

## ***La Scuola Lombrosiana and the Beginning of Criminology in Malta***

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### **Abstract**

*Joseph Semini, a police inspector, became Malta's first criminologist when he published the first criminological text, Some Points on Criminology, in 1926. Although this text incorporates conceptual language borrowed from Lombroso, it would be wrong to dismiss it as an extension of the scuola positiva. Some Points on Criminology can really only be appreciated when framed within political affairs in Malta during the 1920s and 1930s. This article discusses Semini's criminology in the context in which he wrote it; his perception of the problems that motivated his writing and the source of ideas that influenced his approach to them. Although the book appears to have had little influence at the time, it is significant because he pursues an alternative to colonial criminology. Colonial criminology relied on analogies with Great Britain to understand Maltese crime problems and sought to develop Maltese institutions of criminal justice from British models. In bringing what Semini took to be an international science of criminology to the Maltese context, he was able to conceive of a more authentic Maltese response.*

Criminology, as an accredited academic discipline, makes a relatively recent appearance in Malta. The current programme of study at the University of Malta extends from the Institute of Forensic Studies established in 1993. Institutes of criminology at universities elsewhere in Europe opened after the Second World War, and some, before the First World War.

The first criminology text in Malta appeared considerably earlier, however. *Some Points on Criminology*, by Joseph Semini, was published in Valletta in 1926.<sup>2</sup> Semini, a police inspector, relates several crime issues in Malta to legal reforms in England and academic currents in Italy. He expresses himself in a dissonant lexicon originating in the early years of criminology. Phrases such as 'congenital delinquent tendencies', 'degeneracy of a race', and 'low specimens of humanity' appear in his text, and looking

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<sup>1</sup> This paper was originally given as the Dr Joseph Louis Grech Commemorative Lecture, Institute of Forensic Studies, University of Malta, 11 January 2008. My thanks to Dr Jacqueline Azzopardi and Dr Sandra Scicluna for organising the event, to Mr John Rizzo and Mr Mario Spiteri for hosting the event, and to Rector Juanito Camilleri for making my visit to the University of Malta possible.

<sup>2</sup> The publication itself has no date. I have assigned 1926 based on publication of part of the booklet in 1925 in the journal *Melita*. A literary and scientific journal published by Giovanni Muscat in 1925, *Melita* contains articles in Italian and English. Two sections of Semini's work appear as articles in volume 5: "Young Offenders", 246-54 and "The Penal System", 298-307.

back with knowledge of what these terms would come to mean in Hitler's Europe, it is disconcerting to read them. But the reforms he offers express a welfarist, not a eugenicist approach. He argues for less reliance on legal interventions and punishment and more emphasis on social welfare programmes with the potential for prevention.

In advancing the early Italian project, Semini becomes liable to the conventional critique of Lombrosian criminology as a specious science reflecting popular prejudices about the 'criminal classes'.<sup>3</sup> But it would be a mistake to reduce Semini to a Maltese extension of *La Scuola Lombrosiana*. The problem of Semini's language suggests that there is more, and less, going on. *Some Points on Criminology* can really only be appreciated when framed against Malta of the 1920s and 1930s. In this essay, I discuss Semini's criminology in the context in which he wrote it; his perception of the problems that motivated his writing and the source of ideas that influenced his approach to them.

In this discussion, Semini emerges as the first Maltese criminologist. Although his publication appears to have had little influence at the time, it is significant because he develops an indigenous criminology. In seeking solutions to Malta's crime problems from the Lombroso school, as flawed as it was, Semini pursued an alternative to colonial criminology. Colonial criminology relied on analogies with Great Britain to understand Maltese crime problems and sought to develop Maltese institutions of criminal justice from British models. In bringing what Semini took to be an international science of criminology to the Maltese context, he was able to conceive of Maltese solutions. He not only translated the conceptual language of Lombroso, but developed his own arguments concerning the social origins of criminality and the importance of social welfare as the preferred route to crime reduction. Further, he identified criminal justice as a source of crime; colonial practises concerning police and prisons made the crime problem worse, not better.

### **Political Conditions in Interwar Malta**

To appreciate what Semini has to say it is necessary to have understanding about what he does not say, or as he explains in the preface, what he *cannot say*. Owing to his position as an inspector of police, he could not relate 'certain facts and incidents' known to him through his work. But more than his professional commitments kept him from writing the book he would have wanted to write. He also hints at the political climate in which he was 'not permitted perhaps to speak too candidly on certain subjects', but had to 'tone down [his] work as much as possible and to suppress many things'.<sup>4</sup>

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<sup>3</sup> Peter Becker and Richard Wetzell, eds., *Criminals and Their Scientists*, Cambridge, 2006; Dario Melossi, "Changing Representations of the Criminal", *British Journal of Criminology*, 40 (2000) 296-320; David Horn, *The Criminal Body: Lombroso and the Anatomy of Deviance*, New York, 2003; Mary Gibson, *Born to Crime: Cesare Lombroso and the Origins of Biological Criminology*, Westport, 2002.

<sup>4</sup> Semini, *Some Points*, 2.

Intense and aggressive politics characterised the interwar period in Malta. In the 1920s and 1930s, a range of issues acquired immense political significance, in large part because of the structure of self-governance. The constitution of 1921 institutionalised the competing claims of two foreign languages: Italian and English. From the medieval period, when the Sicilian nobility dominated Malta, Italian had been the language of the church, the law courts, and the university. Britain made Malta a protectorate in 1800, and in 1814, a crown colony. English became a language of instruction in schools, and as Malta became a centre for trade with colonies to east (principally India), the principal language of commerce. The constitution also put in place two governments, a Maltese government and an 'Maltese imperial government' as a formula to divide the domains of internal policy and external and defence policies. The Maltese government consisted of a prime minister, a legislature (comprised of legislative assembly and senate), and a cabinet of seven ministers. The imperial government consisted of the governor (and chief secretary to government) who followed instructions from Colonial Office in London.

