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Exploring the History of French Criminology (1885-1939): the Case of the *Archives de l'Anthropologie Criminelle*

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French Criminology: In Search of a History

- 1 In order to understand the history of French criminology, it is vital to pay close attention to the specificities of the national context; in particular to the way in which criminology became institutionalised as a scientific discipline, and to the historiographical tradition which has accompanied its subsequent development.
- 2 An important point to note to begin with, and a frequent subject of controversy among researchers and policy-makers, is the fact that criminology in France is not an autonomous academic discipline. It has no independent existence on the *Comité national des universités*, the national council which ostensibly reflects the country's academic landscape; neither is it accorded disciplinary status by France's major public-sector research body, the *Centre national de recherche scientifique* or CNRS. Criminology is taught on Law, Medicine and Psychology degree courses in France, but the country offers no nationally-recognised qualifications in the subject as such.
- 3 The reason for this state of affairs is as much practical as epistemological. The main occupations which currently require criminological expertise are those involving the socio-legal supervision of offenders either in a custodial setting or for those released on parole or serving community sentences. The teams of social workers working with young offenders, and the personnel of the French probation service have both seen major changes in their working practices in recent years, and are now required to evaluate the

“dangerousness” of offenders; a task which implies the acquisition of skills in clinical criminology. However, training for these occupations is not undertaken by the universities, but is organised by the French Ministry of Justice itself, via a network of specialised, in-house establishments.¹

- 4 The result of this situation is that, unlike Sociology, Medicine, Law and Psychology, Criminology in France possesses neither a disciplinary identity nor an academic tradition. Since the Second World War, the subject has effectively been confined to the status of an off-shoot of Criminal Law.
- 5 For a long time, in fact, it seemed as if French criminology had no history of its own. Indeed, with practitioners in the field constantly being called on to justify their discipline’s very epistemological existence, there was little time or inclination to investigate the origins of the subject².
- 6 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 emphasised the inferior status of French criminology. In his work its 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 day.³ Hardly a worthy subject for historical study.
- 7 The first serious academic research on the history of French criminology came – significantly – from outside the discipline; from the pens of social historians, notably with the work of Robert Nye and Martine Kaluszynski in the 1970s and ’80s ⁴. That early work would subsequently be complemented by contributions from researchers in the history of science.
- 8 What conclusions can be drawn from this body of research?
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 truth.⁵
- 9 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", formalised in the Chaumié Circular of 1905.

- 10 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, if one wishes to link the early history of French criminology to its political context, is there not a case for focussing on the French Revolution?⁶
- 11 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 programmes and salaried practitioners. This was the criterion adopted by David Garland when he claimed that criminology in Britain did not exist before 1935.⁷ 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 affiliations.⁸
- 12 Seen from this perspective, as Alvaro P. Pires has pointed out,⁹ three alternative moments in the discipline's history compete for privileged status:
1. 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" status.¹⁰
 2. 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 Quételet.¹¹
 3. 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 jurisprudence.¹²
- 13 The last of the three options remains the most popular among French scholars, even though there is some disagreement about the chronology of the "pre-scientific" period. One specialist traces the latter as far back as the Ancient World (giving a new twist to the

notion of a “Classical School” of criminology!), to the thought of Plato, Aristotle, Aeschylus, Euripides and Sophocles.¹³ 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 States.¹⁴ 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 century.¹⁵ In 1885, the first International Congress on Criminal Anthropology was held in Rome, giving pride of place 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 réléation des multirécidivistes*) and the launch, the following year, of the criminological journal, *Archives de l’Anthropologie Criminelle*, edited by Lacassagne.¹⁶ 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 moment.¹⁷

- 14 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 debates, a point which will be explored in some detail in this paper.
- 15 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”. Published continuously in Lyons between 1886 and 1914, the pages of the *Archives de l’anthropologie criminelle* afford an invaluable insight into the state of knowledge on, and the issues and controversies surrounding, the study of crime and the criminal in France during the twenty-eight year period of its existence. The journal was born in the particular political and intellectual context of the early years of the Third Republic. This context will be presented briefly, before we turn to examine in detail the journal itself. In particular, this paper will consider whether the *Archives de l’anthropologie criminelle* ultimately succeeded in achieving its initial objective of forging a new science that stood on the boundary between Medicine and Law.

