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Davies, R. (2018) *Crime and Reform in La España Moderna (1889-1914)*. *Bulletin of Spanish Studies*, 95 (4). pp. 243-272. ISSN 1475-3820

<https://doi.org/10.1080/14753820.2018.1485834>

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Crime and Reform in La España Moderna (1889-1914)

Abstract

Throughout the nineteenth century, the Spanish press, aiming to appeal to a wider audience, adopted a more sensationalist flavour and sought to satiate the public's fascination with crime. This article traces the development of the relationship between crime and the press through the initiatives of the Madrilenian cultural review *La España Moderna*, whose general editor, Lázaro Galdiano, rather than pandering to the public's demands for sensationalist descriptions, decided to use his publication as a forum for discussions on the topic and to publish articles both on, and by some of the leading criminologists of the period. Lázaro and the contributors of *La España Moderna* innovatively sought not only to educate the public on the latest ideas on crime and criminology but also, through the vehicle of literature and other techniques, to make these new currents of thought accessible to a wider public. They encouraged readers to situate their own ideas within the context of European debates, notably those relating to questions surrounding Spain's racial inferiority and degeneration. In so doing, the review aimed to incite interest in the topics of crime and criminology, to open up new discussions, to promote reform and thereby facilitate Spain's regeneration.

A lo largo del siglo XIX, con el objetivo de atraer a una audiencia más amplia, la prensa española adoptó un tono más sensacionalista e intentó satisfacer la fascinación del público con la delincuencia. Este artículo examina la evolución de la relación entre la delincuencia y la prensa a través de las iniciativas de la revista cultural *La España Moderna* (de Madrid), cuyo director, Lázaro Galdiano, en vez de satisfacer los caprichos del público y su gusto de descripciones sensacionalistas, decidió utilizar su

publicación como foro de debate sobre el tema y publicar artículos sobre los principales criminólogos de la época y, asimismo, algunos de sus propios escritos. De manera innovadora Lázaro y los colaboradores de EM querían no sólo educar al público sobre las ideas más recientes sobre el tema, sino también mediante el vehículo de la literatura y otros recursos narrativos, asegurar que tales pensamientos nuevos fueran accesibles para un público más amplio. Animaron a los lectores a situar sus propias ideas en el contexto de los debates europeos, sobre todo los relacionados con la cuestión de la inferioridad racial de los españoles y la degeneración. La revista intentó atraer más atención hacia los temas de la delincuencia y la criminología, incitar nuevos debates, promover la reforma y de esta manera facilitar la regeneración de España.

Key words

Crime, Criminology, Reform, La España Moderna, Lázaro, Press, Review, Degeneration, Regeneration

Whilst a great deal of critical studies have focussed upon crime literature, on the one hand, and what could be described as the intellectual, sociological and legal history of crime, or, more broadly, the history of ideas relating to topics such as crime, criminal responsibility, justice and punishment,¹ little attention has been accorded to the crucial and catalytic role of the press in the circulation, development and evolution of ideas on these subjects. In the nineteenth century, ‘por excelencia, el siglo del periodismo’,² it was largely the initiatives of the Spanish press, and particularly the efforts of the general editors and contributors of publications such as the Madrilenian cultural review *La España Moderna* (henceforth EM), that ensured that these two categories were not polarized but became mutually dependent and, more importantly, that they were closely tied to Spain’s social and intellectual development.

EM, which was founded in 1889 by the erudite bibliophile, art collector and self-made millionaire, José Lázaro Galdiano, set out to be ‘suma intelectual de la edad contemporánea’.³ During the twenty-six years of its existence (until 1914), the review covered a wide range of topics of contemporary interest (including crime and reform) and published documentary articles, reviews, as well as translations and literary works. EM’s contributors included major writers of the period (for instance, Leopoldo Alas, Benito Pérez Galdós, Emilia Pardo Bazán, Marcelino Menéndez y Pelayo, and Miguel de Unamuno) and it soon became one of Spain’s most prestigious periodical publications.⁴

At the most basic level and, as would be expected from a review (in other words a publication that is generically able to capture and reflect ideas in their embryonic

¹ See, for instance, Fernando Álvarez-Uría, *Miserables y locos. Medicina Mental y orden social en la España del siglo XIX* (Madrid: Tusquets, 1983) and Pedro Trinidad Fernández, *La defensa de la sociedad. Cárcel y delincuencia en España (siglos XVIII-XX)* (Madrid: Alianza, 1991).

² María Cruz Seoane, *Historia del periodismo en España 2. El siglo XIX* (Madrid: Alianza, 1989), 11.

³ EM, 1 (January 1889), 1.

⁴ For an overview of the review, see Rhian Davies, *La España Moderna and Regeneración: A Cultural Review in Restoration Spain (1889-1914)* (Manchester: Cañada-Blanch Publications, 2000).

form), EM, serves as a barometer of ideas on crime during this period. More significantly, in accordance with Habermas' observation that the press helped to promote a public sphere for private opinion⁵ and, unlike in newspapers that focussed on the daily news, EM's contributors devoted their attention to evaluating events of lasting importance, providing a more impartial, even erudite version of criminal cases and ideas circulating during this period. Furthermore, through EM, the contributors and general editor were able to combine their private opinions on crime and reform to participate in a collective initiative directed towards the long-term future. Actively seeking to influence readers and promote new ways of thinking, their mission was centred on the aim of regenerating Spain.

Degeneration, Crime and the Press in the fin de siglo

As we will see, EM's undertaking was ambitious, and remarkably positive and forward-looking in a period when the concepts of decline, decadence and degeneration preoccupied many. Degeneration, in particular, featured prominently in discussions on crime and was defined as follows:

a pathological state of the organism that in comparison with its most immediate ancestors is constitutionally inferior in its psychophysical resistance and does not satisfy completely the biological conditions for the hereditary struggle for life. This inferiority, transformed into permanent traits, is essentially progressive, except for intermittent regeneration, but apart from this exception it ends more or less rapidly in the annihilation of the species.⁶

⁵ Jürgen Habermas, *The Structural Transformation of the Public Sphere: An Inquiry into a Category of Bourgeois Society*, trans. Thomas Burger and Frederick Lawrence (Cambridge: Polity, 1989).

⁶ V. Magnan and P.M. Legrain, *Les Dégénérés. État mental et syndrome épisodiques* (Paris: Rueff, 1895). Cited in Ricardo Campos and Rafael Huertas, 'The Theory of Degeneration in Spain (1886-1920)', in *The*

The concept had been pessimistically articulated in works such as *Traité des dégénérescences physiques, intellectuelles et morales de l'espèce humaine et des causes qui produisent ces variétés maladives* (1857) by Bénédict Morel, who associated the increase in mental illness, crimes and suicides with factors such as heredity and environment, and regarded them as evidence of racial decline. Consequently, as noted by Daniel Pick, 'Crime, suicide, alcoholism and prostitution were understood as "social pathologies" endangering the European races, constituting a degenerative process within them.' He went on to observe that '[i]n medico-psychiatric investigations, alcoholism, sexual perversion, crime, insanity, declining birth rates, syphilis, prostitution, anarchism, suicide rates, economic performance, and so on, become the intertwined signifiers of cultural crisis.'⁷ These were issues with which the press would engage, particularly in discussions relating to crime and reform, which were generating increasing interest as the century progressed.