This rather complicated and unsettled situation became further complicated and unsettled by the rise of fascism in Italy. Mussolini made frequent reference to Malta as part of *Italia Irredenta* (Italy's 'unsaved' or 'unredeemed') and the Mediterranean as *mare nostrum* ('our sea'). His actions, and those of the pro-Italy faction in Malta, made the British authorities nervous, and self-government in Malta became subject increasingly to their imperial concerns in the Mediterranean. The pro-British press denounced Italian-language newspapers as the work of 'Italian propagandists' in league with fascist professors at the university and a few foreign residents.<sup>5</sup> Britain's concern to minimise fascist influence in Malta ended more than one career. In 1923, Malta's first prime minister, Joseph Howard, had to resign following an after-dinner speech in Rome. Howard asked his Maltese audience to encourage their fellow Maltese to learn Italian as it represented 'our *madre lingua*' ('mother tongue'). He added that Malta would be nothing without Rome; the island's language and culture extended from the Eternal City.<sup>6</sup>

Following the elections of 1932, when the victorious Nationalist Party attempted to restore the prominence of Italian culture, Britain ended self-government altogether and Malta reverted to the status of a crown colony. The Colonial Office declared the Italian language *lingua non grata* and attacked Italian influence with renewed vigour. Public servants known for their pro-Italian sympathies were dismissed from office. When war broke out, a number of high-ranking officials were arrested, interned, and deported.<sup>7</sup> One of these was Carlo Mallia who served as Minister of Justice (with responsibility for police) between 1924 and 1926, the years when Semini wrote and published his short book. Mallia had been appointed professor of commercial law at the University of Malta in 1918. The following year, he became a member of the national assembly representing the clericalist party (one of the parties that would later form the Nationalist Party) and he was elected to the legislative assembly in 1924, 1927 and 1932. In 1937, the Colonial Office removed Mallia from his professorship because of expressed fascist sympathies.

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<sup>5</sup> Mabel Strickland, "Has England Forgotten Malta?" in M. Strickland, ed., *A Collection of Essays on Malta 1923-1954*, Malta, 1955, 5.

<sup>6</sup> *Daily Malta Chronicle*, 'Mr Howard's Propaganda in Rome', 29 September 1923, 3.

<sup>7</sup> Godfrey Pirota, *The Maltese Public Service 1800-1940*, Malta, 1996, 391-2.

He left Malta for Rome where he led an Irredentist Maltese political group under protection of the Italian ministry for propaganda.<sup>8</sup>

And then there was Gerald Strickland, Count della Catena, the dominant political personality of the era, who applied an aggressive Anglicisation policy. He succeeded in becoming Malta's fourth prime minister as leader of the pro-Empire Constitutional Party in 1927 following a campaign of well-financed courtship and bare-knuckled intimidation. One night during the 1924 election, he led a mob of some five hundred zealots around Valletta; they insulted prominent Italian residents and vandalised Umberto Primo, the leading Italian-language school.<sup>9</sup> Just before the 1927 general election, a fraudulent affidavit that Strickland was a freemason circulated among the Catholic electorate. Strickland's party still received a majority in the assembly, but not in the senate, and he could only form a government by means of a compact with the Labour Party. On his first night as prime minister, he directed the police to search the houses of fallen ministers ostensibly to prevent the removal of documents from departments.<sup>10</sup> Before 1930, there were three plots to assassinate Strickland and one attempt; a Nationalist partisan shot at Strickland in the court-house, missing three times.<sup>11</sup> In response, Strickland went so far as to suggest the Archbishop of Malta was among those who wanted to see him dead.<sup>12</sup>

Semini can be forgiven, then, for avoiding clear reference to the Italian inspiration for his analysis. The political climate, combined with his personal background, called for discretion. He was born in Valletta in 1884, and although he was a British subject, the name suggests that his family had come from Italy. Semini is not a Maltese surname; it is a relatively rare Italian surname originating in the northern part of Italy.<sup>13</sup> Semini may have had extended family in Italy, or other ties, and this would have made his reference even riskier. Had he announced his pursuit of an Italian approach, it may have cost him a promotion, perhaps his post. His solution explains the curious language of *Some Points on Criminology*; he offers a coded presentation, with specific references to British officials and British practises, and frequent allusions to Italian theories and ideas.

### The Legacy of Italian Criminology

Ostensibly, Italian criminology had little influence in Great Britain. When in 1933, Prison Commissioner Alexander Paterson argued for establishing the first chair of

<sup>8</sup> Michael Schiavone and Louis Scerri, *Maltese Biographies of the Twentieth Century*, Malta, 1997, 375.

<sup>9</sup> Henry Frendo, "Italy and Britain in Maltese Colonial Nationalism", *History of European Ideas*, 15 (1992), 736.

<sup>10</sup> Hugh Molson, "The Problems of Malta", *The Quarterly Review*, 263 (1934), 128.

<sup>11</sup> Henry Frendo, "Britain's European Mediterranean: Language, Religion, and Politics in Lord Strickland's Malta", *History of European Ideas*, 21 (1995), 54.

<sup>12</sup> Gerald Strickland, *Political Conditions in Malta*, London, 1930, 11.

