Criminal crowds: Responsibility attribution and social control in Sighele and Le Bon

Pioneering studies on crowd violence between criminal anthropology and collective psychology

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ABSTRACT
Social control and responsibility attribution as fundamental concepts for a comparative analysis between the “Psychology of Crowds” (1895) by Gustave Le Bon and “The Criminal Crowd” (1891) by Scipio Sighele. The present study attempts to demonstrate the limitation of the distancing of the French thinker from the work of the Italian criminologist. Pioneering examples of psychology of crowds in a sociological/philosophical (for Le Bon) and criminological/forensic (for Sighele) interpretation, the texts follow some common reflections, overshadowed by the different background of the two authors and a different authorial purpose. In fact, for the eminent theoretician of positive law of Lombrosian inspiration the objective is to establish a criminal responsibility commensurate with the crimes of the members of the crowd, through the criterion of the temibility of the offender, for Le Bon instead (at least according to certain points of view) it is about providing the tools of control to the individual who does not want to be overwhelmed by the power of the crowd, while not neglecting even the latter some interesting suggestions of criminal law. This different perspective makes it easier for the reader to see the differences in thought and less easy to glimpse moments of conceptual harmony. At the same time, it will be attempted to demonstrate how it is not possible, even in spite of the title attributed by Sighele to his own work, to limit the reflection of the criminologist to the crimes of the crowds and not even flatten it on the controversial theories of criminal anthropology.

RIASSUNTO
Controllo sociale e attribuzione di responsabilità come concetti fondanti per un’analisi comparativa tra la “Psicologia delle folle” (1895) di Gustave Le Bon e “La folla delinquente” (1891) di Scipio Sighele. Il presente studio tenta di dimostrare la limitatezza della presa di distanze del pensatore francese dall’opera del criminologo italiano. Pionieristici esempi di psicologia delle folle in chiave sociologico/filosofica (per Le Bon) e criminologico/forense (per Sighele), i testi seguono alcune riflessioni comuni, adombrate dal differente background dei due autori e da una diversa finalità autoriale. Se infatti per l’eminente teorico del diritto positivo di matrice lombrosiana l’obiettivo è quello di stabilire una responsabilità penale commisurata ai delitti dei componenti della folla, attraverso il criterio della temibilità del reo, per Le Bon invece (almeno secondo certi punti di vista) si tratta di fornire gli strumenti di controllo al singolo che non voglia lasciarsene sopraffare, pur non trascurando anche quest’ultimo alcune interessanti suggestioni di diritto penale. Questa diversa prospettiva rende più facile per il lettore constatare le differenze di pensiero e meno agevole intravvedere i momenti di armonia concettuale. Si tenterà parallellamente di dimostrare come non sia possibile, anche a dispetto del titolo attribuito dal Sighele al suo stesso lavoro, limitare la riflessione del criminologo lombardo alle folle criminali e neppure appiattirla sulle controverse teorie dell’antropologia criminale.

RESUMEN
Control social y atribución de responsabilidad como conceptos fundamentales para un análisis comparativo entre la “Psicología de las multitudes” (1895) de Gustave Le Bon y “La masa delincuente” (1891) de Scipio Sighele. El presente estudio intenta demostrar los límites de la toma de distancia del pensador francés con respecto al trabajo del criminólogo italiano. Ejemplos pioneros de la psicología de las multitudes en sociológicos/filosóficos (para Le Bon) y criminológicos / forenses (para Sighele), los textos siguen algunas reflexiones comunes, eclipsadas por los diferentes antecedentes de los dos autores y por un propósito diferente. De hecho, para el eminente teórico del derecho positivo de inspiración lombrosiana, el objetivo es establecer una responsabilidad penal acorde con los crímenes de los miembros de la multitud, a través del criterio de la temibilidad del delincuente, para Le Bon (al menos según ciertos puntos de vista) se trata de proporcionar las herramientas de control al individuo que no desea sentirse abrumado, pero sin que este último desciuda algunas sugerencias interesantes del derecho penal. Esta perspectiva diferente hace que para el lector sea más fácil ver las diferencias en el pensamiento y que sea menos fácil vislumbrar los momentos de armonía conceptual. Al mismo tiempo, se intentará demostrar cómo no es posible, incluso a pesar del título atribuido por Sighele a su propio trabajo, limitar el estudio del criminólogo a los criminales y tampoco aplastarlos con las controvertidas teorías de la antropología criminal.
Introduction