A landmark in the history of the crucial relationship between crime and the Spanish press occurred in July 1888, when the country witnessed a furore over one of the most famous crimes of the century, namely the *Crimen de la Calle de Fuencarral*. The crime in this case concerned the murder of Doña Luciana Borcino at the hands of her maid, Higinia Balaguer, who apparently stabbed her mistress in order to rob her, and set her body on fire. Members of the upper class, including Doña Luciana's son, José

Reception of Darwinism in the Iberian World, ed. Thomas F. Glick, Miguel Angel Puig-Samper and Rosaura Ruiz (London: Kluwer, 2001), 171-88 (p.171).

⁷ *Faces of Degeneration: A European Disorder, c. 1848-1918* (Cambridge: Cambridge U. P., 1989), 21 and 43. For information on the specific situation in Spain, see Ricardo Campos Marín, José Martínez Pérez and Rafael Huertas, *Los ilegales de la naturaleza. Medicina y degeneracionismo en la España de la Restauración (1876-1923)* (Madrid: CSIC, 2000). The authors note that the theory of degeneration 'ofreció argumentos "científicos" sobre los que construir toda una serie de metáforas – fundamentalmente los paralelismos entre degeneración biológica y decadencia social – que constituyeron uno de los ejes sobre el que giró el pesimismo antropológico [...] (x) and they proceed to analyse the application of the theory in various fields, including clinical psychiatry, criminology and infantile psychosis.

Vázquez Varela, were implicated in the trial, which was widely reported by the press.⁸ Many newspapers, including *La Correspondencia de España*, *El País*, *El Imparcial* and *El Liberal*, to name just a few, avidly followed the latest developments of the case, frequently publishing their articles under banner headlines. The impact on the press was significant; in *La Época* on 1 August 1888 Eusebio Blasco wrote,

El ruido y la emoción que causa en España el crimen de la calle Fuencarral no consiste sino en que por primera vez vemos en nuestro país a la prensa tomar poderosa iniciativa en asuntos que interesan directamente a la sociedad.⁹

Later Baroja, too, observed that it was ‘uno de los crímenes más famosos de España, no tanto por el hecho en sí, que no tenía gran importancia, porque era un crimen vulgar, sino por las repercusiones que tuvo en la Prensa y en el público.’¹⁰

The Calle de Fuencarral case highlighted the fact that crime was inextricably linked to the public’s perverse curiosity in wrongdoing and their fascination with gory details. As such, it exposed their desire for entertainment, even escapism. Simultaneously, and indirectly, it highlighted the general notions of (and responses to) class divisions since it was evident that the lower classes often experienced a smug sense of superiority or complacency when those in the box were members of the upper class, as was the case during this trial. It could, therefore, even be argued that the

⁸ Carlos Petit notes that on 10 July 1888 Manuel Fernández Martín wrote in *El Imparcial*, ‘En ninguna parte se discute por la prensa, como se está discutiendo por la de Madrid desde los primeros instantes del período de la instrucción secreta del proceso... la imputabilidad del delito [y] la participación en el mismo de tales á cuales personas’. ‘La célebre causa del crimen de Fuencarral. Proceso penal y opinión pública bajo la Restauración’, *Anuario de Historia del Derecho Español*, 75 (2005), 369-411 (p.369). https://www.boe.es/publicaciones/anuarios_derecho/abrir_pdf.php?id=ANU-H-2005-10036900412 [Accessed 22 December 2016].

⁹ Cited in Seoane, *Historia del periodismo en España*, 299.

¹⁰ *Obras completas*, 8 vols (Madrid: Biblioteca Nueva, 1946-52), VII, 568. Cited in Luis Maristany, *El gabinete del doctor Lombroso. (Delincuencia y fin de siglo en España)* (Barcelona: Cuadernos Anagrama, 1973), 20.

increasing attention on crime was a direct consequence of the increasing influence of the middle classes, who, by encouraging the press to expose the vulnerability and weaknesses of the aristocracy, were, effectively, consolidating their position during this period. This went hand in hand with the increasing influence of the press, which was to become, in Timoteo Alvarez's words, 'una prensa de masas'.¹¹

The public's sensationalist desires, together with their sense of outrage and demands for justice were reflected in the press during this period, which saw the development of '[el] mercantilismo periodístico', a new trend of publishing crime that boosted subscription rates.¹² Press reports on criminal cases not only served to keep the public informed of crimes and the prolonged period of trials that ensued, but helped the aforementioned newspapers to function successfully as business enterprises, as well as fuelling the public's interest in crime and perversity. In Maristany's words, '[u]na doble orla de horror y atracción rodeó [...] a esa figura marginada y temida del delincuente'.¹³ The press and the public engaged in a complex relationship, mutually influencing each other. On the one hand, the press's quest to appeal to a wider public resulted in an increasingly conscious move away from politics per se, although it could be argued that a degree of political focus was still retained to some extent since journalists were able to actively influence public opinion (sometimes for partial, narrow-minded motives, and with the intention of steering their readers towards a particular political line). At the same time, these articles, which tended to adopt an increasingly sensationalist flavour, met the public's demands and satiated their fascination with criminal offences. Both parties were then able to engage in the process of investigating the crimes, forming a

¹¹ Restauración y prensa de masas. Los engranajes de un sistema (1875-1883) (Pamplona: Ediciones de Navarra, 1981).

¹² Petit, 'La célebre causa del crimen de Fuencarral', 369. According to Antonio Espina, 'por lo que respecta a la Prensa marca un momento culminante en su prosperidad. El público arrebató los periódicos de las manos de los vendedores y devoraba cuanto en las hojas impresas se refería al suceso.' El cuarto estado: Cien años de periodismo española (Madrid: Libertarias/ Prodhufi, 1993), 204.

¹³ El gabinete del doctor Lombroso, 6.

tribunal de la opinión, alongside the official tribunal judicial,¹⁴ to try to ascertain truth, attain justice and, on some occasions, even influence some of the decision-makers and question the effectiveness of the legal system. This relationship, which can be paralleled with the US media's active attempts to identify the perpetrators of the Boston bombings in 2013, was recognized by Benito Pérez Galdós in an article that he wrote for *La Prensa*:

Últimamente la prensa ha hecho algo más que informar al público de los hechos conocidos, y ha tomado parte importantísima en la investigación de la verdad. De tal modo ha conmovido a la opinión pública [...]; ha tomado una parte activa en la instrucción del proceso, ayudando a los jueces [...].¹⁵

Galdós' reference to 'una parte activa' highlights the changing relationship, as the passive reporting of crimes was replaced by the more active involvement of journalists, who frequently conducted their own investigations, and were increasingly conscious of their sense of individual responsibility and ability to influence future outcomes whilst working collectively under the auspices of the periodicals to which they contributed. On 1 August 1888 Eusebio Blasco wrote in *La Época*,

A pesar de los odios, desdenes, indiferencias y diatribas que a la prensa dedican los que la temen o no la comprenden, ella va siendo en todas las partes omnipotente y a la vez fiscal y jurado que todo lo resuelve. [...] Somos pues nosotros abogados del público, centinelas constantes de todo suceso, los que hemos de demostrar que un crimen no debe quedar impune, que la

¹⁴ Petit, 'La célebre causa del crimen de Fuencarral', 385.