Science and politics in the fight against crime

- 16 Almost everywhere you look during the early years of the Third Republic (1870-1940) there are events of crucial significance for France’s subsequent history: the bloody repression of the Paris Commune; the establishment of parliamentary government; the system of public, secular education; divorce law reform; the expansion of the railways; and the growth of the popular press. To this list can be added, from the 1880s, the

appearance of economic depression, and a challenge to the hitherto dominant scientific discourses.

- 17 Throughout this period, what would become known in France as the “crisis of punishment” was also a matter of recurrent interest and concern, with commentators frequently pointing to the ominous rise in the recidivism figures, as revealed by the official statistics from the *Compte général de l’administration de la justice criminelle*. In 1872, it was calculated that as many as 85 per cent of the country’s prison population fell into this category.¹⁸ Political initiatives followed each other in quick succession, all claiming to have found the most effective method of checking this “scourge”. As early as 1872, a parliamentary inquiry was set up to look into the country’s prison regime and the situation of juvenile delinquents. Its report did not make for comfortable reading, and stressed the need for systematic separate confinement in the country’s prisons.
- 18 Between 1872 and 1885, a number of laws were passed aimed at fighting the rising tide of crime. These included measures for dealing with public drunkenness (Law of 23rd January 1873); the adoption of the principle of cellular confinement in the county prisons (Law of 5th June 1875); together with the creation of a sentence of transportation for recidivists (Law of 27th May 1885), a new parole system (Law of 14th August 1885) and the suspended sentence (Law of 26th March 1891).¹⁹ Finally, in 1877, two years after the passage of a law extending separate confinement to the whole of the prison system, the Paris-based *Société générale des prisons* was established. Accorded charitable status in 1889, this learned society would constitute for the period up to the First World War an important forum for debate and legislative initiative in the field of penal policy.²⁰ Its influence would be further extended by the publication of the *Bulletin de la Société générale des prisons* (from 1892 renamed the *Revue pénitentiaire*), which aimed to bring together specialists from the new field of criminology and those with a background in criminal law.
- 19 In the same period, doctors and anthropologists in France were coming to the conclusion that crime could not be effectively tackled without an objective understanding of offenders. For certain specialists, recidivism was not a problem which required a political or legal solution; what was required was a detailed understanding of the *anthropology* of the habitual criminal. In short, a “criminal type” needed to be identified. But how was this to be achieved, and how was the “anthropological” criminal to be distinguished from the criminally insane, for whom conventional penal sanctions could not apply?
- 20 Even though the phrenology of Gall (1758-1828) had been largely discredited in France by the middle decades of the nineteenth century, other forms of scientific inquiry took up this challenge in the succeeding period, heralding a period of intense scientific interest in the criminal mind and the criminal body.²¹ Doctors and anthropologists were no longer content to palpate the heads and skulls of wrong-doers; every aspect of the criminal body now became the object of critical and meticulous scrutiny. The methods adopted were often similar to those familiar to archaeologists and physical anthropologists, and like them, those interested in the anthropology of crime generated a fast-growing international network of learned societies and academic journals. In the psychiatric field, the theory of “degeneration” developed by Dr Benedict Augustin Morel (1809-1873) gradually supplanted the older clinical tradition of mental insanity.²²
- 21 Everywhere, the long-standing separation between body and spirit, and the conception of free-will dear to the anti-materialists of the French *psychologie spiritualiste* movement were under siege. Philosopher and critic Hippolyte Taine (1828-1893) is a good example of

the new determinist spirit abroad. In the introduction to his 1863 history of English literature, he wrote: “It matters not what the facts may be, whether physical or moral, they always spring from causes; there are causes for ambition, for courage, for veracity, as well as for digestion, for muscular action, and for animal heat. Vice and virtue are products like vitriol and sugar; every complex fact grows out of the simple facts with which it is affiliated and on which it depends. We must therefore try to ascertain what simple facts underlie moral qualities the same as we ascertain those that underlie physical qualities...”²³ The same argument could be applied to morals and the Law, and there was no shortage of scientists eager to do just that, extracting “natural laws” from the “facts” of social life. Drawing on such arguments, “positivist” penology cast off the notion of free-will; rejecting the idea of self-conscious, rational actors who could be considered responsible for their actions because they had freely chosen between Good and Evil.

