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FILIPPO FRANCI—A PRECURSOR OF MODERN PENOLOGY¹

A HISTORICAL NOTE

THORSTEN SELLIN

Many ideas fail to gain currency in the age that gives them birth. Sprung from the genial mind of some one who anticipated the slow growth of knowledge, they remain barren in spite of their inherent value. An example of this is Mendel's law of biological inheritance, which for decades after its formulation rested in oblivion only to be resurrected due to the work of De Vries. The history of human thought is filled with such discoveries which later prove to be only rediscoveries. Sometimes the precursor remains almost unknown, while his more fortunate successor receives the laurels. This has been the fate of the man, whose work this article aims to outline. While others have claimed or gained the credit due him, little has been written about Filippo Franci, to whose intuition and understanding we owe some of the most interesting features of modern penology.

Franci was born in Florence of a noble family in 1625. By the time his activity becomes of any interest to us he had already reached maturity and priesthood. His religious and charitable nature interested him in Ipolito Francini, who had, about 1650, begun the work to which Franci was to dedicate his life. Of Francini we are told that "about 1650, during the winter, there were in Florence, scattered throughout the city, many poor boys without education, abandoned by all, idling in the streets, begging day and night. . . . Feeling compassion for them . . . Ipolito Francini, an excellent optician . . . and an intimate friend of the Grand Duke, Ferdinand II, . . . began to gather into his house some of those poor boys; later, as is believed, he obtained from his patron a storehouse . . . almost directly behind his own home and there he assembled and governed those miserable little rascals, sending them food from his own house and even distributing it personally."² But in 1653 Francini died as a result of a mortal

¹I owe a debt of gratitude to Prof. Giorgianni, secretary of "Le Murate" in Florence, and to Prof. Bruno Franchi, former editor of the "Scuola Positiva," who have greatly facilitated my search for information in connection with this paper.

²Bechi, Niccolo: *Vita del venerabil servo di Dio Filippo Franci, Sacerdote Fiorentino, Fondatore dello Spedale di San Filippo Neri detto la Casa Pia del*

wound accidentally received when he tried to intervene in a brawl between a couple of his wards.

The work was continued by Franci, his friend Benedetto Salvi, and other members of the Oratorio of San Filippo Neri. The building was remodeled somewhat and named the Hospice of San Filippo Neri, in honor of the patron saint of the founders. To guide the fraternity in its work a set of rules was prepared and adopted by the organizers in December, 1653.³ The success of the institution was immediate and

Refugio de' poveri Fanciulli. (xx + 272 pp. in 4° Firenze, 1741) pp. 37-38.—Bechi believes that Franci was the real originator of this work. "I would not think it far from the truth that he himself had given the impulse to the said Ippilto Francini . . . because he was a most intimate friend of Francini and from 1645 was frequently in his company in the Church and in the Oratorio of San Filippo Neri." (Pp. 40-41.)

³In the archives of the *Pia Casa di Lavoro* in Florence I found a copy of these rules signed, and to all appearances prepared, by Benedetto Salvi. They bore the title "Rules to be observed in the Holy work of the New Hospice of San Filippo Neri, located in the alley of Ser Bivigliano, instituted the first of November, 1653, for wayward boys, who sleep in the streets at night, said location having been conceded by His Highness Prince Leopold of Medici and cared for by brothers from the Oratorio of San Filippo Neri; which shall be written on a small tablet in said Hospice and entrusted to the care of each and every one." In all there were forty rules, the most interesting of which follows: "2. The brothers should at night go searching for boys who sleep in the streets and conduct them to the Hospice, if they are under the age of sixteen or thereabout; if they are older they should be taken to other Hospices, the above being instituted only for the little ones. . . . 9. To the Hospice should be admitted only the boys who at night are found in the streets, including those who have no person or place to turn to; no one should be admitted for friendship's sake, nor those having parents and, therefore, homes, unless such be the decision of the majority, to which obedience should be given; because if one begins to admit children for the sake of friendship, the nightly searches in the streets would soon be lost to sight, this being the end for which the House was established. . . . 10. The boys should be kept in the Hospice no longer than to their 20th year or thereabout, but one above sixteen should be admitted and when the time comes to let them go they should be aided in finding some employment where they do not lose what they have acquired during their stay in the Hospice. . . . 11. That the aim may be reached of procuring spiritual more than material advancement for these boys, such being the principal purpose of the institution, there should be directions given them to live like Christians in the fear of God. . . . 12. Every evening the boys should master the Holy Christian Doctrine and other things appertaining to and necessary for the safety of the soul; this has reference to the boys who for legitimate reasons cannot stay in some shop as well as to those employed on the evenings of the Holy days; this should be entrusted to the care of two or four, according to the need or the possibility of those who frequent the Hospice, and in teaching the doctrine some of the more learned boys can be employed, who can teach the beginners and thus at the same time learn to exercise charity toward their neighbors." (A rather early use of the monitorial system.) Rules 13-18 dealt with the varied and obligatory religious devotions. "23. That in the interest of good order the necessary work of the Hospice should be divided among the brothers . . ." Rule 25 provided for the election of a superintendent, "proveditore," and rule 26 for the two monthly meetings of the brothers to discuss the problems of the institution, particularly the treatment of the boys. "30. The brothers should watch over the boys and particularly over those put into shops by having one of them go, at least once a month, to their shops in order to hear from the master if they are behaving well. . . . 36. For their food the boys

