criminologie*, vol. 37, 2004, n° 1, p. 13-42.
2. Michel Foucault, *Surveiller et punir (naissance de la prison)*, Paris, Gallimard, 1993 (1975), p. 355 ; Dany Lacombe, « Les liaisons dangereuses : Foucault et la criminologie », *Criminologie*, Montréal, vol. XXVI, 1993, n° 1, p. 51-72.)
3. Raymond Gassin, *Criminologie*, Paris, Dalloz, 1990.
4. David Garland, *Punishment and Welfare (A history of Penal Strategies)*, Aldershot, Gower 1985, p. 35.
5. Jacques Léauté, *Criminologie et science pénitentiaire*, Paris, PUF, 1972 ; Ysabel Rennie, *The Search for Criminal Man (A Conceptual History of the Dangerous Offender)*, Toronto, Lexington Books, 1978 ; David A. Jones, *History of criminology (A philosophical Perspective)*, Londres, Greenwood Press, 1986 ; George B. Vold et Thomas J. Bernard, *Theoretical Criminology*, New York University Press, 1986 ; Raymond Gassin, op. cit., 1990.
6. Alvaro P. Pires, « La criminologie d'hier et d'aujourd'hui », in Debuyst et al., *Histoire des savoirs sur le crime et la peine, t. 1 : Des savoirs diffus à la notion de criminel-né*, Bruxelles, De Boeck, 1995, p. 35.
7. Edwin Hardin Sutherland, *Principles of Criminology*, Philadelphie, J.B. Lippincott Co, 1934 ; Henri F. Ellenberger, *Criminologie du passé et du présent*, Montréal, Presses de l'Université de Montréal, 1969 ; David A. Jones, op. cit., 1986 ; George B. Vold et Thomas J. Bernard, op. cit., 1986.
8. Willem A. Bongers, *An introduction to Criminology*, Londres, Methuen & Co., 1933 ; Alfred Lindesmith et Yale Levin, « The Lombrosian Myth in Criminology », *The American Journal of Sociology*, Chicago, mars 1937, vol. 42, n°5, p. 653-671.
9. Robert A. Nye, « Heredity or Milieu: The Foundations of Modern European Criminological Theory », *Isis*, vol. 67, 1976, n° 238, p. 335-355 ; Martine Kaluszynski, « Aux origines de la criminologie : l'anthropologie criminelle », *Frénésie*, vol. 2, 1988, n° 5, p. 17-30 ; Georges Picca, *La criminologie*, Paris, PUF, 1988 ; Raymond Gassin, op. cit., 1990.
10. Jean Pinatel, *Le phénomène criminel*, Paris, M.A. Éditions, 1987.
11. Renzo Villa, *Il deviante e i suoi segni (Lombroso e la nascita dell'antropologia criminale)*, Milan, Franco Angeli, 1985 ; Richard F. Wetzell, *Inventing the Criminal. A history of German Criminology. 1880-1945*, Chapel Hill, The University of North Carolina Press, 2000 ; José Luis Peset, *Ciencia y marginación. Sobre negros, locos y criminales*,

Barcelone, Editorial Critica, 1983 ; Neil Davie, *Les visages de la criminalité : à la recherche d'une théorie scientifique du criminel type en Angleterre (1860-1914)*, Paris, Kimé, 2004 ; Nicole Rafter, *Creating Born Criminals*, Urbana et Chicago, University of Illinois Press, 1997.

12. Sur la mise en scène de ces nouveaux musées, voir Susanne Regener, « Criminological Museums and the Visualization of Evil », *Crime, Histoire et Sociétés*, 2003, vol. 7, n° 1, p. 43-56.

13. Martine Kaluszynski, op. cit., 1988 et *La république à l'épreuve du crime. La construction du crime comme objet politique 1880-1920*, Paris, LGDJ, 2002.

14. Robert A. Nye, *Crime, Madness and Politics in Modern France. The medical concept of National Decline*, Princeton (N.J.), Princeton Univ. Press, 1984 ; Martine Kaluszynski, op. cit. ; Susanna Barrows, *Miroirs déformants. Réflexions sur la foule en France à la fin du XIX^e siècle*, Paris, Aubier, 1990 ; Ruth Harris, *Murders and Madness. Medicine, Law and Society in the fin de siècle*, Oxford, Clarendon Press, 1991 (1989).

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