<sup>13</sup> Personal communication from Laura Semini, 11 October 2007. Professor Semini, at the University of Pisa, observes that the Semini name can be found in the region of Venice, the area between Milan and Turin, and in the south of Switzerland. The first Semini lived in the valleys of the Alps between Italy and Switzerland where the religion is Waldensian and during periods of persecution, some of them left for the 'open-minded' Republic of Venice. Some of the Semini came to Malta, probably for similar reasons.

criminology at a British university, he held up Lombroso as an example of precisely the sort of person he *did not* have in mind. British criminology should pursue a legal, psychological and to some extent, sociological, framework rather than Lombroso's 'criminal type' that had been falsified by Goring's research at Parkhurst prison.<sup>14</sup>

During the final decades of the nineteenth century, Cesare Lombroso established criminology as field of social-scientific enquiry. He held a series of posts at the University of Turin in medical jurisprudence, psychiatry, public hygiene, and criminal anthropology and generated dozens of books and hundreds of articles on insanity, legal medicine, anarchy, and criminality. *The Criminal Man*, first published in 1876, appeared in five editions during the next twenty years. In this work, Lombroso elaborated his claim about the existence of a degenerate class of human beings, distinguishable by anatomical characteristics, who are born with criminal propensities (*delinquente nato*). In the third edition of 1884, he suggested the criminal type suffered moral insanity; the individual returns to a primeval state, deprived of moral sense. And, in his studies of prostitutes, he declared the criminal type to be rare among women; the prostitute alone resembles the criminal man. Lombroso wrote in a flamboyant and cavalier style, making use of statistics as it suited his purpose, that of defining and establishing a new category of scientific endeavour.<sup>15</sup>

Enrico Ferri diffused and amplified Lombroso's project. He was an academic lawyer, member of parliament, member of the socialist party, and international spokesperson for the positive school of criminal science. In 1881, while professor of criminal law at the University of Bologna, he published what would become in the third edition of 1892, *Criminal Sociology*. The two volumes of fifth and final edition appeared in 1929 and 1930. Ferri became professor of criminal law at the University of Rome where he founded the School for Applied Criminal Law and Procedure, and for a number of years, he lectured at universities in France, Belgium, and the Netherlands.<sup>16</sup> Although Ferri continued to acknowledge Lombroso as the founder of his approach, he took little interest in 'measuring the heads of criminals'. He advanced an explanation for crime incorporating multiple causes. In addition to inherited physical characteristics, he called attention to 'telluric' factors, such as climate and time of day, and social factors, including poverty, illiteracy, and family conditions. He, like Lombroso, expressed his ideas in dramatic and cavalier language.

Despite, or because, of criticism Lombroso received in Britain, France and elsewhere, Lombrosian criminology surged in Italy. By the 1930s, a generation of Italians had developed the 'constitutional school' of criminology. Nicola Pende, Salvatore Ottolenghi, and Benigno Di Tullio carried out research into the causal influence of psychopathic personalities, neurological psychoses, physical disease, and alcohol and

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<sup>14</sup> Alexander Paterson, "Should the Criminologist be Encouraged?", *Transactions of the Medico-Legal Society*, 26 (1933), 182.

<sup>15</sup> Paul Rock, "Cesare Lombroso as a Signal Criminologist", *Criminology and Criminal Justice*, 7 (2007), 121-2.

<sup>16</sup> Thorsten Sellin, "Enrico Ferri (1856-1929)", *Journal of Criminal Law, Criminology and Police Science*, 48 (1958), 481-2.

narcotic drugs in explaining criminality. Generally, they sought to identify the characteristics of the 'real' delinquent as opposed to the occasional lawbreaker. Real delinquents were born with psychological and physical predispositions, which when activated by particular environmental conditions, produced criminal behaviour. In pursuit of the 'delinquent constitution', the criminologists of the constitutional school explored what they believed to be factors responsible for the original abnormalities in the psychology of individuals, and those factors in the environment, which when in contact with a delinquent constitution, produce criminal behaviour.<sup>17</sup>

Joseph Semini's analysis of crime, and his sense of legal reforms needed in Malta, reflects this tradition. In discussing Malta's prison, he makes a favourable reference to 'many prominent authors on criminal anthropology'.<sup>18</sup> He reveals the source of his approach in his classification of criminal types. 'Modern criminologists classify delinquents under five categories' and proceeds to explain the meaning of them: 'insane', 'born', 'habitual', 'occasional' and 'delinquents by passion'.<sup>19</sup> It was Ferri who produced this set of terms, with reference to Lombroso, and elaborated them fully in the second edition of his *The Murderer in Criminal Psychology and Psychopathology*. The scheme also appears in the fifth edition of *The Homicide-Suicide: Judicial Responsibility*, published at Turin in 1925.<sup>20</sup> Overall, Semini advances what Ferri called 'penal substitutes'. By this he meant all of the government measures to forestall crime other than those of criminal sanctions, such as social and welfare policies. In this way, the government could thwart future and potential criminality rather than fall back on intervention and punishment after the harmful consequences of a criminal act had been felt. Semini also mentions the 1925 International Prison Congress held at the Imperial Institute in London and quotes from the Home Secretary, William Joynson-Hicks.<sup>21</sup> Although it does not appear that Semini, or anyone from Malta, attended this conference, Ferri did.<sup>22</sup>

It is difficult to say where, or how, Semini acquired this knowledge. Perhaps he read *The Criminal Man*. The National Library of Malta, established as a public library during the last years of the Knights of the Order of St John of Jerusalem, has been collecting books since the sixteenth century. The collection includes the fifth edition of *L'uomo delinquente* published in 1896-7. The University of Malta library received in 1925 a copy *Principles of Criminology* by K. Subrahmaniam Pillai, a professor at the Madras Law College. Published in 1924, the book represents a description of criminology from an ardent admirer of Lombroso.<sup>23</sup> Semini may also have acquired his

<sup>17</sup> Elio Monachesi, "Trends in Criminological Research in Italy", *American Sociological Review*, 1 (1936), 396-406.

<sup>18</sup> Semini, *Some Points*, 25.

<sup>19</sup> *Ibid.*, 32.

<sup>20</sup> Sellin, "Enrico Ferri", 485.

<sup>21</sup> Semini, *Some Points*, 33.

<sup>22</sup> H. Hartley and N. Raw, "The Ninth International Prison Congress", *Transactions of the Medico-Legal Society*, 20 (1926), 2.