the work grew so rapidly that in 1667 the old quarters proved insufficient. No suitable home could be found immediately, however, and it was only after a decade, during which period the institution was moved several times, that a permanent residence was found in what was formerly a palace belonging to the Cerchi family. After being completely remodeled, this house was ready for occupancy in 1677 and there the Hospice remained for more than a century, that is, long after Franci's death, which occurred in 1693.

With growing practical experience in the administration of the Hospice, Franci had evidently found opportunity to mature his ideas in the care of deserted and delinquent boys. These ideas he now crystallized in an organization which merits attention. After numerous conferences with his associates and his princely patrons and protectors he decided to entrust the work of the institution to thirty-three⁴ "deputies" or "protectors" (*protettori*). Some of these were to be laymen; others, priests, and all were to be carefully chosen for their character and special suitability. A new set of regulations, "most marvelous and sage," was drawn up by Franci. This important historical document, a book in fourteen chapters entitled "Constitutions to be observed in the Pious House of Refuge for poor boys in the Hospice of San Filippo Neri of Florence," I have failed to find in the archives of Florence. Bechi, however, gives a great deal of valuable information regarding its contents.⁵ Of the thirty-three "protectors," four were chosen to be the custodians of the boys and two of them had to be priests in order to hear confessions and teach Christian behavior. Four others were chosen to observe diligently the abilities of the boys and get work for them in the shops of the town, "Filippo not desiring them to remain idle in any way but that they should gain their livelihood by the sweat of their own labors." The same four "protectors" were instructed to pay personal visits to the employers of the boys⁶ for the purpose of checking up on their good behavior and progress, such visits aiming to serve both as a warning to the boys as well as an encouragement.⁷ Nor

should be allowed to keep all they earn in the shops, spending it as they please . . . 37. In no manner should the Hospice retain any real property because if interest enters, charity and the spirit easily leave; if a benefactor should leave something, it should be sold and the money spent for the needs of the boys and of the Hospice. . . ." (Pos. 1, Filza N. 1 R. Orfanotrofio di S. Filippo Neri. Affari Diversi; now in the archives of the Pia Casa di Lavoro, Florence.)

⁴Representing the age of Christ.

⁵Bechi, *op. cit.* pp. 48-50.

⁶Cf. note 3, rule 30.

⁷"Four were delegated to watch the progress made by the pupils in the shops where they had been placed to learn the trades and for that purpose they should frequently visit them; it also devolved upon them to select shops of honest and upright artisans, where the boys could be put, in the certainty

did their duties stop there. The search for the boys at night was entrusted to them and they were advised to continue Franci's practice of conducting that search on Saturday evenings and on evenings preceding holidays. Then there were a couple of "Masters of the Christian Doctrine," several "searchers for charity," occupied in meeting the expenses of the institution,⁸ which often took care of more than a hundred boys, and several who ministered to the physical ills of the wards, upon their admittance in particular.⁹ Then there were a couple of play supervisors so that the boys might "pass the dangerous hours busily occupied and without offense to God." Finally, there were three "protectors" assigned to the special department for unmarried mothers; this department had been recently created by Franci in an attempt to stem the tide of abortions.