The birth of the Archives de l'anthropologie criminelle

- 22 It was in this intellectual climate that criminal anthropology took root and sought to impose its vision of a new scientific approach to crime and the criminal.
- 23 The seven international congresses on criminal anthropology held between 1885 and 1911 were a vital part of this project, and the movement’s prime mover was incontestably Cesare Lombroso (1835-1909). The Italian doctor turned anthropologist has generally been given a key role in the early history of criminology, mainly thanks to his theory of the “born criminal”. This startling idea was the centrepiece of his book, *Criminal Man*, first published in 1876 and regularly extended and revised thereafter. Based on a series of simple assumptions, this controversial theory owed its popularity partly to the fact that its biological fatalism suited the intellectual mood of the moment, a context often forgotten in modern discussions of the man and his theories.²⁴
- 24 According to Lombroso, the “born criminal” was a walking museum piece, a throw-back to prehistoric times; his development stunted as a result of atavism. This left him with a number of distinctive anatomical, physiological and psychological “stigmata”. The resulting “type” resembled in both physical and moral terms the individuals of an earlier stage in human evolution. This meant that “criminal man” was poorly suited to the modern world and unable to conform to its complex rules of social life. The legal deterrents which dissuaded most individuals from breaking the law thus meant little to him, and criminal behaviour was the inevitable result. The impact of Lombroso’s ideas in France will not be considered in detail here, but it can be noted that the force of the reaction it provoked – much of it hostile – would prove an important catalyst for the establishment of a distinctive French school of criminology in the 1880s.²⁵
- 25 That desire to create a distinctive French approach to criminal questions can be dated with relative precision. When the first international congress on criminal anthropology opened for business on 16th November 1885 at Rome’s Fine Arts Exhibition Centre, its organising committee included not only those Italian scholars most closely identified with the “born criminal” theory – Lombroso, Ferri and Garofalo – but also the two Frenchmen who would come to symbolise the main challenge to the Italian positivists, Alexandre Lacassagne and Gabriel Tarde. Although the proceedings at the Rome congress were dominated by Lombroso and his colleagues, a discordant note was sounded by Lacassagne. The Lyons doctor highlighted the pre-eminence of the French tradition in

studies of criminal behaviour (citing Gall, Comte, Morel and Despine), and in a second intervention he openly challenged Lombroso, casting doubt on the importance of atavism as a cause of deviance; a charge which, if proven correct, would undermine the whole basis of the Italian's theory.

- 26 In reality, this difference of opinion at the Rome congress was not the first occasion on which the two doctors had found themselves on opposing sides of an argument. Regarding tattoos, for example, Lombroso considered them evidence of a throw-back to primitive man, whereas for Lacassagne they were merely a relic of the past. Indeed, at this date, Lacassagne had already published half a dozen articles on criminal themes.²⁶ However, it is no accident that it was during the year following the Rome congress that he would choose to break definitively with the Italian School by setting up a rival journal to Lombroso's: the *Archives de l'anthropologie criminelle*. As we noted earlier, the intellectual vitality and longevity of this journal provide strong grounds for considering 1886 as the effective birth of criminology in France, at least in its institutional form. While some of my own work has adopted a different time-frame, there is no doubt that the launch of the *Archives de l'anthropologie criminelle* would mark a crucial landmark in the history of French criminology.²⁷
- 27 The launch of the *Archives de l'anthropologie criminelle* needs to be seen in the context of the growing influence of new scientific approaches to criminal justice policy, notably criminal anthropology and statistics. The title chosen for the new journal - *Archives de l'anthropologie criminelle. Médecine légale, judiciaire. - Statistique criminelle. Législation et Droit* - clearly indicates this interdisciplinary ambition; with criminal anthropology intended to rub shoulders with forensic medicine and criminal statistics, not forgetting the more traditional focus on jurisprudence and legislation. It was hoped that the *Archives de l'anthropologie criminelle* would quickly become the leading French-language forum for the discussion of these issues. From its inception, the journal had close links with the city of Lyons, and in particular with its university. Not only was the university's professor of forensic medicine, Alexandre Lacassagne (1843-1924) the prime mover behind the project, he was joined on the journal's editorial board by two other academic luminaries from the city: René Garraud (1849-1930),²⁸ Professor of Criminal Law, and Henry Coutagne (1846-1895), like Lacassagne, a senior figure in the forensics department of the university's Faculty of Medicine.
- 28 In 1893, there were changes to both the editorial board and the title of the *Archives de l'anthropologie criminelle*, henceforth to be known as *Archives d'anthropologie criminelle, de criminologie et de psychologie normale et pathologique*. The administrative structure that had accompanied the first seven years of the journal's existence was dissolved, and Garraud and Coutagne were effectively downgraded to the role of collaborators, alongside Alphonse Bertillon, Paul Dubuisson, Paul-Louis Ladame and Léonce Manouvrier. Editorial control remained with Lacassagne, but a second name joined his at the helm of the enterprise, his friend the magistrate Gabriel Tarde. This two-headed editorial team was a deliberate move, intended to facilitate cross-fertilisation between the social and natural sciences on the one hand, and criminal law on the other. The death of Tarde in 1904 made further changes necessary. Lacassagne was now placed in charge of the "biological" part of the journal's content, while its "sociological" themes were the responsibility of his colleague, Dr Paul Dubuisson. Bertillon, Garraud, Ladame and Manouvrier continued in their role as collaborators. It is important to note that the "sociology" championed in the pages of the *Archives* was not what Durkheim would have recognised under that