<sup>23</sup> University of Malta, *Annual Report of the University of Malta 1924-5*, National Archives of Malta (GMR 958), 3.

knowledge of Italian criminology from a more personal source, the chair of forensic medicine at the University of Malta.

### Malta's Tradition of Forensic Medicine

Semini took a keen interest in forensic science. He demonstrated some expertise in this regard in his evidence before the commission to enquire into the events of 7 and 8 June, 1919. Known among Maltese as the *Sette Guigno* ('Seventh June'), this date is remembered as the day when British forces fired shots into a crowd killing three Maltese; British troops bayoneted another Maltese to death the following day.<sup>24</sup> Semini emerged as an important figure in the enquiry. He had witnessed British troops fire repeatedly into the crowd in front of the bakery on Britannia Street and produced for the commissioners the official list of persons killed and wounded during the riots. He also recovered from the Central Hospital in Floriana, splinters of a bullet that had been mentioned by another witness as being a 'dum dum' bullet. Developed at the Cartridge and Percussion Cap Factory at Dum-Dum (outside Calcutta) for the British Army, the 'mushrooming' bullet had a soft, lead point to expand on impact and increase the diameter of wounds. The Hague Convention (1899) outlawed use of such ammunition for international warfare, and had British forces been unable to investigate the allegation of its use against civilians, it would have meant even further embarrassment. After an examination, the commissioners concluded the splinters did not form such a bullet.<sup>25</sup>

Semini became director of the detective branch of the Malta Police during the administration of Colonel H.W.M. Bamford. Bamford served as commissioner of police and superintendent of the prison in the wake of the 1919 events until self-government in 1921. He declared the police in Malta to be an 'inefficient force' and announced the formation of the detective branch as part of a significant reform agenda.<sup>26</sup> As Bamford explained in his annual report of 1920-1, the detective branch dealt with criminal records, resident aliens, and passports in addition to 'purely criminal investigation work'. He praised Semini for 'exceptionally good work', particularly in detection of forged currency and coins and in locating sites for production of unlicensed alcohol.<sup>27</sup> These years in the detective branch, Semini said, brought him into contact with a number of cases and afforded opportunities for studying the moral, social, and economic conditions that bring about professional criminality. Semini received a promotion to superintendent (one of six) in 1929, three years after publication of *Some Points on Criminology*.

Semini makes repeated references to forensic science, a well-established medical speciality in Malta. Stefano Zerafa, the first chair of forensic medicine at the University

<sup>24</sup> Henry Frendo, *Politics in a Fortress Colony: The Maltese Experience*, Malta, 1991, 171-3.

<sup>25</sup> A. Parnis, *Minutes of the Proceedings of the Commission of Enquiry into the Events of the 7<sup>th</sup> and 8<sup>th</sup> June*, National Archives of Malta (GMR 746), 26.

<sup>26</sup> H.W.M. Bamford, *Report by Commissioner of Police on Efficiency, Status, and Existing Conditions of the Police Force*, Malta, 1919, 3.

<sup>27</sup> Malta Police, *Annual Report of the Commissioner of Police 1920-1*, National Archives of Malta (GMR 767), 1.

of Malta, was appointed in 1829, and faculty in medicine and chemistry demonstrated knowledge of microscope-based research into blood stains as early as 1846. The 1856 syllabus in medical jurisprudence included abortion, wounds, poisoning, mental disease, and chemical analysis.<sup>28</sup> Yet the police did not institutionalise forensic technologies until the 1930s. The annual report for 1931-2 makes reference, for the first time, to a criminal investigation department organised to make fingerprints and photographs, and only in the following years does it appear this had become routine.<sup>29</sup> Even in 1955, fingerprint identification remained under-utilised. A British consultant, W.A. Muller, commented in his report that year about the lack of police trained in use of fingerprint and photographic equipment. The Malta Police did not use fingerprint records for identification (but continued to rely on name searches); nor did they aggregate crime statistics for use in analysing crime patterns or deploying personnel.<sup>30</sup>

Semini calls for ‘drastic reforms’ in criminal records. He advocated the use of photography and fingerprint identification for habitual criminals and urged creation of a ‘criminal museum which no organised Police Force lacks’.<sup>31</sup> He could not be referring here to a British institution because nothing along these lines existed. Aside from the fingerprint bureau set up at Scotland Yard in 1902, the English police had neither a laboratory nor scientific staff for research. British policing before the Second World War tended to decline scientific advances believed to jeopardise the good-will and cooperation of the public, those methods the ordinary person would have considered ‘unfair’.<sup>32</sup> The paradigm Semini seems to have in mind here is the School for Scientific Police in Rome, founded by Salvatore Ottolenghi in the prison at Regina Coeli in 1903. The school, described as ‘the brains of Italian police organisation’, centralised criminal identification. From across Italy, police spent a period of several years learning the methods of fingerprinting, photography, and measurements. Through the application of such methods it was believed the police would become more efficient in preventing and fighting criminality. The school included a laboratory for microscopic and chemical analyses, a psychological laboratory, a library, lecture theatres, and ‘a small museum of criminology’.<sup>33</sup>

But it is clear that in discussing forensic science Semini has more in mind than recognising previous offenders or even solving individual cases. Fingerprints and photographs contributed to a system of ‘card indexing for the study of criminology’. By improving the practise of record-keeping and introducing card-filing, ‘we shall be able to find out in future, with a certain amount of precision, the causes of delinquency’. On this foundation, Semini believed it would be possible to ‘eliminate certain conditions in our

<sup>28</sup> Paul Cassar, *Landmarks in the Development of Forensic Medicine in the Maltese Islands*, Malta, 1974, 30-1, 36.

<sup>29</sup> Malta Police, *Annual Report of the Commissioner of Police for 1931-2*, National Archives of Malta (GMR 1186), 3.

<sup>30</sup> W.A. Muller, *Report on the Malta Police Force*, Malta, 1955, 11-2.

<sup>31</sup> Semini, *Some Points*, 2.