1895 is an “astral year” under many aspects. It marks, first and conventionally, the birth date of psychoanalysis, with the publication of the “Studies on Hysteria” by Sigmund Freud in collaboration with Josef Breuer. It is also the year in which the Lumière brothers projected moving images for the first time in front of the audience of a Parisian basement; this coincidence, however, is at the origin of the fascinating interpenetration of cinema and psychoanalysis that still does not cease to surprise us.2

If this were not enough to define 1895 as an “annus mirabilis”, we could add a further example, that of a book which has certainly been decisive in his contemporaneity, in the psychological field and perhaps even more in the political (though often with disastrous consequences), if you want to give credit to certain statements by a dictator like Benito Mussolini that at least testify a certain fascination for the profile of the French thinker who printed it. This is, of course, the “Psychologie des Foules” by Gustave le Bon.3 As with all conventions, we need to broaden the perspective. Except for the cinema (which as a “technical” invention can only count crude precursors of “motion picture”) certainly the Freudian studies boast illustrious predecessors that in any case do not overshadow the greatness of the father of psychoanalysis.4 The same can be said of Gustave Le Bon, of whom an eminent predecessor is Scipio Sighele, author of a pioneering “La folla delinquente”, a shining example of Italian criminological school, printed in 1891.5

It is not difficult to find, in literature, examples of comparative studies among scholars who have dealt with topics not dissimilar. The interest in the comparison increases when the similarity between the concepts is such as to allow more or less unconscious influences, and there are finally cases in which the mutual accusations of intellectual paternity make this comparison even unavoidable. It is this last juncture that characterized the publication of the “Psychologie de Foules”.

However, the aim of this work is not a little original evaluation of any “plagiarism”; we will not ask ourselves, in short, how much of Le Bon is the result of the elaboration of Sighele, nor how much the latter has been influenced by the previous bibliography of Le Bon; our goal will be to find moments of agreement between two works that apparently pose totally different objectives.

We will try to demonstrate the limitation of a superficial conception such as that of Le Bon himself: “The rare authors who have dealt with the psychological study of the crowds have examined them, as I said above, solely from the criminal point of view. [...] This last work [“The Criminal Crowd”] contains no original idea, but is a compilation of facts valuable to psychologists. My conclusions on the criminality and on the morality of the crowds are, moreover, completely opposed to those of the two writers [Also Gabriel Tarde, whose work we cannot unfortunately analyze here]” now cited”.

Our goal is to ask ourselves if the distance is so big. The answer to the question could concern the concepts of “control” and “responsibility”. If for Sighele, as we will see specifically, the goal is to establish the possible criminal liability of the components of the crowd, for Le Bon the goal could be (the conditional is important) provide all the necessary tools to the individual who does not want to be an impotent victim of the era of the crowds. The divergence between the objectives is at the basis of such a different perspective of the two authors, which makes it much easier for the reader to see the differences than glimpse the moments of conceptual harmony. It will be necessary to carry out a preliminary operation. We will have to put a short introduction to the two texts that we will analyze. The Italian context, in fact, is certainly not the same as that of the French on, and it will be necessary to ask for reasons why two works substantially “similar” have had such a different fortune.

