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ENRICO FERRI & CRIMINAL SOCIOLOGY

GASPARE NICOTRI¹



The recent death of Enrico Ferri brings to a close a period of struggle and partial though continuous conquests for the science that seeks to combat the formidable problem of crime.

Shortly after 1870 Cesare Lombroso founded the science of criminal anthropology, being the scientific study of the criminal. Enrico Ferri, with his talent for assimilation and propaganda, following in the steps of Lombroso, applied in the sociological and juridical field the discoveries which complemented and were proof of the advances that had been

made in the study of crime and punishment, through the work of Cesare Beccaria.

And while theretofore crime itself had been studied, they now began to study the criminal as the product of his physical and social environment, and to provide for the defense of society by direct and indirect methods of prevention and repression, a science that had to make its way against the many prejudices of the old world.

In his work Ferri frequently made use of the promising examples set by the United States, with special reference to the preventive measures adopted against juvenile delinquency. He placed in evidence the beneficent work done by the reformatories and vocational schools where minors were placed. He pointed out, as worthy of emulation, the institution of Children's Courts, established for the first time in Chicago in 1899 followed by others in various states of the Union and England, and which are now regulated by the Child Act, a kind of *magna charta* for minors. All these measures were made the object of special study at the School of Juridico-Criminal Application at Rome, founded by Ferri, and where in 1918 Judge Ben Lindsey de-

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livered a course of lectures on the subject of juvenile delinquency.

In the field of prevention, Ferri advanced decisively and made definite gains for the science with his affirmation, *Sostitutivi Penali*. This is based upon the conception that the legislator, after considering the course of individual and social activity, with its causes and effects, should by legislative measures control the causes of crime in its various manifestations. This is treated *in extenso* in his book *Sociologia Criminale*, which has been translated into many languages and which represents his most important work. Prof. Charles Ellwood, in an introduction to the American translation of *Sociologia Criminale* (Boston 1917), speaking of his *Sostitutivi Penali*, declares Ferri to be the world's greatest criminologist. In this system of prevention, Ferri takes up the question in all its phases, economic as well as political, moral as well as religious. In the field of politics, for example, it is his belief that political crimes, conspiracies and civil wars can be prevented by a national government that is truly liberal. Universal suffrage and parliamentary liberty integrate the prevention of political crimes.

Administrative federalism bound up with political unity such as you have in America, constitutes a true code of "sostitutivi penali," giving to each part of the social organism that liberty and relative independence which is indispensable for its complete development.

This is one of the undeniable merits of Ferri, who carrying on his work in Italy and abroad, had in view principally the removal of the causes of crime, together with a more humane treatment of the criminal and his readjustment to social life, after expiration of his sentence. And these views he upheld at recent international conventions, where we were happy to note Ferri found valuable support in the American criminologists.

In July, 1926, the International Association of Penal Law which had been organized in March, 1924, at Paris, held its first convention at Brussels. At the meeting the principles of the new positivist penal school were strongly combatted. An important part in the discussion was taken by Prof. Levitt, who represented the United States, and who expressed agreement with Ferri. That Congress continuing the work initiated at a preceding meeting held in London, affirmed the duty of all nations to join in the fight against crime. It is undeniable that the work of regeneration in this solution is gradually being accepted. And Prof. Warner, President of the American Institute of Criminology has perhaps justly declared: "Criminologists see in the history of justice in Europe three Milestones: the penal

codes of the Roman Digest, the Code of Napoleon and the project of the Italian Penal Code.”

The Italian Project of 1921 found extensive application in the Russian Penal Code of 1924 and the Project of the Penal Code of the Republic of Cuba. In 1922 only a few states of the United States of America had accepted the principles of the indeterminate sentence and conditional release. In 1925, 46 states had accepted them, only Mississippi and Virginia remaining undecided. Practically throughout the civilized world the work of regeneration is the first against crime, is animated by the oxygen of the social atmosphere which seeks to prevent the causes of crime and reduce the many evils which afflict humanity. And in this work the positivist penal school has made a notable contribution in fifty years of continued work.

Prof. Ferri had been invited to lecture at Harvard University this year, and although now quite old and tired, he had accepted, but death overtook him, before he could make the trip.

Men, like social currents are not entirely free from error and defects; but in time their principles shorn of all exaggerations and excesses, survive and prove their usefulness. And it is with pleasure that I close this article and recall that last year at the meeting of the American Prison Association held at Kansas City, Mo., homage was paid to the contribution which the positivist penal school has made to the slow gains made in the battle against crime, and the effort to treat with greater understanding the evils that exist.

And while formerly prisoners were submitted to torture and continuous cellular isolation, an aberration of the XIX Century, now at length the “Auburnian” or American system, that is of separation at night and of collective work during the day, has been adopted by all civilized nations.

They recognize that work in the open air, besides the physical benefits, demonstrated by the integrating sciences of endocrinology and psychoanalysis, are of great moral benefit, preparing the prisoner for readjustment to social life.