appellation, but rather a Comtean science of society with close links to natural science and biology. In 1908, the journal's title changed once again. The word "criminology" disappeared, and was replaced by "forensic medicine"; a description, which, as we shall see presently, more accurately reflected the actual content of the *Archives de l'anthropologie criminelle*. The journal was now called: *Archives d'anthropologie criminelle, de médecine légale et de psychologie normale et pathologique*. Alexis Bertrand joined the team of collaborators at this point, and in 1911 he was joined in that role by Dr Albert Florence. Two other medical practitioners, Emmanuel Régis and Etienne Martin, would follow in 1914. That year would be the *Archives de l'anthropologie criminelle*'s last. Its publication was interrupted by the outbreak of the First World War; an interruption that would prove definitive.

- 29 Any researcher wishing to study the *Archives d'anthropologie criminelle* is confronted with the problem of lack of primary source material. No sources documenting the publishing history of the *Archives de l'anthropologie criminelle* have so far come to light. This means that we know nothing about the number of subscribers to the journal, how it was financed, or its distribution. Its international reach is evident from Lacassagne's correspondence (some of which has survived), as is the fact that the Lyons professor functioned very much as a hands-on editor-in-chief throughout the journal's history. An obvious place to start then, if one wishes to understand what the *Archives* were about, is to examine the journal's creator in more detail. After that, we shall turn to his only real co-editor, Gabriel Tarde.

Building bridges between Medicine and Law: Lacassagne et Tarde

The Doctor

- 30 Alexandre Lacassagne, Professor of Forensic Medicine at the University of Lyons between 1878 and his retirement in 1913, is, as we have noted, the dominant figure in the history of the *Archives*; not only setting up the journal in 1886, but serving as its principal editor throughout its twenty-eight year history. Indeed, it is no accident that the *Archives de l'anthropologie criminelle* were frequently referred to as the "*Archives de Lacassagne*".²⁹ Lacassagne was a towering figure in his field in France in these years, well-known to public and specialists alike for his role in solving a series of high-profile criminal cases (such as the so-called Gouffé trunk case, and in identifying the murderers Caserio and Vacher), for his prolific published output, and for his supervision of the research of more than 200 medical students. His criminological theories have often been linked with a series of well-known aphorisms, linked to the *Milieu Social* School with which he was so closely identified, and are worth quoting again here:
- 31 1) "The social milieu is the culture medium of crime; the microbe is the criminal, an element which only becomes active when it finds the medium to make it ferment" (*Le milieu social est le bouillon de culture de la criminalité; le microbe, c'est le criminel, un élément qui n'a d'importance que le jour où il trouve le bouillon qui le fait fermenter*).
- 2) "In place of the fatalism which is an inevitable corollary of the theories of the [criminal] anthropologists, we put forward social initiative" (*Au fatalisme qui découle inévitablement de la théorie anthropologique, nous opposons l'initiative sociale*)

3) “Justice withers, prison corrupts and society has the criminals it deserves” (*La justice flétrit, la prison corrompt et la société a les criminels qu'elle mérite*).