Then, we will continue our investigation by analyzing some areas for which it is possible to set up comparison dynamics between the two authors: the authorial objectives mentioned above, the concept of “crowd”, the composition and character of the same, issues of criminal law, and finally a sort of conclusive commentary on the theme of gender difference. The study of the psychology of crowds should not disregard the reading of Scipio Sighele’s text. In addition to a purely historical interest, the consistency of his arguments still makes him a highly respected alley in understanding the actions of the masses. Of course, we can immediately say that the cultural background of the early Sighele (the only one of our interest here) is that of criminal anthropology of Lombrosian origin, now completely outdated in its antiscientific value. A controversial figure, cumbersome, charismatic almost at the level of Le Bon, Cesare Lombroso is to be considered the father (partially repudiated) of criminalology. The influence of Lombroso on Sighele being significant is testified already by the title of our reference text, borrowed almost in obsequious homage by the much more famous progenitor of a long series of Lombrosian studies: “L’uomo delinquente” (1876),6 and it is precisely the basic concepts of criminal anthropology, but we will see to what extent, to provide the theoretical background of the text that we will shortly analyze, and from which we will be able to distance the core of Le Bon’s reflections.

A different fortune

There are several reasons for Le Bon’s “fortune”, as well as justifying the poorer notoriety of Sighele. Meanwhile, as we anticipated, a profound difference concerns the prestige of the two authors in the last decade of the nineteenth century. The first work of the Italian criminologist certainly could not compete, in terms of notoriety, with that of an author already known (although not always estimated) as Le Bon, even despite the huge success due to the publication of “Criminal Crowd”. Secondly, we should underline reasons that we could define as “endogenous” to the texts themselves, first of all the stylistic differences. Auft, fascinating, sometimes apocalyptic, the French author constantly seizes the opportunity to catalyze the reader, capturing the trust and dragging it with arguments sometimes poor from the logical point of view, but mesmerizing for the expository impetuosity.

Sighele is a completely different author. Sober and methodi-

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1 Freud S., Breuer J., “Studies on Hysteria”, Andesite Press, 2017.
2 An important essay on the subject is “Le Signifiant Imaginaire”, written by Christian Metz in 1977.
3 Le Bon G., “The Crowd. A Study of the Popular Mind”, Batoche Books, 2001.
4 Cf. Zaretsky E., “Secrets of the soul”, Alfred a Knopf Inc., 2004.
5 Scipio S., “The Criminal Crowd and Other Writings on Mass Society”, University of Toronto Press, 2018.
6 Cf. Tarde G., “Les Crimes des Foules”, in “Archives d’Anthropologie Criminelle”, v. VII, 1892, pp. 353-86.
7 Le Bon G., “Psychologie des Foules”, Félix Alcan Edition, 1905, p. 19 (E. Biaetti’s translation).
8 Cf. Lombroso C., “Criminal Man”, Duke University Press Books, 2006.
Article

Le Bon himself in the first pages: “Psychology of crowds is the great resource of the man of state who wants not to say govern them [...] but at least not be governed by them”).

After this disheartening search among some of Le Bon’s contradictions, it will certainly be easier to answer the same question in an author such as Scipio Sighele. The Italian criminologist does not have the confused foresight of Le Bon, and does not try to reach philosophical meanings. Sighele is almost exclusively interested in the criminal responsibility of individuals comprising the crowd (we will see a little later because it is not a criminal responsibility of the crowd but exclusively of its members). The outcome of Sighele is a compromise solution, the only proposal in a legal context that fails to go beyond the general rules: the individual components of the crowd must be considered by law as individuals in the stage of semi-responsibility.

The concept of “crowd”

To continue this comparative analysis, we must make a clear distinction between the conception of crowd of the two authors. The one of Sighele is a multitude of formless and impetuous temperament. Well, the conception of Le Bon is certainly broader, being able to distinguish the crowd in different categories. Even a jury can be classified as a crowd, according to Le Bon. For the French thinker we have heterogeneous crowds (divided into anonymous and not anonymous), and homogeneous crowds (distinguished between seven, caste and classes). For Sighele the question is different: a crowd in the strict sense can only be the first Lebanon case, i.e. anonymous heterogeneous crowds. From this it emerges that the main area of interest for a comparative analysis is the first of the categories of Le Bon, the anonymous crowd. Is it therefore true what Le Bon says, or that Sighele would have been interested only in studying criminal crowds? Certainly not, because Sighele also recognizes the existence of heroic crowds: “Although very rare and exceptional, we must not forget that there is also the case in which an individual, with impetus of the crowd, is dragged to good instead”).