¹⁵ 'El crimen de la calle de Fuencarral (Madrid, julio 19 de 1888)', *Obras inéditas*, VII: *Cronicón* (1886-90), ed. Alberto Ghiraldo (Madrid: Renacimiento, 1924), 87-144 (pp.87-88).

administración de justicia no debe ser irrisoria, que lo que sucede ahora sucedió siempre, pero que nosotros somos los llamados a procurar maneras de remedio.¹⁶

A similar authoritarian tone, expressing reservations regarding the efficacy of the justice system and according a newfound relevance to the press's role, was adopted in in *El Imparcial* on 8 August 1888: 'No tenemos policía judicial. Los testimonios más decisivos, las declaraciones que han iluminado el abismo de ese crimen [de la calle Fuencarral] han sido buscados y han venido por la diligencia de periodistas, no avezados ciertamente a este género de funciones.'¹⁷

Journalists' investigations went hand in hand with the exploration of broader discussions on the roots of crime and questions surrounding the issue of criminal responsibility during a period that saw dramatic developments in the fields of law, criminology and psychiatry. The doctor Victoriano Garrido wrote,

El grave y trascendental problema de la responsabilidad penal, la filosofía del derecho, viene siendo objeto de estudios tan profundos y radicales en estos últimos tiempos, que médicos, legisladores, filósofos, teólogos y moralistas blanden sus armas en academias, ateneos, y aun convierten los estrados mismos de los tribunales en campo de controversias [...].¹⁸

The titles of works such as Rosario de Acuña's *El crimen de la calle de Fuencarral; odia el delito y compadece al delincuente* (1889) were a clear reflection of such

¹⁶ Cited in Seoane, *Historia del periodismo en España*, 299.

¹⁷ Cited in Juan Francisco Fuentes and Javier Fernández Sebastián, *Historia del periodismo español. Prensa, política y opinión pública en la España Contemporánea* (Madrid: Editorial Síntesis, 1997), 160.

¹⁸ *La cárcel o el manicomio: estudio médico legal sobre la locura* (Madrid: Casa Editorial de Don José María Faquinetto, 1888), 5. <https://ia801206.us.archive.org/21/items/BRes060999/BRes060999.pdf> [Accessed 10 January 2017]. Garrido was a disciple of Dr Esquerdo (mentioned later) and worked at his asylum.

concerns, whilst the press's support for initiatives in this area was explicitly recognized by Dr Esquerdo in his 1880-81 lecture series, 'Locos que no lo parecen', which 'intended to prove that a miscarriage of justice had taken place' following the execution of the serial murderer Garayo, 'El Sacamentecas', in 1880:¹⁹

Con una prensa periódica tan benévola con nosotros, con una prensa profesional que nos brinda sus columnas y un auditorio que recoge cariñoso siempre nuestra palabra, ¿qué es de esperar? El triunfo, y el triunfo completo, la redención del enajenado ante la opinión pública y ante los tribunales, será pronto una conquista de nuestra patria y nuestros tiempos.²⁰

A clear sense of responsibility was thus bestowed upon the press and hopes were invested in its continuing influence.

Crime, Reform and the General Editor of EM

In January 1889, less than a year after the Crimen de la Calle de Fuencarral, José Lázaro Galdiano founded EM, which he directed until the publication's demise in 1914. Lázaro, who had studied Law at University, had a strong personal interest in criminology, and particularly the ideas of the new Positivist School, which, adopting scientific methods, challenged the Classical School and supported what later became known as *correccionalismo*. He conveyed this to the Italian criminologist Sighele: 'Sigo

¹⁹ Ricardo Campos and Rafael Huertas, 'Lombroso but not Lombrosians? Criminal anthropology in Spain', in Paul Knepper and P.J. Ystehede, eds, *The Cesare Lombroso Handbook* (New York: Routledge, 2013), 309-323 (p.310). During this trial Esquerdo had argued that, despite appearances, Garayo, who had raped and murdered numerous women between 1870 and 1879, was not responsible for his crimes.

²⁰ This lecture was delivered on 12 March 1880 at the Facultad de Medicina (Colegio de San Carlos), Madrid, and published in the *Revista de Medicina y Cirujía Prácticas*. See Antonio M. Rey González, 'Clásicos de la Psiquiatría española del siglo XIX (IV): José María Esquerdo y Zaragoza', www.revistaaen.es/index.php/aen/article/download/14702/14578 [Accessed 15 January 2017].

con el mayor interés los progresos de la nueva escuela criminal y conozco todas las mas [sic] importantes obras de ella y por lo tanto las vuestras.’²¹ He also informed Pedro Dorado Montero, Professor of Law at the University of Salamanca, that he wished to publish the work of the leading Italian criminologist and founder of the Positivist School of Criminology, Cesare Lombroso: ‘Mucho deseo publicar las lecciones de Medicina legal de Lombroso; allá va el ejemplar. Procure Vd. que resulte de utilidad [my italics] para médicos y abogados españoles y a ser posible, americanos.’²² Thus it is unsurprising that Lázaro, as the general editor, should have wished to use EM as a forum for discussions on crime and related matters. His use of the term ‘utilidad’ in this letter also highlights his eagerness to ensure that his review should fulfil a practical and educational purpose.

It is no coincidence that Lázaro, who was always interested in new ideas, should have communicated his intentions to Dorado. According to Campos and Huertas, ‘there is a historiographical consensus that the first methodical introduction of Lombrosian doctrines to Spain was by Pedro Dorado Montero’, who had the opportunity ‘to familiarize himself with the Italian Positivist school directly during his stay at the University of Bologna between 1885 and 1887.’²³ Maristany, however, notes that he was ‘un poderoso freno a las teorías de Lombroso’ and he goes on to write that ‘la labor de Dorado Montero representa la única mirada seria al exterior, no movida por un afán simplemente de “compromiso”, sino por un revisionismo social y penal que, en algún momento, apuntó a una línea revolucionaria.’²⁴ As we will see, Dorado’s open-

²¹ Copiadores de Cartas (henceforth CC) to Scipio Sighele (Palermo), 25.iii.1894. The Copiadores de Cartas are held in the Fundación Lázaro in Madrid and consist of 75 notebooks, each containing approximately 500 copies of correspondence, bills etc. relating to Lázaro’s reviews and publishing house, La España Moderna Editorial.