<sup>32</sup> Cicely Craven, “The Progress of English Criminology”, *Journal of Criminal Law and Criminology*, 24 (1933), 233.

<sup>33</sup> Victor von Borosini, “The School of Scientific Police in Rome”, *Journal of the American Institute of Criminal Law and Criminology*, 3 (1913), 881-2.



social structure which breed delinquency, encourage vice and stimulate degeneracy'. Through analysis of the facts concerning individual offenders, the criminologist could identify 'conditions of life and habits' that led to criminality. A comprehensive card-system would record information about home conditions, bad companions, and family conditions for each delinquent.<sup>34</sup> This aspect of Semini's forensic project resembles research carried out in prisons in Italy and England in the 1920s and 1930s. Di Tullio conducted research on several thousand prisoners at Regina Coeli prison at Rome; he compared traits of prisoners with those of their parents.<sup>35</sup> Alexander Paterson and W. Norwood East pursued a similar research at Wormwood Scrubs prison; they collected details concerning social and family background of 5,000 boys, including conditions of birth, home life, school life, and work history in a single record.<sup>36</sup> To what extent Semini knew of either of these projects is not known; he might not have heard of either. Still, he was not an academic, and so it would appear he developed his ideas from someone familiar with such research.

Semini could have learned about Italian criminology, and Di Tullio's project in particular, from Giuseppe Hyzler, the chair of forensic medicine at the University of Malta.<sup>37</sup> Hyzler completed the course in medicine at the University of Malta and did postgraduate study at the Institute of Legal Medicine, University of Rome. He served the criminal court as an examiner in anatomy, surgery, and mental diseases and appears to have had some interest in criminal-justice intervention. Hyzler would have been familiar with Italian criminology from his study at Rome, although he seems to have been more interested in politics than academics. Hyzler joined the Maltese Political Union in 1919 and contested the elections of 1921 but was not successful. In 1932 he won election with the Nationalist Party.<sup>38</sup> If Semini did learn of Italian criminology from Hyzler, Hyzler's Nationalist credentials may have kept him from mentioning it.

### Youth Crime and the Reformatory

Semini discusses the need for reforms in several areas beginning with the response to youth crime. Specifically, he criticised police practise concerning hawkers. Hawkers selling wares in Valletta had been a cause for comment at least since the nineteenth century. William Thackeray, who visited Malta in 1844, commented on the appeal of Valletta. He found palaces, churches, a court-house, library and genteel shops; soldiers in scarlet, women in black mantillas, happy young officers, shovel-hatted priests and bearded capuchins. 'Professional beggars run shrieking after the stranger; and agents for horses, for inns and worse places still, follow him and insinuate the excellence of their goods'.<sup>39</sup> In 1903, the commissioner of police, Tancred Curmi, mentioned the hawkers

<sup>34</sup> Semini, *Some Points*, 19.

<sup>35</sup> Benigno di Tullio, *Manual of Anthropology and Psychology*, Rome, 1931, 42-4.

<sup>36</sup> Alexander Paterson, "English Prisons", *Annals of the American Academy of Political and Social Science*, 157 (1931), 164-73.

<sup>37</sup> The previous chair of forensic medicine, G. Ullo Xuereb, represents a possible, but less likely source. From 1920 to 1927, he held the chair of mental disease as well as forensic medicine.

<sup>38</sup> Schiavone and Scerri, *Maltese Biographies*, 349.

<sup>39</sup> William Thackeray, *Burlesques: From Cornhill to Cairo and Juvenenila*, London, 1903, 267.

problem: 'A great number of street arabs, uncared for by their parents, infest the streets, causing trouble to police, and nuisance to the public, almost with impunity'.<sup>40</sup>

Hawkers had become a problem in the 1920s, at a time when Malta began pursuing tourism as an alternative to the service economy based on the presence of the Mediterranean Fleet. Each year, a greater number of cruising steamers called at Malta; in 1924, six ships brought 1530 passengers, and in 1926, 18 ships with 5320 passengers (and by 1932, these figures would increase to 26 ships and 14,714 passengers). Liners to and from the Far East put into the Grand Harbour and remained long enough for passengers to visit shops in Valletta. In 1923, the government appointed a committee to promote tourism and the committee inaugurated an advertising campaign at the Wembley Exhibition of 1924.<sup>41</sup> Leading Maltese, including Henry Casolani, envisioned Malta as a winter resort, featuring a first-class hotel, a casino, tennis courts, and fine restaurants. Sceptics claimed it would never happen as hawkers, along with church bells and goats, drove tourists away. Casolani did not see these as insurmountable problems, although he advised pursuit of an expert who would 'tell us how to deal with the hawker, and how the irresponsible child is controlled and punished in other countries'.<sup>42</sup>

Semini acknowledged boy-hawkers as a 'very serious problem for the future' but disagreed with the current policy response. The legislation was too severe, and when wrongly-applied by the police, only compounded the problem. Any infringement of the law brought the boys into court where they received fines their parents were unable to pay. Boys of twelve and thirteen years of age could be seen in prison for having sold sweets or matches in the streets without a police license. 'We must bear in mind', Semini writes, 'that many of the boy-hawkers are by stern necessity driven to exercise a trade in order to be able to contribute to their poor parents...'. Many of them were only trying to assist their families by selling a few chocolates or wares; most of them did not possess 'a bad heart', but starting life in prison made them 'as hard as steel'. Short terms of imprisonment for trivial offences 'trained for future degeneracy, mendacity and delinquency'.<sup>43</sup> He framed his analysis in the conceptual language of the Italians. 'From a criminological point of view we can say that man is generally the offspring of heredity and environment...'. Although delinquents result 'partly on account of those congenital delinquent tendencies they inherit from their degenerate parents', Semini wrote, he also said that criminality was principally due to the environment in which individuals fail to develop moral reasoning. 'I strongly believe that most of the wretched poverty we daily see growing around us and much of the spreading latent delinquency we have in our midst is the direct cause of deficiency in our social structure'.<sup>44</sup>

He does not cite Lombroso or Ferri, but mentions Colonel Bamford, the late commissioner of police. Bamford, Semini writes, took 'a very wise step' in establishing

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<sup>40</sup> Malta Police, *Annual Report of the Commissioner of Police 1903-4*, National Archives of Malta (GMR 412), 5.