Secondly, Le Bon’s criticism does not seem to make sense at all. Is the crowd capable of heroic acts? Perhaps, but the sociologist cites the Crusades on several occasions as an example of heroic crowds; an example of poor value, given that we do not forget that there is also the case in which an individual, with impetus of the crowd, is dragged to good instead.”.

The objectives and the range of action

A first and striking difference in content, which should be noted, concerns the “scope” of the two authors. As we said, the interest in the psychology of crowds is for Le Bon very broad and can meet various objectives, but if we had to establish one of primary importance, which one would we choose? The operation is also complicated by the continuous contradictions of the author. Let us take as an example some lines of the preface: “The advent of the crowds may perhaps mark one of the last stages of Western civilizations, a return to those periods of confused anarchy that precede the blossoming of new civilizations. But how to prevent it?”. The general purpose could therefore be to avoid the untested dominance of the crowds, but if we continue reading just a few lines we are facing a desolate “Let us resign ourselves to suffer the reign of the crowds because unexpected hands have overturned one after the other all the barriers that could contain them”. What would be the meaning of that “how to prevent it” if it is then written that we cannot but resign ourselves? This is combined with the judgments on the crowds themselves, which in certain passages are defined as having only a destructive force, whose predominance represents only a phase of violence and disorder, in others they seem a prerogative of civilization itself (“If the crowds had often reason, and consulted their immediate interests, perhaps no civilization would have developed [...] and humanity would have no history”). Useful in this sense may be for us the conclusion of the volume, which elaborates a cyclical system in the life of peoples (from barbarism to civilization, and then again from civilization to barbarism), but if this solves some of the contradictions of Le Bon, certain it does not help to define the main objective of his work. That of socialism is certainly a “political” problem for Le Bon, but perhaps not a problem of perspective so wide as to exhaust all the suggestions of our author, so the ultimate meaning of the text could be the one explained by...

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The composition of crowds

How is a crowd made up? Do we need an investigation into each of its components to study its characteristics? These are questions of particular importance to understand the differences between the two thinkers.

At the beginning of this report we have given some information on Cesare Lombroso and on criminal anthropology. Well, the first Sighele, strongly Lombrosian, is interested in transferring many of the conceptions of the so-called “atavistic” delinquency in human aggregates, in the perspective of a profound social determinism. Let’s see how: if in individual delinquency we must distinguish between “born criminals” and “criminals by passion”, also in collective crimes we must distinguish respectively between violent acts by congenital tendency and by passion. Well this second category is the one of the crowds, but these, in their internal composition, boast a large number of individuals, and different is the case if in a crowd there is a large percentage of born criminals or of criminals by passion (which can only be called delinquents with caution). Only the crowds of the first type will be capable of violent actions beyond all imagination, while those of the second case, although provided with the same characteristics of the first, will be much more simply subdued. Is violence responsible for the “born criminals” alone? Certainly not, but those by passion will be violent by weakness. Very poor, in the work, references to the most controversial nucleus of criminal anthropology (criminals identified by their physical anomalies), but the deterministic theory of socio-cultural factors, hereditary and environmental behavior is the core of the entire writing. In Le Bon the question is very different. The author is not interested in individuals, as regards the differences between peoples. Equality is illusory, as the races are depositaries of profound differences. This is certainly not the place to open a debate on leonbian “racism”, but just to give some basic notions we can mention the fact that the races are classified by him according to a strict hierarchical order. In any case, our reference text here is less attentive to hierarchy than diversity (think of the dialectic individual-state which is a profound difference between the Latin and Anglo-American races). On the other hand, this controversial subject is completely foreign to Sighele’s arguments, as witnessed by two episodes that the criminologist refers to the importance of the anthropological composition of the crowd. The author deals with the strikes of Décazeville of 1886 and a march of workers in Rome in 1889. If in the first case, when the crowd was composed of characters whose criminal record would make (according to Sighele) the reason for the bloody events, the motions they gave rise to a massacre; in the second case, when the crowd was composed of “respectable” workers, not even a drop of blood flowed. In this long excursion Sighele does not say a word about races. Of course, we could argue that Le Bon would consider both French and Roman crowds as crazy “Latin”, and therefore in a certain sense of the same race, but the absence of any reference to this theme testifies the absence of racist thoughts in Sighele’s first work. Of course, both authors can be considered adherent to an “anti-egalitarian” concept of man, but that as we have seen is based on very different assumptions.