The most interesting feature of the reorganized institution was the correctional department in charge of four deputies. Two of these were to "administer secret and fraternal correction to those who were in public heard or seen swearing or sinning . . . or doing anything unworthy of Christians or scandalous to others." The other two were put in charge of the "place of correction devised for the punishment of bad 'sons of families' who had been inclined to steal or commit other evil acts; these boys were put into a place specially constructed for them in the House, in order to cut off the thread of their beginning perversion, which might prove irremediable if not repaired in time."¹⁰

that they would be placed on the road of virtue and the love of labor." Passerini, Luigi: *Storia degli stabilimenti di beneficenza e d'istruzione elementare gratuita della città di Firenze* (962 pp. Tip. Le Monnier, Firenze, 1853), p. 606. According to Passerini the master was to give the boy small wages to begin with, increasing them with growing age and ability. He also claims that the deputies divided the number of boys, each taking a few in order to improve the supervision. The boys seem to have paid the institution for their food, being furnished with a bed and linen free of charge. At the end of the year, special recompense was given to the boys who had made good in conduct and industry. *Ibid.*, pp. 608-9. . . . The above indicates that Franci had in mind and actually put into practice a *probation system* with specially selected probation officers, emphasis on manual training in selected shops, according to the ability shown by the boy (vocational guidance) and the personal qualifications of the employer, constant supervision, reward for good and punishment for bad conduct.

⁸Cf. note 3, rule 37.

⁹This was in harmony with Franci's idea that the first step toward the rehabilitation of the delinquent and deserted boy was to cleanse and to cure him. The latter was particularly necessary due to the frequent scalp and cutaneous disorders in the poorer classes; to effect the former, he insisted on frequent baths. Long after the institution itself was removed from Via de' Cerchi (in 1786), the Baths of the "Quarconia," now the Central Baths, remained. Franci's Hospice was from the beginning, commonly called the "Quarconia," a word composed of *quare* and *quoniam*, the words which began the questions made by the brothers in discussing the plans for their wards. Bechi, *op. cit.* p. 38, and Passerini, *op. cit.* pp. 608-9.

¹⁰Bechi, *op. cit.* pp. 48-50.

It is this "secret place of correction" which interests the student of the history of penology. The condition which gave rise to it and the nature of the institution itself is related by Bechi, who devotes to it an entire chapter (chapter 14) of his book. There seem to have been numerous parents in Florence, who could not control their sons and therefore had to find some exterior means of chastising them. But no suitable institution existed for this purpose and "many times parents were constrained to put their sons into the public prisons, where, of course, they found themselves in the company of dissolute people, guilty of all kinds of serious crimes. Since they remained all day in the most dangerous idleness, they spent their time in recounting their vices, frankly discussing them as if they were prodigies of which they might boast. In this fashion the poor boys imbibed pernicious ideas . . . so that instead of being humiliated and corrected of their bad habits, they returned to their homes worse." In their despair the parents called on Franci for aid, a proof of the latter's reputation and success. Before promising his assistance, however, he consulted his patron, Cardinal Leopold, who in turn interested the Grand Duke, his brother. Having received "authority and a free hand," Franci attacked the problem in a manner new for his age, constructing "in a separate and remote part" of the House "a number of small cells, eight in number for the time being."¹¹ Here he purposed to keep, in exercises of correction and penitence, not alone those boys of the Hospice who had proved in need of chastisement, but preferably sons of families in the town, particularly boys born of honored or noble persons and employed in business or in shops . . . where, due to lack of money, they had proved unfaithful in the management of the property of others or had fallen into other evil pursuits unworthy of Christians."

No boy could be placed in these cells, except by permission of the "protectors" in charge, one of whom was a priest. No one under sixteen seems to have been admitted.¹² Franci also prescribed that the

¹¹It is important that the date of this construction be established. Passerini, *op. cit.* p. 607, gives it as 1677, which would mean that the cells were constructed the year the Hospice got a permanent home. I have been unable to find any confirmation of this date. Bechi, *op. cit.* p. 46, in describing the house in Via de' Cerchi, purchased by Franci on Sept., 1676, says that when it was remodeled "dormitories, work halls, and a chapel," were built. Not a word about the cells on which Bechi later spends a chapter. On the other hand, Franci's new rules, which very likely were prepared soon after the new home was occupied, contained a chapter (No. 10) on the "correctional department." It is therefore quite possible that the cells were constructed in 1677 or shortly afterwards.

¹²Passerini, *op. cit.* pp. 626-7. No verification found.

parents would have to pay for the maintenance, which should be carefully determined before the treatment began.