²² CC to Dorado, 11.ix.1893.

²³ ‘Lombroso but not Lombrosians?’, 314. This chapter provides useful background information on Dorado’s contributions to the field.

²⁴ He also observes that Dorado was ‘un penalista que, sólo incidentalmente, se ocupó de criminología’ and that his ideal was a fusion between the Correctionalist and Postivist schools. El gabinete del doctor

mindedness and quest for new directions was in line with the general character and tendencies of EM.

Despite his personal interest in the subject, Lázaro's letter to Dorado also reveals that although he knew that some of the review's subscribers were involved in the legal profession (and thus possessed the specialist knowledge to appreciate works on criminology), he was acutely aware that, even though the majority of EM's readers were educated individuals, these articles might not appeal to everyone.²⁵ Hence he initially decided to focus on publishing them in two of his other reviews, the *Nueva Ciencia Jurídica* (1892) and the *Revista de Derecho y Sociología* (1895), and in separate volumes produced by La España Moderna Editorial, rather than in EM, which, as a cultural review, sought to cover a broad range of general concerns and was aimed at a less specialist readership. Later, however, he embarked upon the ambitious aim of using EM to collaborate with major writers and thinkers of the century in an attempt to break down the barriers between criminology and the general public, and to make such concerns more digestible for a wider audience. In so doing, he hoped to stimulate his readers' interest in the subject, to promote reflection and spur them into taking action that might influence future developments in relation to perceptions about crime and its causes, the question of criminal responsibility, the nature of justice itself. This was directly tied to his plans to ensure that his publication would serve as a vehicle to promote Spain's regeneration.

Lombroso, 42 and 45.

²⁵ See CC 11.ix.1893: 'Se necesita que sea muy claro tenida consideración á que los que lo [illegible] estudian en la universidad son gente joven no con la cultura necesaria para entender ciertos autores.'

Details of the subscribers contained in the Copiadores de cartas confirm that the majority were educated individuals. Maryse Villapadierna has noted that the subscribers can be divided into three main categories: firstly Spanish associations, including academies, schools, universities, libraries, banks, clubs, and casinos; secondly, Spanish individuals, the majority of whom belonged to the middle class, including judges, lawyers, solicitors, doctors, magistrates, writers, journalists, critics, teachers, lecturers, politicians, and bank managers; and thirdly, overseas subscribers based in Europe, Spanish America or America, including educated foreigners, and Spaniards resident abroad. See 'La España Moderna, 1889–1914: histoire et analyse' (unpublished doctoral thesis, Univ. of Paris IV-Sorbonne, 1983), 163–64.

Lázaro believed that two factors were essential to guarantee the success of EM: actualidad and amenidad. In a letter to Clarín he wrote, ‘A ese consejo Amenidad, amenidad, amenidad, que me da Vd. en su carta añadiría yo este otro: Actualidad, actualidad, actualidad y resultaría revista completa’.²⁶ In order to comply with these desires, it was natural that the topic of crime should feature in the review since it was widely debated at the time, not only because the ideas of Italian criminologists, such as Lombroso whose works (including *L’Uomo delinquente* [1876] and *Los anarquistas* [1894], which advanced his theory of el delincuente nato) were circulating during this period but there were, as mentioned previously, anxieties regarding the question of criminal responsibility. There was, furthermore, increasing concern about the escalation in violent and criminal activities, notably Anarchist activities, which were extensively reported in the press. Examples include the riots in Jérez in January 1892 (following which four people were sentenced to death and others imprisoned), the Barcelona bombings in 1893 (during which one bomb was thrown at General Martínez Campos and another in the Lyceum Theatre) and the 1896 bomb attack on a Barcelona Corpus Christi procession (which resulted in six deaths, forty injured people and many arrests, tortures, executions and deportations).²⁷ In addition to this, there were disturbances following workers’ strikes and the army reacted violently to any criticism.²⁸

Actualidad: An Overview of the Articles on Crime in La España Moderna

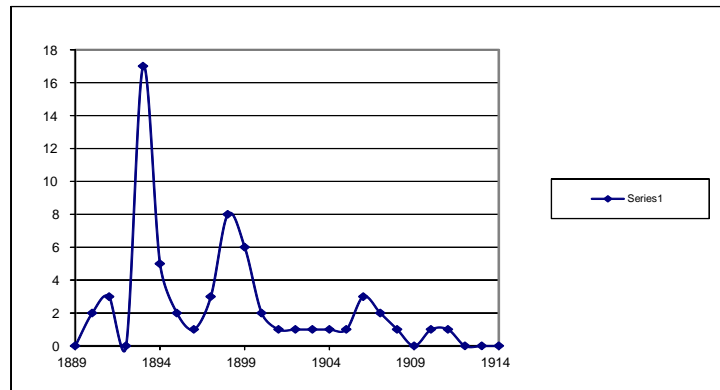
As the graph below shows, the articles on crime did not occupy a major part of EM, although it should be noted that these statistics solely relate to articles that were entirely focussed on the subject, and not series like the ‘Revista de revistas’ or ‘Notas

²⁶ CC to Clarín, 17.iii.1889.

²⁷ Jo Labanyi, ed., Introduction to Galdós (London: Routledge, 1993), 1-20 (p.11).

²⁸ For instance, in 1905 officers attacked the offices of the Catalan newspaper Cu-cut, which had published a satirical piece on the army. See Ronald Hilton, ‘Emilia Pardo Bazán’s Analysis of the Social Structure of Spain’, *Bulletin of Hispanic Studies*, 39 (1952), 1-15 (p.12).

bibliográficas’, which regularly contained sections on criminology, nor the articles on related matters, such as sociology and legal reform, nor the literary works on crime.



Even so, the estimated total (c. 60 articles) contrasts quite dramatically with the number of articles focussing on topics like Spanish America, estimated to be well over 500 (out of a total of c. 3,120 articles published during EM’s lifetime). Nonetheless, overall we could expect to find at least one article or piece of work relating to the topic in the majority of issues and the graph shows that there are two clear peaks. The peak in 1893 can be explained by the fact that in December 1892 Lázaro had decided to end the *Nueva Ciencia Jurídica*, which was one of the specialist reviews that had been focussing on crime and legal matters and therefore he transferred the articles that he had intended to publish therein to EM, which would henceforth acquire ‘algo del espíritu de *la Jurídica*’.²⁹ Thereafter, however, he decided to reduce the number of such articles³⁰ and the same surge in the number of articles relating to crime was, unsurprisingly, not seen in 1896, when his other publication *La Revista de Derecho y Sociología* (which

²⁹ CC to Silió, 10.xi.1892: ‘[...] á [EM] pasaría algo del espíritu de la *Jurídica* para ver si así logro retener parte, por lo menos, cincuenta de los suscritores de esta publicación.’ See also CC to Vicente Vilar (librero), undated (12 or 16.i.1893): ‘He fusionado la *Ciencia Jurídica* con EM á fin de poder tratar con mas [sic] amplitud las cuestiones del Derecho.’