- 32 Coining memorable dictums such as these was evidently not sufficient to secure for Lacassagne a place in posterity. His theories of criminal causation, detailed at length in his writings and in the pages of the *Archives de l'anthropologie criminelle*, are today largely forgotten. While Lombroso is still considered one of criminology's founding fathers (although usually cited as an example of how *not* to conduct research in the field), Lacassagne, who was one of the Italian's earliest and most energetic critics, was until recently rarely studied, even in his native France. It is not that his criminological theories have since been rehabilitated; rather that his life and work have been the subject of detailed study by historians in the last twenty years or so. In fact, Lacassagne's historical importance derives more from his work as a *practitioner* than as a theorist.³⁰ His work both as editor and forensic expert played a key role in this critical period when science was coming to be seen as an effective tool in the fight against crime.³¹ Lacassagne was interested in anthropometry and in the potential for post-mortem examinations and physical traces to elucidate crime (thereby spurring the creation of specialised forensic science units in his country's police forces). He was also an avid collector. Indeed, it has been argued that his voluminous collections of tattoos, songs, poems and autobiographies by prisoners are fundamental to an understanding of his conception of criminology.³²
- 33 The form of criminological knowledge that Lacassagne forged out of these diverse materials also tapped into two other sites of knowledge dating to the first half of the nineteenth century, namely the French hygiene movement and phrenology. Borrowing from these two sources, Lacassagne argued that criminal proclivities were not in-born, but the consequence of *interaction* between individuals and their environment. As we saw earlier, he expressed this interaction with his metaphor of the criminal as the “microbe” and the environment as the “culture medium”. Society, he argued, is composed of individuals whose nervous systems have not evolved in the same way. Just as contemporary society was divided into three social classes, so the human brain could be divided into three zones: the frontal, the parietal and the occipital. Each of these socio-phrenological groups was associated with a particular category of criminal: the frontal part of the brain was linked with cerebral criminals, the parietal zone with occasional or impulsive criminals, whereas “occipital criminals” were driven mainly by brute instinct. Criminal lunatics were, Lacassagne reasoned, to be found mainly in the first category, while it was on the second, parietal, group that penal sanctions could be expected to have an effect. In the third group, on the other hand, where asocial “true criminals” predominated, there was little hope of reform. Lacassagne considered that in order to fight crime effectively, the criminal justice system needed to take on board the expertise which criminal anthropology had to offer. Both deterrence and public safety entered into the equation when determining sentencing policy. However, for a certain category of incorrigible offender, he argued, there was no alternative but permanent sequestration, transportation or death penalty. Lacassagne's theories, inspired by the phrenology of Gall, largely failed to convince his contemporaries.

The jurist

- 34 Like Lacassagne, Gabriel Tarde (1843-1904) was a key figure in the early history of French criminology. Magistrate, head of the statistical department at the Ministry of Justice,

professor at the prestigious *Collège de France*, and member of the equally renowned *Institut de France*, Tarde is known today above all for his sociological theories and his disagreements with Durkheim. However, he also has an important place in our story. He would play a key role in the early critical discussion of Lombrosian criminal anthropology in France (including in the pages of the *Archives de l'anthropologie criminelle*), and also developed an important theory of his own concerning criminal causation and penal responsibility.³³ Also like Lacassagne, Tarde drew on his own professional experience when constructing his response to the theory of the born criminal. That response came at the beginning of the 1880s, and he would remain resolutely hostile to the Italian's atavism-based theory in the following decades. In Tarde's view, crime was a product of society, spread by imitation and by learning anti-social behaviour, not by the nefarious effects of prehistory. The criminal, he argued, did not bear the marks of primitive Man, but rather carried with him the signs of the profession to which he belonged, since each occupation, he reasoned, possessed its own distinctive slang, tattoos and moral code (or lack of one). His later falling-out with Durkheim concerned above all how crime should be defined and more generally how society should be conceived. In Durkheim's view, crime was a *normal* phenomenon because it could be observed in all human societies. It only became "pathological" when it threatened to upset the equilibrium of society and threaten social order. For Tarde, on the other hand, crime was by definition *abnormal*, indicating that particular delinquent individuals were unable to adapt to the shared rules of society.

- 35 More generally, Durkheim considered society as an organic whole, whereas Tarde considered individual interactions to be the basis of society, interactions which produced both imitation and invention. Tarde sought to navigate a middle path between the Classical School's emphasis on free-will and personal responsibility, and the determinism of the Positivist School. He argued that to be considered fully "responsible" for his acts, an individual needed to be conscious of his "personal identity", and also feel culpability derived from a sense of belonging to the society which was judging him. The difficulty of course was how to reconcile these two principles. In the event, Tarde's theories proved no more influential than those of Lacassagne, but they need to be seen in the context of a more general debate, just starting in these years, about how to adapt penal remedies to the circumstances of each offender.

Structure of the journal

- 36 Writing in the preface to the 1910 issue of the *Archives de l'anthropologie criminelle*, Etienne Martin (1871-1949) stated: "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."³⁴ This series of claims needs to be approached with caution. First of all, the comprehensive coverage claimed for the *Archives de l'anthropologie criminelle* is doubtful. In the legislative sphere, for example, the *Revue pénitentiaire* is much more exhaustive, while for information on "major court cases", the *Gazette des tribunaux* is a better source for this period. If there is an area where the *Archives de l'anthropologie criminelle* does stand out

from the competition, however, it is in its ability to report the scientific debates of the period, and above all, detail the practice of forensic science.