<sup>41</sup> Tourist Bureau, *Report on the Working of the Tourist Bureau 1933-4*, National Archives of Malta (GMR 1246), 1, 3.

<sup>42</sup> Henry Casolani, *Make Malta Prosperous*, Malta, 1924.

<sup>43</sup> Semini, *Some Points*, 7-9.

<sup>44</sup> *Ibid.*, 4.

a reformatory for juvenile lawbreakers. Semini shared Bamford's belief that although youth crime had to do with the inability of parents to control their children, 'a more permanent cause is the lack of support afforded by the police in the punishments awarded'.<sup>45</sup> Shortly after assuming his post, Bamford spied Salvatore Fort and Barracks, and as soon as the last of the Turkish prisoners of war had been evacuated, secured a budget for adapting it to a reformatory. 'The reformatory school', he taught, 'should be primarily an educational establishment and its most important function the training and development of good moral, mental and physical qualities'.<sup>46</sup>

The reformatory, Semini said, was the correct way to reform poor children. It removed children from miserable environments, and placed them in a position to receive training and education, as well as adequate food and suitable clothing. This was the response of any humane and civilised government, but it did not go far enough. Semini urged steps to be taken for the young men after release. What was accomplished, he asked, when a man of eighteen years of age, was returned to the environment that had led him wrong to begin with? Once surrounded again by unhealthy conditions and old acquaintances, these 'reformed' young men would revisit their delinquency, and eventually, father 'further degenerate offspring' who would be sent to jail or a charitable institution. Semini suggested those released from the reformatory should receive some assistance in finding employment. They might also be assisted to emigrate by means of a labour bureau abroad.<sup>47</sup>

### **Barmaids and White Slavery**

Semini devotes considerable commentary to a discussion of prostitution, an issue of significance not only in Malta, but across Europe and the Americas. In 1902, when Gerald Strickland served as chief secretary to government, he initiated a campaign to end visible prostitution in Malta.<sup>48</sup> Regulations were enacted to limit the streets where the sex trade operated, and these areas were progressively increased through subsequent legislation.<sup>49</sup> Realistically, prostitution could not be banished from the island, particularly with the Royal Navy's Mediterranean Fleet at anchor in the Grand Harbour. During the first decades of the twentieth century, the number of naval, army, and air force personnel in Malta never fell below 10,000. Colonel Bamford referred to an increase of venereal disease among sailors and soldiers in 1921 as justification for imposing stringent measures to keep 'common prostitutes' under control.<sup>50</sup> Straight Street, or 'The Gut', in Valletta became notorious among naval ratings as a place to find prostitutes.

<sup>45</sup> Malta Police, *Annual Report of the Commissioner of Police 1920-1*, National Archives of Malta (GMR 767), 183.

<sup>46</sup> *Government Gazette*, "Report on Juvenile Offenders", 17 December 1920, 247-8.

<sup>47</sup> Semini, *Some Points*, 5-6, 22.

<sup>48</sup> Geoff Dench, *Maltese in London*, London, 1975.

<sup>49</sup> *Government Gazette*, Government Notice 41, 26 February 1902, 143.

<sup>50</sup> *Annual Report of the Commissioner of Police 1920-1*, 183.

Within a few years, officials no longer worried about common prostitutes, but about unregistered prostitutes. The attempt to regulate prostitution into extinction displaced commercial sex from streets and doorways into wine-and-spirit shops and *tabarins* (music halls). The police devoted a great deal of energy during the 1920s to surveillance of barmaids and artistes. In 1925, Monsignor Paolo Galea, who had been appointed to represent the clergy in the Senate, asked the Minister for Justice, Dr Carlo Mallia, about the surveillance of barmaids. He renewed his enquiries several times, and asked why the police had not closed a particular shop with fourteen barmaids. In his reply, Mallia stated that police had some 66 barmaids under investigation for violations of the regulations.<sup>51</sup> A police circular of that same year from the assistant superintendent of police to divisions across Malta instructed police to inform the commissioner's office of any barmaids seen 'knocking about in company of different persons' after business hours.<sup>52</sup> In his annual report of 1926-7, Frank Stivala, the commissioner of police, declared that the monitoring of barmaids and artistes presented 'one of the most difficult and delicate tasks with which the police are confronted'. To respond effectively to an increase in the personnel connected with the Fleet, combined with an increase in the number of foreign women entering Malta to work in the night-time economy, he needed additional personnel.<sup>53</sup>

Semini recognised the fall in prostitution during the early 1920s had led to a rise in 'clandestine prostitution'. The new regulations concerning barmaids had allowed women of 'doubtful moral character' to obtain employment in wine-and-spirit shops. Sociologists, he argued, regarded prostitution as a 'social necessity' that could not be 'disposed of or totally repressed'. The attempt to prohibit commercial sex succeeded only in driving the trade underground, which encouraged further crimes as it provided a distribution network for stolen property and forged coins. Further, the present application of the law concerning prostitutes 'contributed towards their financial, moral and physical ruin'. The police brought prostitutes before the court on a daily basis; some on as many as twenty charges, for each of which they were liable to a fine. In most cases, they could not afford to pay, which only indebted them further to *matrones*, a class of women who managed women in the sex trade.<sup>54</sup> He had even more to say about white slavery.