³⁰ See CC to D’Aguanno, 19.xii.1893: ‘EM es una publicación primeramente literaria en la que solo alguna vez publico artículos jurídicos traducidos de italiano ó del francés.’

had been edited by the krausista jurist Adolfo Posada) ended due to of a lack of subscribers.

The peak in 1898 may be explained to some extent by the impact of the Spanish American War, which led to a process of reflection, with some contributors writing on crime focussing their discussions on regeneration³¹ and racial theories (notably the alleged weakness of the Latin race), but the relatively high number of articles in 1899 is somewhat arbitrary since five of these belong to a series by Juan Pérez de Guzmán that Lázaro had agreed to publish, apparently as a personal favour.³²

Lázaro's desire to focus on actualidad was fulfilled through various means. Firstly, there were reports on recent Congresses on matters relating to crime. In 1890, for instance, there were two articles by the Italian Pietro Nocito on the International Prison Congress which took place in St Petersburg in 1890.³³ Later, in February and March 1891, the Spanish feminist and writer Concepción Arenal, who campaigned tirelessly for the rights of women and 'the underdogs' of society, reported on the International Congress held in Antwerp.³⁴ These pieces informed readers about the most recent developments in criminology, which were often communicated and discussed on

³¹ The term was explicitly employed by Dorado in 'El discurso de la apertura de los Tribunales y la Memoria del fiscal del Supremo': 'Ahora andamos todos muy preocupados con eso de nuestra regeneración' and he wrote disparagingly of 'la fiebre regeneradora' and 'la plaga de regeneradores.' EM, 119 (November 1898), 40-68 (p.40).

³² Pérez de Guzmán had apparently originally arranged to publish the series elsewhere and thus in CC, 27.vi.1898, Lázaro had written, 'Celebro mucho que haya V. colocado en otra parte "La Criminalidad en Castilla", estudio que yo no necesitaba para mi Revista y que si estaba dispuesto á tomárselo era solamente haciéndole favor y llevado de mi afán de complacerle.'

³³ In Nocito's words, 'Tales conferencias constituyen una novedad de los Congresos penitenciarios internacionales, inaugurada en San Petesburgo con el fin de popularizar las ideas de la reforma penitenciaria.' 'El Congreso Penitenciario de San Petersburgo (de la Nuova Antologia)', EM, 21 (September 1890), 74-100 (p.78). The second part was published in EM, 22 (October 1890), 54-78.

³⁴ 'Congreso Internacional (para el estudio de las cuestiones relativas al patronato de los reclusos y protección de los niños moralmente abandonados), Amberes, 1890', EM, 26 (February 1891), 91-105 and 'El Congreso Internacional de Amberes, 1890. Informe de Concepción Arenal. (Segunda sección)', EM, 27 (March 1891), 28-52. Arenal wrote on the state of Spanish prisons, slavery and women and her works include *La beneficencia, la filantropía y la caridad* (1861), *Manual del visitador del pobre* and *La mujer del porvenir* (1869).

a universal scale by erudite specialists.³⁵ In addition, between 1895 and 1906, Dorado produced a series of articles entitled ‘El discurso de la apertura de los Tribunales y la Memoria del fiscal del Supremo’, in which he evaluated the speeches delivered on these occasions, adding his own observations on the current situation and commenting on concerns relating to crime. As was the case with other topics in EM, Lázaro always aimed to publish relevant articles as soon as possible ‘after the event’ and to ensure that the review would engage closely with contemporary concerns on both a national and international scale, and be up to date with the latest information.³⁶

The review published articles by Spanish thinkers and translations of the works of some of the leading European criminologists of the period. These included articles by the Positivist Cesare Lombroso, his disciple, Enrico Ferri, and the French magistrate Gabriel Tarde.³⁷ Amongst the Spanish criminologists whose works appeared (or were discussed) in EM were leading figures such as Rafael Salillas, an ardent supporter of Lombroso’s theories and author of *El delincuente español. El lenguaje* (1896) and *Hampa* (1898) (in which he advanced his original theory that crime could be linked to nutritional deficiencies)³⁸ and Constancio Bernaldo de Quirós, who, unlike Salillas, was not a Lombrosian supporter, and was the author of *Las nuevas teorías de la*

³⁵ According to Arenal, ‘La mayor importancia, aunque no la más ostensible de estos congresos, es lo de ser universales.’ ‘Congreso Internacional [...], Amberes, 1890’ (February 1891), 100.

³⁶ Thus he informed Dorado, ‘¿Quiere V. creer que me es difícil lograr el Discurso y la Memorias de apertura de los tribunales? Espero que hoy ó mañana podré enviarlos ambos. Si el artículo podría ir en el número de octubre sería de mayor actualidad.’ (CC, 17.ix.1897).

The importance of commemorating dates is also evident in EM. Thus in ‘El Congreso Penitenciario [...]’ in September 1890, for example, Nocito focuses on the centenary of the death of John Howard, the English philanthropist and prison reformer.

³⁷ For instance EM published a series by Lombroso entitled ‘Aplicaciones judiciales y médicas de la antropología criminal’ in 1893: EM, 51 (March 1893), 106-18; EM, 52 (April 1893), 144-58; EM, 53 (May 1893), 78-124; EM, 54 (June 1893), 102-20; EM, 55 (July 1893), 126-46. There is also a translation of a piece by his daughter, Paula Lombroso (‘Lombroso en la vida íntima’), originally published in the Italian *Nuova Antología* in F. Araujo, ‘Revista de revistas’, EM, 210 (June 1906), 175-84.

³⁸ Maristany notes that Baroja inferred that he was ‘un pequeño Lombroso’, but also argues that this does not take into account the evolution of Salillas’ ideas as he went on to oppose the Italian thinker’s theories. *El gabinete del doctor Lombroso*, 40. See also Campos and Huertas, ‘Lombroso but not Lombrosians’, 314-17, who note that Salillas ‘gave [Lombrosian theories] a new significance by integrating them into a different theoretical body’ (316) and highlight his establishment of the *Laboratorio de Criminología* (1899) and his work as Director of the *Cárcel Celular*, within which he set up the School of Criminology.

criminalidad (1898), which, Maristany notes, ‘da un amplio recuento y un balance de los estudios y documentos contemporáneos sobre el estado de la delincuencia española a fines de siglo.’³⁹ Unsurprisingly, given the emphasis on improvement, particularly self-improvement, the Positivists’ ideas appealed to many of the Krausista contributors, including Dorado and Posada, who communicated their responses to these theories in their articles.

General Stances and Perspectives in EM’s Articles on Crime and Reform

The contributors of EM considered the topic of crime from numerous angles of contemporary relevance. During the period, seen from philosophical, religious moralistic standpoints, the subject posed fundamental and timeless questions concerning the nature of evil. As such, the question of criminal responsibility was broadly linked to Biblical teachings on moral behaviour, the questions of divine retribution and justice on earth. This was explored further in EM in discussions about appropriate punishments for the perpetrators.