The cells were to facilitate the reformation of the delinquent by isolating him, thereby protecting him from an unwholesome environment and at the same time give him opportunity to meditate upon his evil ways and rehabilitate himself. "This method of punishment Franci . . . established . . . because he thought not only of remedying the mistakes . . . but to act in such a manner that the delinquents should really remain corrected and reformed by a secret yet sensible mode of punishment, unknown to all. Thus they could retain their good name." The isolation was to be constant, by day and by night,¹³ and ordinarily the only ones to visit the prisoners were the two protectors whose task it was to work the needed changes in their attitude toward their social responsibilities. The method to be used was also suggested by Franci. Force was not to be employed. The boys "should be treated with fraternal charity and . . . should be shown the right road of living by efficacious exhortations."¹⁴ Punishments should be administered solely for their own good and "the most severe punishment should ordinarily be bread and water for a few days." Franci also warned them that compassion and friendliness was much more effective than rigor and severity.¹⁵

Secrecy was held such an essential element in the treatment that even the method of transportation to and from the Hospice had been carefully worked out to hinder the recognition of the boy on the part of chance outsiders, and to assure this secrecy, even within the institution, special precautions were taken. "When the boys went to mass in the chapel or for some other reason had to pass through the house,

¹³" . . . some small prisons (were constructed) where one could be incarcerated . . . each one separated from all others." MSS. history of the institution, of uncertain date. *Pos. 1. Filza n. 1 R. Orfanotrofio di S. Filippo Neri. Affari Diversi.* In the archives of the Pia Casa di Lavoro, Florence—"No one shall be allowed to speak with the prisoners without the special recognition and permission of the two deputies." MSS. history of uncertain date. *Pos. 3, etc.*

¹⁴"During the isolation they were continually assisted by the spiritual director and one of the deputies . . . and these were the only ones permitted to speak with them, so that they would have many hours of freedom and solitude to reflect on their admonitions." Passerini, *op. cit.* pp. 626-7.

¹⁵In the MSS. mentioned in note 13, *pos. 1.* we read, "The boys should not be physically punished without awakening their soul. The priest should, knowing the nature of the offense, show them the gravity and the enormity of the crime, either by proper maxims, by terror, or by suavity as his intelligence dictates, teaching them to make amends and confess fully to him or to others. . . . Together with the lay superintendent he should examine the prisoners in order to determine what resolution to take regarding them."

"the custodians were to place hoods on their heads in order that they might remain unobserved and unrecognized by all."¹⁶

We are told that, so far as Florence was concerned, the work of Franci bore fruit. He succeeded "in a short time in ridding the town of many vicious persons, sending them to be purged and cleansed in the new Hospice of San Filippo Neri." As for the work of the correctional department, in particular, "it was received with approval by the whole town and the cells were always full not only of bad sons of families of ordinary means but of sons of rich and noble parents as well."¹⁷ In 1786 the institution was moved and entirely reorganized by ducal decree; among the changes made was the suppression of the correctional department and "the complete abolition of the cells."¹⁸

But even outside of his home city we can trace the influence of Franci. Business often took him to Leghorn, where friends and admirers formed an institution similar to the one in Florence "profiting by his advice and directions in its management."¹⁹ It is difficult to say to what extent Franci influenced the institution of the reformatory in Rome in connection with the Hospice of San Michele. Claims have been made that he was on terms of friendship with Pope Clement XI, while the latter was still cardinal. According to Bechi, the Hospice of San Filippo Neri "so pleased the cardinals and the Pope of that day that they wished to build a most magnificent one, similar to that in Florence as is told . . . by the learned Father Sigismondo Caccapani in his *Religiosa Diretta* where, in the 27th letter of the second

¹⁶This hood, which was also used during the first years of the Eastern Penitentiary of Philadelphia for the same purpose, is still in use in France where I have seen it employed at Fresnes, near Paris, the largest cellular prison in France.

¹⁷Bechi naively tells us that Franci became the Bogie man used by mothers who wished to scare their children into good behavior. "When they misbehaved, it was enough that their elders said, 'We shall call Signor Filippo Franci.' This sufficed to control them and they trembled with the fear which surprised their hearts." *Op. cit.* p. 61.

¹⁸Passerini, *op. cit.* p. 617. For complete copy of this decree see *Giornale*, pp. 31-53, Archives of the Pia Casa di Lavoro, Florence. In this Journal is also found a copy of the regulations prepared for the reorganized institution. These regulations, in 103 paragraphs, contain some interesting features. We find, for instance, an experiment with child placement in selected families.

