

1913

Reform not Revolution

D. Gina Lombroso-Ferrero

Follow this and additional works at: <https://scholarlycommons.law.northwestern.edu/jclc>

 Part of the [Criminal Law Commons](#), [Criminology Commons](#), and the [Criminology and Criminal Justice Commons](#)

Recommended Citation

D. Gina Lombroso-Ferrero, Reform not Revolution, 4 J. Am. Inst. Crim. L. & Criminology 409 (May 1913 to March 1914)

This Article is brought to you for free and open access by Northwestern University School of Law Scholarly Commons. It has been accepted for inclusion in Journal of Criminal Law and Criminology by an authorized editor of Northwestern University School of Law Scholarly Commons.

REFORM NOT REVOLUTION.

D. GINA LOMBROSO-FERRERO.

I read in the last November number of your Journal the address by Mr. Frank L. Randall, at the assembly of the Institute of Criminal Law, in which he expresses many advanced ideas about criminals and the penal system. His proposal to let the judges decide whether the accused is guilty or not and to submit to the commission of technical and competent experts to decide the means of correcting him, seems to me very good. It solves indeed a great difficulty, that till now has prevented the realization of the reforms which the new school proposes, and I consider this the best and most practical thing that has ever been projected.

I hope that Mr. Randall will come to the Congress of Criminal Anthropology two years hence at Budapest. I am sure that his proposal will have the admiration of his European colleagues—and all the more so when he shall have put it into practice.

However, because I judge this the best of all projects, and because I want it to be applied not only in America, but also in Europe, I ask permission to express my opinion frankly; I ask him not to put such a project too rashly into practice. If Mr. Randall were living in Europe it would not be necessary to urge this. But America is a country full of enthusiasm and very favorable to new ideas, and it is possible that Mr. Randall's projects, very good and practical to be sure, may be in danger of being applied too quickly. I will explain: the project decreases a great deal the function of judges; it is revolutionary as Mr. Randall said; for that reason, it must be applied only if it has a good chance of success, which it has not yet, as I think. The discussion that followed Mr. Randall's lecture demonstrated that many of the institutions which the project would make necessary do not exist. Judge Gemmill of Illinois said that the judges themselves would be able to tell whether many of the guilty persons were epileptics or mad or weak-minded, and to send them to the insane asylum or other institution, but that such institutions have not been established in sufficient number and of the proper kind to meet all demands. The judges, therefore, are obliged to send them to prison.

If Mr. Randall's project should be realized in a state of the Union in which no asylums for the criminal insane exist, nor farms for weak and epileptic persons, what will become of the reform? The judges must continue the practises to which they are forced at present. The condi-

tions of public safety would not become better nor would the situation of the delinquent be improved. The new system itself would bear the blame rather than the lack of the necessary facilities. Thus it happened in France and Italy where the reform of the probation system had been established earlier in the code than in practice.

Since in France a probation officer did not exist, the man condemned to probation remained in liberty, multiplying the crimes and arrests, to the great scandal of the public and of the jurists who attributed the increase of crime to the reforms introduced in the code instead of to the impossibility of right enforcement. Although the new school had strongly fought against these and other reforms set forth in the code as premature, it was loaded with the disgrace. Because this proposal truly represents my father's ideas, I hope his advice may be heard, for he would have the success of the project very much at heart.

"Why am I a reformer?" wrote Lombroso in his book, *Croppo presto—Oppunti al nuovo Codice penale*. From the reformers I have had many unhappy experiences, therefore I ask that if it is necessary to accomplish a reform it should be carefully worked out, because the most rational modifications made suddenly have some evil consequences. If a thing has not become flesh and blood in us, even if imposed by the laws, it becomes a dead matter. Therefore, instead of proposing these radical modifications which my opponents offer, I ask, I demand, that in the code two words may be changed so as to *pronounce indefinite seclusion for the born criminals who can not be corrected at all and to those whom the disease may render less odious, but not less dangerous*. Whether they are ill or not, they are harmful to themselves, dangerous to posterity and their seclusion is not more unjust than that of the common insane and surely it is much more useful."

These reforms are not revolutionary and they agree very well with the remarks of Mr. Randall on the impossibility of classifying the criminals. By born criminals Lombroso does not understand simply the most ferocious ones, but all those who have had many a relapse, showing that they are not able to live, without committing new crimes. Striking recidivism under all its forms one hits as well dissolute men who commit crimes out of debauchery as thieves, or murderers or cheaters who repeat their crimes. These small modifications may prepare the country for the most important reforms that can be afforded, after the required institutions shall have been founded. In Holland and Japan where the new school has penetrated much deeper, they began by founding schools for detectives and jailers. Afterward they founded criminal asylums and farms for epileptics, and later they will change the code. So, at least

in America, the Salvation Army does. It forms everywhere schools for officers before it opens its beneficent institutions.

I hope that the experience which has been gained in Europe may be helpful to America; and that Mr. Randall who in his project has shown such geniality, will succeed in constructing farms for the weak and epileptic, and criminal asylums, all of which he will find essential to his project. I hope that the same motives may unite all the forces of the Institute of Criminal Law and Criminology, and that it may thus concentrate practical endeavors in order soon to create efficacious reforms.

[Following is the letter of transmittal from Madame Lombroso-Ferrero, addressed to Dean John H. Wigmore, which accompanied the foregoing article.]

"The Journal of Criminal Law and Criminology shows us how criminal science is rapidly progressing, and in assuming a constantly greater importance, which gratifies me extremely. To be sure, I am afraid that you are facing the risk that the new ideas will proceed too rapidly.

"I have read the notable contributions of Mr. Randall, in his paper read at the last annual meeting of your Institute, and have translated it for Italian publication. His remarks and plans are truly striking. Both would have given the greatest satisfaction to my father, had he lived. But I question whether it would be safe, at the present stage of things, to carry out his measures in Europe. On this subject I have written a brief comment on Mr. Randall's address, which I send to you in the hope that you will publish it in an early number."