- 37 The strengths of the *Archives* in this respect can be readily appreciated by examining the organisation of the journal. Each annual issue regrouped the year's articles, organised into two principal sections: "original articles" and "critical reviews". The first of the two sections contained mainly articles on the subject of forensic medicine, its techniques and how it could be used as an aid to criminal identification. Indeed, this subject was considered of such importance that from 1898 it was given a separate section in its own right, called "Medico-Legal Notes and Observations", equivalent in size to the "original articles" section. As far as the latter was concerned, under this heading could also be found theoretical articles on Criminal Law, discussions of criminal responsibility, studies of individual prisons, comparative analyses of criminal justice legislation, together with articles on sentencing, criminalistics (ballistics, anthropometry, etc.), major court cases and historical studies of criminological interest.
- 38 Certain contributors expressed their opinions clearly on major issues of the day, such as penal reform or the potential contribution of criminal anthropology to the French criminal justice system. Indeed, Lacassagne himself frequently used the journal to express his own views on criminal questions, such as his support for the 1885 Recidivists' Deportation Act, just like his colleague René Garraud, who, in the very first issue of the *Archives*, called for "specific measures" to be adopted to deal with the problem of "incorrigible criminals".³⁵ In similar fashion, writing in a later issue, Henry Coutagne, advocated the creation of specialised penal establishments in New Caledonia to cater for a group of offenders he termed "lunatic-persecutors".³⁶ Lacassagne would also use the pages of the *Archives de l'anthropologie criminelle* in 1908 to express his support for maintaining the death penalty. As might be expected, many articles concerned the subject of "criminal anthropology". Every aspect of this new science was covered in the journal; all concerned, in various ways, to identify the springs of criminal behaviour, whether they be physical, social, moral or biological. Although the term "criminal anthropology" provided a certain homogeneity to the articles in this section, there were lively debates and sometimes disagreements about the significance of different factors, and the techniques best suited to identify them. However, it was above all in the second part of the journal, devoted to "critical reviews" that these controversies were given free rein.
- 39 This second section of the *Archives* provides a valuable and fascinating insight into the wealth of research in the field of criminology in the late nineteenth and early twentieth centuries. In this section can be found reports on conferences, book reviews, summaries of foreign journals, reports on the latest scientific discoveries and court cases, and information on recently-defended doctoral dissertations. It is here too that we find opinions expressed in the most forthright fashion, often echoing the controversies being played out in the seminar rooms of the various international congresses on criminal anthropology referred to earlier. It is here that the journal's editorial board express most openly both their enthusiasms and their bugbears. Also in this section can be found a long-running series of "Chronicles", written by Albert Bournet, Paul-Louis Ladame and later Edmond Locard.
- 40 These reports were intended to keep readers abreast of developments and publications in the rest of world, with Russia, Italy, the United States and Britain among the countries covered. Their presence indicates that the *Archives de l'anthropologie criminelle* did not

consider its brief to be limited to reporting criminological subjects in France itself. Taken as a whole, it is difficult to distinguish a clear editorial line in the *Archives'* articles. In this respect, the journal reached the objective given it by its creators of providing a forum for free-ranging discussion and exchange. Above all, however, the *Archives de l'anthropologie criminelle* would be remembered for its detailed discussion of practice in forensic science.

From journal to school ?