In line with contemporary theories, some deriving from Darwinism, others from Positivism and atavistic theories (notably those of Lombroso), crime in EM was frequently considered in scientific and universal terms in relation to the laws of heredity and environment.⁴⁰ The contributors also took into account the racial ramifications of such discussions and questioned whether the people of particular nations were naturally predisposed to commit specific crimes or more prone to criminal tendencies than others due to the deep-seated national characteristics to which their race was subjected. In 1893, for instance, EM published an article in which Ferri argued that duels and

³⁹ El gabinete del Doctor Lombroso, 21. He also wrote *La mala vida en Madrid* (1901) with José Llanas Aguilaniedo. See Campos and Huertas, ‘Lombroso but not Lombrosians’, 316-17.

⁴⁰ See, for example, E. Ferri, ‘La escuela criminalista positiva’, EM, 52 (April 1893), 159-84.

infanticides were more common in Latin than in Anglosaxon countries,⁴¹ and Araujo reported on the crime maps produced by Bernaldo de Quirós and Ferri, demonstrating that the Anglosaxons were a thieving race and frequently committed offences against property, whereas those belonging to the Latin race were more famous for their murders and offences against persons.⁴² Some also questioned whether Spain, as a country situated in the South with a warm climate, provided the natural environment for committing murders and crimes of passion. Ferri, for instance, noted that there were more ‘delitos de sangre’ in the South, when it was warmer and wine was plentiful. In the North, by contrast, offences against property were more common when it was colder, winters were harsh and food was scarce. He argued that these cases were ‘elocuentes indicios de esta acción del medio físico sobre la criminalidad’.⁴³ Such articles were directly tied to concerns relating to degeneration that were prevalent during the fin de siglo but, as we will see, the majority of contributors discarded the negative and fatalistic overtones that usually accompanied such theories.

The topic of crime was also related to broader and universal gender questions as some debated whether women tended to commit particular crimes (for example infanticides)⁴⁴ and whether, due to their susceptibility to hysteria, they were not responsible for their misdemeanours.⁴⁵ Other contributors considered the characteristics of female criminals, often writing unforgivingly and contemptuously of their hypocrisy

⁴¹ ‘La escuela criminalista positiva’ (April 1893), 175.

⁴² ‘Revista de revistas (“Razas ladronas y homicidas”’, EM, 122 (February 1899), 198-99 (p.198).

⁴³ ‘Educación, ambiente y criminalidad’, EM, 49 (January 1893), 118-34 (p.126).

⁴⁴ See, for instance, Bernaldo de Quirós, ‘Los últimos estudios de criminología’, EM, 115 (July 1898), 60-110, where we read, ‘El crimen característico de la mujer, según Mad. Tarnowsky, es el infanticidio.’ (p.88). According to Bernaldo de Quirós, ‘La señora Tarnowsky [i.e. the Russian female physician, Dr Pauline Tarnowsky] es el genio protector de la Antropología criminal en Rusia, como Catalina II lo fue de los hermanos Grimm [...] de la Filología comparada (Lombroso). Sus estudios versan casi exclusivamente sobre la donna delinquente.’ (p.84).

⁴⁵ See the ‘Notas bibliográficas’ in EM, 107 (November 1897), 201-02, where Dorado reviews *Histerismo intelectual* by Manuel Carles (Buenos Aires, 1895), which provides an account of a murder committed by an 18-year old girl. Carles, who was the defence lawyer, argued that she was not in control and thus should be absolved of the crime.

and cruelty,⁴⁶ the nature of crimes committed by women,⁴⁷ and adultery,⁴⁸ whilst a historical perspective on the subject of female criminals was provided by Pérez de Guzmán.⁴⁹ In addition, there were articles considering children as both perpetrators and victims,⁵⁰ a significant preoccupation of the time as children were not only associated with savagery, even madness, but seen as being vulnerable to all kinds of temptations and dangers.⁵¹ Other articles focussed on topical discussions or matters of general interest, both in Spain and overseas, such as criminal weapons, crime in countries like the United States, Italy, and Spanish America, and issues like recidivism.⁵² In many cases, the tone adopted was informative, seeking to educate readers and provide them

⁴⁶ See Lombroso 'Aplicaciones judiciales y médicas' (May 1893), 106, where the author reports on Ryckere's views: 'La mujer criminal es más sofista, más razonadora que el hombre. Encuentra pretextos y excusas que asombran por su extravagancia y su extrañeza. Su hipocresía es más profunda y más repugnante.' We also read that Octavio Feuillet believed that, 'Las mujeres se elevan á mucha más altura que nosotros en grandeza moral; no hay virtud, abnegación y heroísmo en que no nos excedan; pero una vez lanzadas á los abismos, caen con más rapidez y más hondo que nosotros' (106) and, in the opinion of Dr Corre, 'una vez lanzada al crimen [...] se muestra más friamente cruel, más encarnizada que el hombre.' (106)

On female criminals, see also Araujo, 'Revista de revistas ("La responsabilidad criminal de la mujer")', EM, 155 (November 1901), 194-96; 'Revista de revistas ("Las mujeres criminales")', EM, 227 (November 1907), 205-06 and 'Revista de revistas ("Los robos en los grandes almacenes")', EM, 273 (September 1911), 206-07.

⁴⁷ See Dorado's 'Notas bibliográficas', EM, 103 (July 1897), 200-201, which reviews *Delitti femmili a Napoli* by G. Cairuolo-Hamnett (1896).

See also Tarde, 'El delito político', EM, 50 (February 1893), 144-70 (p.160); Lombroso, 'Aplicaciones judiciales y médicas' (May 1893), 106; Bernaldo de Quirós, 'Los últimos estudios de criminología', EM, 114 (June 1898), 77-103 and (July 1898), 84, where the author refers to *Criminalidad femenina*, by Mad. Tarnowsky; Pérez de Guzmán, 'Bajo los Austrias: de la criminalidad en Castilla, cabeza de España y del estado de las costumbres sociales en Madrid, su Corte, durante el reinado de Felipe II', EM, 128 (August 1899), 95-119 (p.95); Araujo, 'Revista de revistas ("La responsabilidad criminal de la mujer")', EM, 155 (November 1901), 194-96.

⁴⁸ See, for instance, Posada, 'La condición jurídica de la mujer española', EM, 112 (April 1898), 34-58.

⁴⁹ See Pérez de Guzmán, 'Bajo los Austrias: de la criminalidad en Castilla, cabeza de España y del estado de las costumbres sociales en Madrid, su Corte, durante el reinado de Felipe II', EM, 124 (April 1899), 14-34, where there is a section on 'La mujer ante el juez', and the same series in EM, 128 (August 1899), 95-119, where the final section centres on 'La mujer criminal. Las enamoradas y su disciplina. Comediantas, Hechiceras.'