The peculiar characteristics

That of the characters of the crowds is a fundamental theme of both works, and is perhaps the one where the analogies are more consistent, being very evident the influence of Sighele on Le Bon. Both authors take the philosopher Spencer as a starting point, refuting the idea that the characters of human aggregates result in the sum of those of each of the components. The creation of new characteristics forms a collective soul, and seems useful to refer now to some of these characteristics, as identified by Le Bon: impulsiveness, changeability and irritability. “The crowd is driven almost exclusively by the unconscious”16, says Le Bon who, thanks to the importance given to the processes of the unconscious, will be praised by Freud.17 These new elements emerge in Le Bon for the intervention of the factors of the race, while in Sighele are an expression of the anthropology of its components. Fascinating is a difference on the theme of irritability. In Le Bon the crowds get angry because they are faced with obstacles interposed to their goals. In Sighele, on the other hand, the main explanation is that of a totally natural and unconscious imitation of emotional states. The criminologist provides examples of emotional states communicated between bees and ants, which, on the one hand, are expressions of that deterministic “cage” typical of Italian positive schools, but on the other represent a demonstration of our evolutionary heritage. So, does the crowd of Sighele “think” for images like that of Le Bon? Difficult to say. Surely any form of thought is subsequent to the emotional state given by imitation, and then as we have seen will give rise (according to the anthropological composition of the crowds) to more or less execrable actions.

Topics of criminal law

Scipio Sighele, we have repeated it several times, directs his entire work on the subject of criminal responsibility. Although not among the main interests of Le Bon, a careful reading of “Psychologie des foules” suggests on several occasions a certain closeness with the considerations of Sighele. The latter, we have already anticipated, feels obliged to a compromise solution, since classical penal doctrine is still prevailing (that is to consider individuals responsible for violent actions in the crowd as having partial mental defect). This solution is a contradiction for the positive school of Sighele but also an excellent way to escape from justice for all “born criminal”. So what could be a more “logical” solution, according to the Italian author? There exists, both in law and in common sense, a sort of “collective responsibility” for every criminal act: on the one hand the guilt of the individual who has committed the action, on the other the “fault” of the environment, in which this criminal act had the opportunity to take shape. However, the environment has only an illusory responsibility, because effective responsibility falls exclusively on the individual in the form of a punishment. In applying the punishment there is an inversely proportional relationship: the more the environment (which would be like saying “the context”) is responsible, the less so will the individual who will therefore be subjected to a punitive measure of minority. Well, Sighele equates the crowd to the environment. Even the crowd, in fact, has an illusory responsibility, in the sense that to be punishable are only the individuals who are part of it. To establish what degree of responsibility the crowd has, precisely because of the inversely proportional relationship between the individual and

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16 Le Bon G., “Psychologie des foules”, Félix Alcan 1905, p. 25 (E. Biaetti’s translation).
17 Cf. Freud S., “Group Psychology and the Analysis of the Ego”, The Hogart Press Ltd, 1949, pp. 7-22.
the environment, is extremely important. According to the principles of positive law, we have to use the criterion of the tenability of the offender. “Is it fearful?” asks Sighele “the one who, in the midst of a crowd’s impulse, committed a crime? That man, removed from the exalted and irritated environment in which he found himself, freed from the thousand suggestions that led him to crime, and brought back to its normal state, will it still be a danger to society?”18

In part we have already answered these questions in the last few pages. For Sighele the suggestion (in the strong sense of hypnagogic suggestion) is not absolute, and forcing a man to go against his true nature is very difficult. Even in the rare cases in which the strength to resist is overwhelmed, they will reveal organic signals demonstrating the morality of the individual (Sighele uses the expression of “repentance of the organism”). If to force an honest individual, even in a state of unconsciousness, to perform actions contrary to his nature is so complex (and even more so in a crowd, where according to Sighele the suggestion is less as implemented in a waking state) it will be necessary to infer that all the components that are guilty of acts of delinquency are criminals?