- 41 The annual publication of the *Archives d'anthropologie criminelle* together with the supervision of a large number of doctoral students played a key role in enabling Alexandre Lacassagne, as he had intended, to build around himself a school of like-minded criminal justice professionals. The *Milieu Social* School, as it would come to be known, would dominate the field of criminal anthropology in France for half a century. Unusually for a country where most scientific movements were based in the French capital, here was “an exceptional case of cultural innovation in the provinces”.³⁷ That being said, some researchers have raised questions about both the strength in depth of the French school, and its legacy. Let us consider those two aspects in turn. On strength first, it has been calculated that the *Archives de l'anthropologie criminelle* published work by some 320 contributors. Of that number, as many as 270 published only once in the *Archives*. The “original articles” section, referred to earlier, contains work by 196 authors, but again, only a small number, about thirty in fact, published more than two pieces in this part of the journal.³⁸ These “author-contributors”, as Martine Kaluszynski terms them, were for the most part provincial doctors. The four most regular contributors to the *Archives de l'anthropologie criminelle* were, in order of importance, Lacassagne (94 articles plus many unsigned editorial pieces), Martin (44 articles), Tarde (41 articles) and Locard (31 articles). Two of these contributors were on the journal's editorial board, and the two others were students of Lacassagne's, who would subsequently follow their teacher into one of his fields of interest. For Martin, it would be forensic medicine and for Locard, criminalistics. If the *Archives* are to be considered the organ of a criminological school of thought, it is problematic to say the least that only a relatively small proportion of its articles were penned by authors who unequivocally belonged to that school. As Kaluszynski puts it, it is more accurate to see the *Archives de l'anthropologie criminelle* as the organ of a “movement” than of a school of thought.
- 42 Let us turn now to the question of the legacy of the *Milieu Social* School – or rather the lack of one. Is it not strange that none of Lacassagne's own students strove to pursue his theoretical work on criminal aetiology following their master's retirement? One of the clues to this enigma derives from the fact that the French school straddled two criminological perspectives with radically different assumptions and methodologies. The first had its roots in the fields of forensic science, psychiatry and anthropology as practiced in the first half of the nineteenth century; what today might be termed a biopsychological approach to crime. This school of criminology seeks to establish the differences between the mental and physical characteristics of the criminal population and those of the law-abiding majority. The second strand of the *Milieu Social* School drew on the Durkheimian sociological paradigm of the 1890s, and considered as irrelevant any data relating to the biological traits of an individual. The criminology of Alexandre Lacassagne combined elements from both of these models. Part medicine, part sociology, his theories were one of the last expressions of naturalism in the social sciences.

Ambiguity was thus at the heart of the French school. Writing in the very first issue of the *Archives*, co-founder René Garraud stressed “the necessity for social science to base itself on natural science”.³⁹ In 1900, in spite of the growing influence of the Durkheimian model, Lacassagne was still arguing that only “on foundations derived from mathematics, physics, chemistry and biology” would it be possible to “attempt to construct the edifice of sociology”.⁴⁰

- 43 It was thus – once again – in its *practice* rather than in its support for any particular theoretical stance that the *Archives de l'anthropologie criminelle* may be considered to have contributed to the success of the Lyons-based circle gathered around Lacassagne. In 1914, its last year of publication, the *Archives* launched a new section, devoted specifically to forensic science. The new section was the brainchild of Edmond Locard (1877-1966), a regular contributor to the journal during the previous decade, and future head of the forensic science division of the Lyons police. Even before Lacassagne's death, it was conceded that the legacy of the *Archives de l'anthropologie criminelle* was to be found above all in its contribution to forensic science. Particularly important in this respect was the journal launched in 1923 by the Paris-based publishers Baillière: the *Annales de médecine légale, de criminologie et de police technique*. This new venture was the result of a merger between two venerable nineteenth-century journals, the *Annales d'hygiène publiques et de médecine légale* (1829) and the *Bulletin de la société de médecine légale de Paris* (1868). Although for some years the new journal would retain in its title a reference to “criminal anthropology”, the writing was on the wall. It was no accident that the journal was edited by two medical specialists, Victor Balthazard, Professor of Forensic Science in Paris, and none other than Etienne Martin, Lacassagne's successor in the chair of forensic medicine in Lyon, and sub-editor of the *Archives de l'anthropologie criminelle* between 1902 and 1913. Even though the *Annales de médecine légale, de criminologie et de police technique* continued to carry articles on criminological subjects, there was no longer any attempt to bring together the worlds of the Law and Medicine on the journal's editorial board. The *Annales* would remain a medical journal through and through.
- 44 Criminal anthropology *à la française* had begun life in one of the country's regional capitals as a deliberate attempt to build on an existing speciality in forensic science. Its heyday coincided with the twenty-eight year print run of the *Archives d'anthropologie criminelle*, under the energetic leadership of Professor Lacassagne. Less than fifty years after the launch of the journal, however, it is possible to observe a reversal of this trend. Criminal anthropology in France returned to the scientific fold from which it had originally emerged; reduced effectively to the status of a sub-title in a Paris-based medical journal. It was the end of an era. It was now up to criminology to step in to take on the mantle and the ambitions of the criminal anthropologists. Research on crime and the criminal would henceforth be carried out in France in other contexts, and in other journals.
- 45 The inter-war period is interesting in this respect for it saw a significant rapprochement between the fields of Criminal Justice and Medicine. Penal reform was in the air. Earlier attempts to initiate root-and-branch reform in this area, during the period described by Robert Badinter as “the era of legislation” (1879-1899),⁴¹ had come to nothing. A reform plan of 1890 had become bogged down in the scientific disputes about the role of positivism in the criminal justice system and the existence or otherwise of a “born criminal type”. A second project in 1930 to re-write the French penal code would not ultimately prove any more successful (despite eight years having been devoted to its