White slavery, or traffic in women for purposes of prostitution, emerged as an international issue in the decades before the First World War. Representatives from nations across Europe and the Americas convened for international conferences at Paris in 1902 and Madrid in 1910 and succeeded in obtaining commitments from several governments to enact harsh anti-traffic legislation. Following a storm of controversy, Britain's parliament passed the Criminal Law Amendment Act of 1912, the 'White Slave Traffic' Act. This act authorised arrest without warrant for suspected procurers, increased penalties for brothel-keepers, and for those convicted a second time for living

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<sup>51</sup> Parliamentary Debates Senate, 13 November 1925, 1394-5, National Library of Malta. My thanks to Sandra Scicluna for translation from the Italian.

<sup>52</sup> Malta Police, Police Circular, 12 September 1925, National Archives of Malta (POL 8, 10/2, 1924-30).

<sup>53</sup> Malta Police, *Annual Report of the Commissioner of Police 1926-7*, National Archives of Malta (GMR 998), 2.

<sup>54</sup> Semini, *Some Points*, 14-5.

off the profits of prostitution, whipping.<sup>55</sup> In response, Malta put into force the Suppression of the White Slave Traffic Ordinance of 1918. The law made it unlawful to induce a woman to leave the islands for purposes of prostitution, to detain a woman against her will in a brothel, and for a man to live off the earnings of prostitution. As originally enacted, the law included the provision for whipping persons on second offence, but this provision was cancelled within six months.<sup>56</sup>

Semini referred to some ‘typical cases of white slavery’ to demonstrate the extent and severity of the threat. ‘Souteneurs or white slave traffickers are the worst class of delinquents society has to cope with’, Semini concluded, ‘They are generally harsh and cruel people, of a violent temper, very often thieves and murderers’. The legislation of 1918 represented a positive step, but much more needed to be done. To respond effectively, the government needed to remove prostitution from the experience of children and families. He recommended that children of women engaged in the sex trade be given preferential admission to orphan asylums or other charitable institutions. They should be given an education and training in industry to enable them to begin a life free from sexual and criminal vice. He suggested the prostitution trade be situated in modern buildings to be built in St John’s Ditch, outside *Porta Reale*, as this would prevent spill-over into residential areas of Valletta.<sup>57</sup> The government did not follow Semini’s advice. The White Slave Traffic (Emergency) Act of 1930 effectively abolished the legalised brothel and two years later, the issue of prostitutes working as barmaids became the subject of a national furore.

### Prison Reforms

Semini’s final discussion spells out a series of reforms concerning imprisonment and it is in this context that he makes his most clear declaration of affinity to the Lombrosian criminology. ‘The first object of the state,’ Semini declares, ‘should be the reformation of the offender’. The regimen should afford education and training so that prisoners released into society would be capable of making a honest living. ‘Uninteresting industries’, such as hat-making, broom-making, and oakum-picking did not provide for future employment and should be done away with, Semini argued. He favoured a more intensive system of classifying and grading prisoners. Each category of ‘penal’, ‘ordinary’ and ‘special’ prisoners should wear distinctive clothing consistent with a specific scale of privileges. He also favoured a more appealing diet as food should not represent the most objectionable part of imprisonment. ‘Dull food as a rule produces dull people’.<sup>58</sup>

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<sup>55</sup> Paul Knepper, ‘“Jewish Trafficking” and London Jews in the Age of Migration’, *Journal of Modern Jewish Studies*, 6 (2007), 248.

<sup>56</sup> *Government Gazette*, ‘Suppression of the White Slave Traffic Ordinance’, 31 May 1918, 79-83; ‘Suppression of the White Slave Traffic (Emergency) Ordinance’, 15 November 1918, 157.

<sup>57</sup> Semini, *Some Points*, 13-5.

<sup>58</sup> *Ibid.*, 30.

Semini's suggestions were consonant with those of the current prison administration. Frank Stivala, who superintended the prison during the early 1920s, was pleased to report the number of 'habitual criminals' to be diminishing. He suggested the Habitual Criminals Act of New South Wales, providing for an indeterminate sentence to be given for a third offence, could be adopted in Malta for this class of criminals.<sup>59</sup> Stivala also suggested the formation in Malta of a Discharged Prisoners Aid Society, which he believed would prove useful in finding employment for discharged prisoners. Salvatore Galea, who became acting superintendent in 1923, expressed similar aspirations. The average daily number of prisoners in custody had fallen to 153 in 1925, he reported, the lowest number in many years. It was due good organisation and discipline administered at the prison; apart from those habitual criminals, convicts were aware of the prison not only as a penitentiary, but as a reformatory.<sup>60</sup> In 1926, Galea announced that 'prisoners are no longer herded together indiscriminately but attention is being paid to the nature and motives of their crimes as well as to the conditions of the criminals themselves'.<sup>61</sup>

Semini expressed particular concern about the number of young persons sent to prison. 'All ways and means are justifiable to keep young offenders out of prison and every device should be resorted to in order to attain this object' he wrote. To imprison boys at a tender age made them 'lose their moral sense' and would very likely mean they would go on to 'supply the ranks of the habitual and of the professional class of criminals'.<sup>62</sup> 'All ways and means' may be a reference to a juvenile confinement experiment initiated by Stivala in 1921. Although the establishment of Salvatore Reformatory had reduced the number of young persons confined at Corradino to those serving short sentences, Stivala wanted this practise to end as well, and made arrangements to keep juveniles at the Valletta police lock-up were put into place in 1923.<sup>63</sup> But by 1925, this practise had ended and juveniles returned to Corradino; a juvenile division had been arranged featuring a separate entrance.<sup>64</sup>

Above all else, Semini insisted that imprisonment should be guided by the premise of 'delinquency as a form of lunacy'. Many confirmed criminals commit their misdeeds 'on account of their abnormal impulsiveness' or because they lack sufficient self-control. 'It is very rarely that one becomes a criminal of his own free will. When a man resorts to a career of delinquency he must have a special physical and moral temper which either derives him on to commit crimes or which renders him incapable to resist

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<sup>59</sup> Corradino Civil Prison, *Annual Report of Corradino Civil Prison 1921-2*, National Archives of Malta (GMR 792), 3. For the early history of the prison, see Sandra Scicluna and Paul Knepper, "Prisoners of the Sun: The British Empire and Imprisonment in Malta in the Early Nineteenth Century", *British Journal of Criminology*, 48 (2008), 502-21.