No, because as we have already described, next to the born criminals there are weak individuals, dragged by the impetus of the multitude.19 This means that according to the positive school “we cannot, therefore, dictate in the abstract any absolute norm. It is necessary - here more than elsewhere - to adhere to the supreme principle of our school, to indicate the form and measure of the reaction according to the character of every single delinquent”.20 Our author is not expressed on how to investigate the character of each member of the crowd, being far more interested in highlighting the limits of the classical school; according to the episodes mentioned in the last pages, however, it is probable that this research should be carried out by looking for the individual criminal records and thus establishing the possible tenability of the offender.

This long excursus brings us back to Le Bon. The French thinker, in fact, believes that the criterion of fear must be the ultimate goal of criminal laws: “The purpose of criminal laws must be that of protecting society from criminals, not revenge”21 (the note is included in a critical argument on the judiciary that we will not analyze here).

Anyhow, there is a great difference between the two authors. For Le Bon, crowds are never criminals “psychologically”, because under the influence of suggestion its members are convinced that they have not done any illegal action.

Gender differences: A peripheral question?

As a conclusion of this comparative analysis, we want to try to find a path of correspondence also on a theme of lesser interest in the last years of the nineteenth century, but certainly of involvement in the contemporary era: that of gender difference. Is there, in Le Bon and Sighele, an interest that is exclusively “human” in studying the crowd? I think we can also underline some examples of sexual differentiation.

Le Bon does not seem to address the issue, but it should be noted that the whole crowd is considered “feminine” in relation to its volatility (considered at that time a basic feature of femininity), and it is at least funny to note that most of the same characteristics of crowds could easily, for a nineteenth century man, represent women’s stereotypes: impulsiveness, irritability, changeability, maybe even suggestibility and credulity (if we rely on the concept of woman as “weak sex”) and there are just few examples. In Sighele we can instead go beyond these assumptions, as there is a precise reference to the woman in the collective crime: “The observation that the woman, when she is perverse, is more perverse than man, had already been made (between the others from Lombroso, on the subject of individual crime. It can be repeated about the collective crime. If the dizziness of blood takes hold, the woman becomes a hyena, and knows neither limits nor restraints”.22 It is unfortunately a simple suggestion that is not deepened, but on the subject of suggestion it would however be interesting to note that in the mechanism of the “folie à deux”, whose basic mechanism is identical to that of contagion in the crowd for Sighele, the weak subject and therefore subjected to the ascendancy of a reference figure is often the woman (we refer to the past or recent chronicles that have entered the history of criminology).23 It is superfluous to remember how this conclusive analysis is, just like the references of the two authors, only a possible starting point for further reflections.

Conclusions

The aim of this work was to look, even among the many differences, for common moments of reflection between the work of two “pioneering” thinkers in the study of psychology and of the dynamics within the action of the crowds, starting from the provocative affirmation of absolute “originality” uttered by Le Bon.

It would be interesting to ask if today, in the era of new technologies, there is still something topical in the work of these two very peculiar authors. The question deserves a wide study but probably the truth is that only by forcing their thought can we update concepts that have become distant in time. What is certain is that even today the crowds of Sighele and those of Le Bon remain windows on the weaknesses of the human being and on the depths of depravity to which it can come with an ease that perhaps, before having read the work of our authors, we could not even imagine.

18 Sighele S., “La Folla Delinquente”, Fratelli Bocca 1891, p. 74 (E. Baietti’s translation).
19 And also an intermediate category that could make the contemporary reader smile: that of someone who is not frightened by the sight of blood.
20 Sighele S., “La Folla Delinquente”, Fratelli Bocca 1891, p. 91 (E. Baietti’s translation).
21 Le Bon G., “Psychologie des Foules”, Félix Alcan 1905, p. 104 (E. Baietti’s translation).
22 Sighele S., “La folla delinquente”, Fratelli Bocca 1891, p. 91 (E. Baietti’s translation).
23 https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1559622/ (cf. Table 2).
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