elaboration), but by this period the criminological context was radically different. The polemical debates of the 1890s had been replaced by a spirit of pragmatic collaboration between jurists and the medical profession. Significantly, one of the results of a series of reforms in penal policy in this period was a greater role for the psychiatric profession in prison. Part of the reason for this rapprochement was the fizzling out of the once heated arguments about the born criminal type. More important, however, was the growing influence of the concept of *prophylaxie criminelle* in French criminological circles. Derived from the medical term for disease prevention (“prophylaxis”), the concept was seen as a powerful interdisciplinary tool enabling expertise from a number of different fields to be mobilised to identify the causes of deviance in a particular individual. An explicit syncretism was the order of the day; the old squabbles between competing criminological “schools” could thus, it was reasoned, be safely consigned to the history books. As contemporary specialist Dr Paul Schiff put it, “The anti-social act is not a fortuitous accident in the life of an individual. It does not, so to speak, come out of nowhere like a comet, but is instead a highly revealing symptom of the subject’s personality; the reaction to a conflict between opposing forces, the individual and the social.”⁴²

It is thus possible to detect a certain consensus emerging in these years; a common approach to crime and the criminal. Criminal aetiology was conceived in terms of a combination of individual and social factors; part nature, part nurture. Men were thus not considered equal either before or after committing a crime. Offenders had to be given the appropriate punishment, in terms of their antecedents as well as their crime. A new kind of criminal justice policy was emerging in Europe in this period, built on these foundations; supported by the International Association of Penal Law, as well as a range of other learned societies and scientific bodies.

What this meant in practice was that forensic psychiatry was given a key diagnostic and therapeutic role in the protection of society from crime. In theory, as French jurist Robert Saleilles pointed out, psychiatric evaluation enabled a distinction to be made between those offenders possessing free will who could be sentenced according to the traditional rules of criminal responsibility, and a second category, considered beyond the reach of the reformatory elements of the criminal justice system, who needed to be confined in a secure environment for reasons of public safety or “*défense sociale*” as it was known in France.⁴³

The plan to reform the French penal code needs to be situated in a broader international context. In its final version, it was an attempt to put into practice the principles of the new eclectic school of criminology just described. On the one hand, certain penal sanctions were to be strengthened (hard labour and “correctional” imprisonment, for example); on the other, the power to establish the terms of suspended sentences and various forms of conditional release was placed under judicial authority. The “*défense sociale*” agenda was the subject of widespread debate in the inter-war period among the members of learned societies and at scientific conferences.⁴⁴ The movement had its theorists (Toulouse and Schiff for example), and its political networks, but it never managed to win enough support to secure legislation on the subject.

⁴⁶ The fact that there was so little in the way of concrete results may explain why there has been relatively little interest in the inter-war “*défense sociale*” movement among researchers. As a result, the criminological debates and the inter-personal networks of this period, both political and scientific, remain largely unexplored. This is a pity, for the rapprochement between Medicine and Criminal Justice in the inter-war period was a

crucial development. The debate about the born criminal had faded into the background, and indeed by this period was perceived as belonging an earlier, pre-scientific era. In its place were discussions about subjects like the clinical diagnosis of sexual offenders and the potential for psychoanalysis to contribute to forensic medicine. Some medical specialists saw the new importance given to their clinical expertise in the criminal justice system as the signpost to an exciting future in which legislation would give doctors a leading role in the creation of a new biocratic society. Some jurists concurred, at least with the first part of this equation, considering expert medical opinion as the necessary accompaniment of tailor-made penal solutions for offenders, seen as the only effective way of combating recidivism. Although they approached the subject from very different perspectives, there was thus a great deal of common ground between the various professional groups active in the criminal justice arena in this period. The outbreak of hostilities in 1939 would not bring this “collaboration” to an end, even though of course the word would take on a very different meaning in the wartime context. In fact, during the period of the Vichy regime (whose reforms in the criminal justice field deserve further study), and later, after the return of peace in 1945, that cooperation between the Law and Medicine would continue. But that is a story for another day.

NOTES

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