⁵⁰ On juvenile offenders, see Dorado, 'Notas bibliográficas' (review of *Juvenile Offenders*, report based on an inquiry instituted by the committee of the Howard Association, 1898), EM, 133 (January 1900), 194-97. On infanticides see, for example, Dorado, 'Notas bibliográficas' (review of *O duello e o infanticidio*, by Phaelante da Camara), EM, 193 (January 1905), 206-07.

⁵¹ For more on this, see *Miserables y locos*, for example 340-.

⁵² On weapons, see Araujo, 'Revista de Revistas ("Puñal y revólver")', EM, 119 (November 1898), 123-27; on foreign crime, see Dorado, 'Notas bibliográficas' (review of *Arqueología criminal americana*), EM, 217 (January 1907), 198-99 and 'Notas bibliográficas' (review of *La mala vida en Buenos Aires*), EM, 245 (May 1909), 206; on recidivism, see Dorado, 'Notas bibliográficas' (review of *Reincidencia*), EM, 222 (June 1907), 200-02.

with a broader perspective, rather than impose a particular viewpoint or line of thought upon them.

Of particular interest (and often passionately addressed) was the question of the question of criminal responsibility, whether people were free agents or victims of circumstances or forces beyond their control. During the period, which saw significant advances in the areas of phrenology and psychiatry, this was hotly debated by medics and those involved in the legal profession, who sometimes called upon physicians to attend trials in order to declare whether the perpetrators were mentally insane, and thus should be absolved of responsibility for their misdemeanours. Criminal cases that attracted public interest in this regard included those of Manuel Morillo (who shot his girlfriend's parents, killing her mother, in 1833 and died in the Leganés mental asylum in 1892),⁵³ the priest Galeote (who murdered the bishop of Madrid-Alcalá in 1886),⁵⁴ the writer Remigio Vega Armentero (who murdered his wife in 1888),⁵⁵ José Varela (accused of murdering Antonia López, known as the Crimen de la calle de Carretas, in 1892), Willié (the Englishman who shot his Catalan colleagues in 1894), the Capitán Clavijo (who shot General Primo de Rivera in 1895), José Nakens (accused of protecting Mateo Morral, who had attempted to murder the King in 1906). As we will see, a number of these cases were discussed in EM.

Some of EM's contributors were keen to persuade readers that there were some occasions when the perpetrators were not fully responsible for their actions, for instance if they were subject to the influence of alcohol, hypnotism or more deep-rooted causes, for example epilepsy or madness, often products of degeneración, which affected the

⁵³ See Ricardo Campos, *El caso Morillo: Crimen, locura y subjetividad en la España de la Restauración* (Madrid: CSIC, 2012).

⁵⁴ See Ricardo Campos, 'Criminalidad y locura en la Restauración. El proceso del cura Galeote (1886-1888)', *Frenia*, III(2) (2003), 111-145. <http://www.revistaaen.es/index.php/frenia/article/view/16396> [Accessed 10 January 2017].

⁵⁵ See Pura Fernández, *¿Loco o delincuente? Novela social contemporánea* (Madrid: Celeste, 2001).

following groups:

La degeneración, según Sergi, comprende á los locos, á los suicidas, á los criminales, á las prostitutas, á los siervos y serviles, á los vagabundos y mendigos y á los parásitos. Mucho más recientemente Max Nordau califica de degenerados á los místicos, á los prerrafaelistas, á los simbolistas, á los tolstoístas, á los wagneristas, á los egotistas, á los diabólicos, á los decadentes y estáticos, á los ibsenistas y á los realistas.⁵⁶

Criminal responsibility was also frequently debated amongst politicians and reformers, who contended that poverty led to crime and that education and reforms (particularly social and legal reforms) might help to reduce the crime rate. Unsurprisingly the topic, then, was often related to matters such as workers' rights, women's rights, prostitution, poverty and begging.

Solutions, Reforms and the Future

The contributors' attitudes depended largely on whether they believed that evil was innate in some criminals, possibly as a consequence of heredity or atavism. Those who shared this belief sometimes argued, in accordance with Lombroso's theories, that the external appearance of a person reflected their evil inner qualities and that the shape of the skull was linked to behaviour.⁵⁷ If such evil could not be eradicated, they advocated radical solutions, claiming that it was necessary to remove the perpetrators from society,

⁵⁶ Salillas, 'La degeneración y el proceso Willié', EM, 66 (June 1894), 70-96 (p.76).

⁵⁷ These included a large, protruding jaw, high cheekbones, 'handle-shaped ears', hawk-like noses, 'twisted, up-turned or [...] flattened noses (which are 'aquiline' in the case of murderers), thick lips, 'small and receding' chins and so forth. See *L'Uomo delinquente* (1876).

by deporting them or even executing them.⁵⁸ Conversely, Socialist criminologists like Ferri, drawing upon what Alvarez-Uría has described as ‘[l]a analogía loco-criminal-pobre’,⁵⁹ challenged such allegations and argued that some crimes were committed because the criminals were stifled by a corruptive atmosphere, overcome by financial hardship and desperately seeking to improve their situation.⁶⁰ They contended that if social conditions improved, the crime rate would fall. Some contributors proceeded to argue that political criminals deserved special consideration and that it was important to determine whether they were ‘revolutionaries’ or ‘rebels’.⁶¹ They also claimed that it would be possible to reform some criminals through education.⁶²

At the other end of the scale, Nocito argued that there was a problematic tendency amongst the followers of the Italian Jurist, Cesare Beccaria, to adopt ‘un sentimentalismo morboso en pro de los delincuentes, con que se olvida el supremo interés del castigo: el de proteger á la sociedad contra los malhechores’.⁶³ He, like others, thus maintained that the criminal was responsible for his actions.

These considerations extended to discussions on the nature and role of the legal system, together with the question of reform. As Wadda de los Ríos-Font has noted, the years from 1868 to 1888 ‘saw the undertaking and completion of the process of penal codification, and the establishment of laws that, with limited modifications, still ground the Spanish legal system’.⁶⁴ EM’s contributors were keen to evaluate their effectiveness.

⁵⁸ See, for example, Nocito, ‘El Congreso Penitenciario [...]’ (October 1890); Ferri, ‘Educación, ambiente y criminalidad’ (January 1893) and ‘La escuela criminalista positiva’, EM, 52 (April 1893), 159-84 and EM, 53 (May 1893), 125-30; Lombroso, ‘Aplicaciones judiciales y médicas’ (March and May 1893); J. Vida, ‘El proyecto de Código Penal para la República Argentina’, EM, 53 (May 1893), 131-45; and Dorado, ‘Notas bibliográficas’ (review of Newman’s *Notas sueltas sobre la pena de muerte*), EM, 89 (May 1896), 158-59. On the death penalty in Spain, see Pedro Oliver Olmo, *La pena de muerte en España* (Madrid: Editorial Síntesis, 2008).