¹⁹Bechi, *op. cit.* p. 51.—In 1670, the Duke of Ossuna, governor of Milan, proposed the erection in that city of a poorhouse and in connection with it a house of correction. Although the Emperor, Leopold II, gave his approval to this plan, nothing seems to have been done. See Beltrani-Scalia, Martino: *Sul governo e sulla riforma delle carceri in Italia. Saggio storico e teorico* (518 pp. Torino, 1867), p. 386. It is, of course, extremely doubtful and uncertain that Franci's work had anything to do with this plan. On the other hand we find many of his methods and rules adopted by Marchese di Gialione, who in 1757 founded, at Turin, a house of correction for wayward children. For the extremely interesting rules of this institution, see Beltrani-Scalia, *op. cit.* pp. 388-92.

volume, he says, "The venerable servant of God, Filippo Franci, who in our age gave so much comfort to the poor of Florence, opened a Hospice for poor boys which might serve as an idea for the great work of the Apostolic Hospice, which is today admired as among the finest in Rome."²⁰ While there are many similarities between the correctional department of the Florence institution and that of San Michele, which was organized on a much grander scale, there was one very important difference. While Franci used a system of constant solitary confinement, Pope Clement XI prescribed for the boys in his institution work in common during the day under the rule of silence and segregation only at night. The latter system had already been used in the Amsterdam workhouse for more than half a century and it is wise to keep in mind that Pope Clement was, particularly after taking office in 1700, closely in touch with events and, probably, conditions in Holland.²¹

²⁰Bechi, *op. cit.* p. 52. This is the only reliable evidence I have found pointing to any connection between Franci's work and the institution of the San Michele reformatory in Rome in 1703 by Pope Clement XI. It is true that both Passerini (*op. cit.* p. 625) and Beltrani-Scalia (*op. cit.* p. 383) claim that Franci was personally known to and even on terms of friendship with Clement XI, "formerly cardinal Emilio Altieri," but their claims are invalidated due to a regrettable error. Both of them evidently believed that Altieri and Clement XI were one and the same person. This is erroneous. It was Clement X (1670-1676) whose name was Altieri, while Clement XI (1700-1721) was formerly Giovanni Francesco Albani, becoming cardinal in 1690. Which one was Franci's friend? Possibly Albani. The work of Franci may, consequently, have inspired the institution of the San Michele reformatory.

Some writers have claimed this honor for Père Mabillon, a French Benedictine, who, according to Passerini, came to Italy in 1685 expressly to study institutions of charity and whose "*Réflexions sur les prisons des ordres religieux*" (in *Oeuvres posthumes, etc.*, vol. 2, pp. 321-35, Paris, 1724) contained an interesting plan of a penitentiary system. Whether Mabillon met Albani or not, no one knows, but he is said to have visited Franci's institution, where the correctional department had been in operation for several years. Under such circumstances no great originality can be claimed for Mabillon's plan, which seems to have been put on paper between 1690 and 1695 (Cf. Rivière, A.: *Un moine criminaliste au XVIIe siècle*, in *Nouv. Rev. Historique* 1889:758-774) although not published until after the author's death. While Cuhe (*Traité de science et de législation pénitentiaire*, Paris, 1905, p. 300) admits the priority of Franci, Vidal and Magnol (*Cours de droit criminel et de science pénitentiaire*, 6th ed. Paris, 1921 p. 21) still refer to Mabillon as "the precursor, too ignored and misunderstood, of the modern penitentiary school."

²¹von Hippel, R., *Beiträge zur Geschichte der Freiheitsstrafe in Zeitschrift für die gesamte Strafrechtswissenschaften* 18:419-494, 608-666, 1898. From this very excellent study it appears that already in 1600 there was constructed in the Amsterdam workhouse a "secret house of correction" containing a work hall and thirteen small "chambers" besides three similar chambers in the cellar to be used for punishments. "While heretofore it has been customary to refer the system of isolation of prisoners to the institutions of San Michele in Rome (1703) and of Ghent (1775), its origin seems to be in Amsterdam and much earlier. It seems clear to me that in the 'secret house of correction' a system of isolation at night was used maybe from the beginning and certainly from the middle of the 17th century." (p. 455.)

Franci's contribution to penology is thus no small one. In his work with deserted and orphaned children he recognized the need for moral and manual training, the latter based on a form of vocational guidance and imparted by specially selected masters under constant supervision by the institution. *His use of cellular segregation by day and by night* preceded the so-called Pennsylvania system by more than a century and *is, to my knowledge, the first practical attempt to use this mode of treatment for the avowed purpose of correction and reformation.*²²

²²In the article already quoted, von Hippel says of the Amsterdam workhouse, "in the 18th century the rooms of the 'secret house of correction' were turned to a different but not less interesting use. Here we find the doubtless beginnings of solitary confinement. . . . If the reason for this was lack of space . . . or a real insight into the pedagogical importance of constant isolation I do not dare to say" (*loc. cit.*). There is no doubt as to the reason which prompted Franci to use constant isolation. Not the doubtless but the possible origin of solitary confinement by day and by night, for a reformatory purpose, in Florence in 1677 or shortly afterwards.