<sup>60</sup> Corradino Civil Prison, *Annual Report of Corradino Civil Prison 1923-4*, National Archives of Malta (GMR 918), 3.

<sup>61</sup> Corradino Civil Prison, *Annual Report of Corradino Civil Prison 1925-6*, National Archives of Malta (GMR 1018), 3.

<sup>62</sup> Semini, *Some Points*, 26.

<sup>63</sup> *Annual Report of Corradino Civil Prison 1922-3*, National Archives of Malta (GMR 864), 5.

<sup>64</sup> *Annual Report of Corradino Civil Prison 1924-5*, National Archives of Malta (GMR 956), 3.

external temptations'.<sup>65</sup> Semini proposes the prison should become a reformatory organised around provision of physical and psychological cures. 'Habitual criminals and incorrigibles are considered to supply a large portion of mental defectives,' he writes, 'and this has given rise to the absolute necessity of having psychiatrists or experts in mental diseases' to visit prisons and recommend transfers to the lunatic asylum. Many 'recidivists, incorrigibles, vagrants, swindlers, rogues and vagabonds' are sent to prison for second and third convictions that are more suitable for the 'poor house or the lunatic asylum'.<sup>66</sup> Semini would not appear to be making a comment on the transfer procedure in place, but wanting to make a bold, even radical statement. Corradino prison had observation cells for possible 'mental defectives' and the medical officer did send individuals to the mental asylum at Attard.<sup>67</sup>

Rather, Semini's declaration embodies the principles of the *scuola positiva* and he would appear to have learnt them from Ferri. In a series of writings beginning with his thesis in 1877, Ferri tried to show the concept of free will amounted to legal fiction. The pretended moral responsibility of the criminal extending from this fiction should give way to the concept of social or legal responsibility, in which every person was 'socially accountable' for his actions as a member of society and not as a moral being capable of choice. In Italy, at the end of the First World War, the Minister of Justice invited Ferri to preside over a commission that would write a new criminal code to replace the one of 1889. The Ferri code of 1921 represented the most significant effort to transpose positivist philosophy into sentencing practise. It was translated into several languages, including English, and was widely distributed.<sup>68</sup>

## Conclusion

Joseph Semini's *Some Points on Criminology* (1926) discusses several crime issues in Malta in light of theoretical and conceptual frameworks proposed in Italy and recent changes in British criminal justice. Semini considers youth crime and white slavery. He describes the need for forensic techniques and prisoner classification, in addition to improved methods of dealing with hawkers and prostitutes. Overall, the reforms he suggests are in keeping with less reliance on interventions by police, criminal court, and prison, and greater emphasis on social policy responses. He argues in favour of improved housing, industrial training, services to families, and more extensive education. Semini was only partly successful in his reform programme. For the most part, government authorities did not take his advice, and some of what he suggested had been initiated by others. He did succeed, never-the-less, in presenting the first Maltese voice in criminology.

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<sup>65</sup> Semini, *Some Points*, 25.

<sup>66</sup> *Ibid.*, 29.

<sup>67</sup> *Annual Report of Corradino Civil Prison 1923-4*, 6.

<sup>68</sup> Sellin, "Enrico Ferri", 489.

Semini's language is archaic and dissonant. It reflects his interest in Lombroso and early Italian criminology, and to some extent, the criticisms levelled at Lombroso can be levelled at Semini. Like Lombroso, Semini used flamboyant and cavalier language to promote criminology as a new science of human conduct. But unlike Lombroso, Semini's language reflects his translation of Italian concepts into English within the political conditions in Malta. During the interwar period, Malta was pulled by British and Italian loyalties while in pursuit of a national identity. In advocating the need for forensic techniques—fingerprinting and photography—he envisioned a basis for pursuing a systematic understanding of criminal behaviour. Semini was a police inspector, not an academic, but he saw in criminology the basis for a more effective and responsible crime-reduction programme. In writing Malta's first criminology text, Joseph Semini found a way to import Italian theories and concepts without raising political objections from colonial authorities. Semini writes in English, and makes a point of mentioning British officials and practises, but within a conceptual language developed by Italian criminology.

One final point. If *Some Points on Criminology* found a significant audience in the 1920s, it appears to have been forgotten in subsequent decades. British influence supplanted Lombroso and continental thought in Malta from 1932 (or at least this was true of Lombroso's influence in psychiatry).<sup>69</sup> In the 1940s, in an address to students at the University of Malta, Sir Anthony Mamo expressed agreement with much of what Semini had to say, but made a point of distancing himself from Lombroso.<sup>70</sup> Semini was forgotten, it seems, because of his association with *la Scuola Lombrosiana*.

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<sup>69</sup> Paul Cassar, "Notes on the History of Psychiatry in Malta", *History of Psychiatry*, 6 (1995), 489.

<sup>70</sup> It is interesting to note Sir Anthony Mamo's assessment of Lombroso in the 1940s. Before expressing agreement with the general proposition that the beginnings of a criminal career were to be found in the 'tangled roots of social, economic or educational insufficiency', he explained why Lombroso should be rejected. As Catholics, the Maltese people avoided any explanation that denied freewill or moral responsibility to individuals. 'We refuse to accept the fatalistic Lombrosian theory—since largely discredited—of pathological peculiarities and innate instincts; or the facile and equally unfounded generalisation of what is called "la complicitè sociale"'. Anthony J. Mamo, *Some Thoughts on Crime Treatment and Prevention*. Address given at the graduation ceremony of the University of Malta, 1 October 1949. National Library of Malta.