⁵⁹ *Miserables y locos*, 178.

⁶⁰ See Ferri, ‘La escuela criminalista positiva’ (April 1893).

⁶¹ See Tarde, ‘El delito político’ (February 1893).

⁶² See, for example, Ferri, ‘Educación, ambiente y criminalidad’, EM, 49 (January 1893), 118-34.

⁶³ ‘El Congreso Penitenciario [...]’ (September 1890), 79.

⁶⁴ ‘El crimen de la calle de San Vicente: Crime Writing and Bourgeois Liberalism in Restoration Spain’,

Some writers argued that it was imperative to apply the sentence to the individual case, to take into account not solely the nature of the crime but the character of the individual perpetrator and, noting the ineffectuality of punishing evil with evil, they proposed that the focus should be placed on undertaking preventive measures to reduce crime instead of seeking suitable punishments for criminals.⁶⁵ In some cases they feared that imposing severe punishments upon the perpetrators effectively equated to lowering those exacting ‘justice’ to the same level as the criminal. Salillas, for instance, wrote, ‘sería lástima que á la degeneración de los que delinquen, fuera enlazada la degeneración de los que castigan’, interestingly suggesting that the concept of degeneration could be viewed in moral and ‘adjustable’, rather than deterministic (if not fatalistic) terms, as propounded through Lombroso’s theories.⁶⁶ Dorado, for his part, contended, ‘imponer un castigo al que ha sido víctima de tales injusticias y por serlo se ha convertido en delincuente, es sumar una injusticia á otra injusticia’⁶⁷ and later, encouraging compassion and understanding, he stated that Justice, rather than being ‘mala y odiosa’, should be ‘buena, amable tutelar y buscada por todos’.⁶⁸

Others, drawing upon contemporary concerns (for instance those raised by Garrido in his 1888 book *La cárcel o el manicomio* on mental health care), investigated the effectiveness of particular forms of punishment to achieve ‘reparación’,⁶⁹ notably

Modern Language Notes, 120(2) (2005), 335-354 (p.338).

⁶⁵ See, for instance, ‘Aplicaciones judiciales y médicas (April 1893), 144, where Lombroso highlights the possibility of taking action when criminals are young through ‘la canalización de sus inclinaciones por algún oficio que satisfaga su pasión y haga menos peligrosos sus resultados’.

⁶⁶ ‘La degeneración y el proceso Willié’, (June 1894), 96.

⁶⁷ ‘El discurso de la apertura de los Tribunales y la Memoria del fiscal del Supremo’, EM, 95 (November 1896), 71-97 (p. 80).

⁶⁸ ‘Misión de la justicia criminal en el porvenir’, EM, 100 (April 1897), 87-121 (p.110).

⁶⁹ See, for example, F. Cadalso, ‘Evolución penitenciaria’, EM, 209 (May 1906), 55-71, Araujo, ‘Revista de revistas (“El crimen: sus causas y sus remedios”)', EM, 146 (February 1901), 167-71, which focusses on Lombroso’s work *El crimen: sus causas y sus remedios*, where the author argues that prison ends up ‘aniquilando [el] pensamiento y [la] voluntad [del criminal]’ (p.170) and Araujo, ‘Revista de revistas (“Los vicios del sistema penitenciario”)', EM, 175 (July 1903), 170-72, which notes Lombroso’s belief that ‘La cárcel sólo sirve para aumentar su hipocresía, para enseñarle las precauciones que tiene que tomar para el crimen.’ (p.172).

imprisonment and the probation system,⁷⁰ and focussed on legal reforms.⁷¹ In the spirit of alienistas such as Dr Esquerdo, who proclaimed, ‘Todos los países de Europa tienen sociedades protectoras de los animales, y sin embargo, al menos que yo sepa, el hombre, más necesitado de protección, el enajenado carece de sociedades no médicas que le amparen’,⁷² many contributors appealed to the readers’ humanitarian instincts and opposed the use of torture and capital punishment,⁷³ although some (including César Silió Cortés) felt that it might be the only option for certain cases which demonstrated the presence of innate criminality.⁷⁴ Dorado, who believed that it was possible to reform criminals, maintained that through punishment they should be encouraged to repent of their crimes, rather than to develop feelings of bitterness, viciousness, and cruelty, which often resulted from deprivation. In line with the review’s openness to consider and recommend international ideas, he proposed America’s Elmira Reformatory system as an effective way of encouraging repentance and reform since it placed the emphasis on education and reward.⁷⁵

Arenal, for her part, focussed her attention on charity⁷⁶ and the problems associated with the rehabilitation of female criminals, in light of the generally unforgiving attitudes adopted towards them.

⁷⁰ Lombroso, ‘Aplicaciones judiciales y médicas’ (April 1893).

⁷¹ See, for instance, L. Silvela, ‘El derecho penal y los sistemas fatalistas y deterministas de la antropología criminal’, EM, 110 (February 1898), 116-45.

⁷² From ‘Locos que no lo parecen’. Republished in <http://www.revistaen.es/index.php/frenia/article/view/16451/16296> [Accessed 15 January 2017].

⁷³ See ‘El Congreso Penitenciario [...]’ (September 1890), where Nocito refers to Beccaria’s views on torture, and Ferri, ‘La escuela criminalista positiva’ (April 1893), 165: ‘La historia y la estadística nos afirman que cuando las penas eran más violentas, entonces fueron más impotentes para reprimir los delitos.’

⁷⁴ ‘El anarquismo y la defensa social’, EM, 61 (January 1894), 141-48. However, he also argued that it would lead to a sense of martyrdom and thus not have the desired effect. Silió was the author of *La crisis del derecho penal* (1891), described by Maristany as ‘[un] libro por lo demás bastante típico de una posición confusamente ecléctica – como intento de conciliar el determinismo antropológico con el principio católico del libre albedrío – y de cuya información se serviría básicamente la Pardo Bazán para su novela [...] *La piedra angular*.’ *El gabinete del doctor Lombroso*, 34.

⁷⁵ ‘El Reformatory de Elmira: estudio de derecho penal preventivo’, EM, 109 (January 1898), 106–22; EM, 111 (March 1898), 27–82; EM, 112 (April 1898), 59–102; EM, 113 (May 1898), 72–107.

⁷⁶ See Arenal’s articles, for example ‘El Congreso Internacional’ (March 1891).

La dificultad de proporcionarse trabajo y el descrédito es mayor para la mujer; el vicio que él paga, ella lo cobra, y lo que para el uno es causa de ruina, para la otra puede ser un medio de vivir sin trabajar. [...] En el modo de pensar y de sentir de la sociedad actual, en su modo de ser, se exige de la mujer una pureza que ni aun se sueña para el hombre; cuando la pierde, es objeto de menosprecio, y á poco que descienda por el camino de perdición, de persona se convierte en cosa para los que no la compadecen, y están dispuestos, no á fortalecer su debilidad, sino á explotarla: al salir de la prisión la esperan el vicioso y el proveedor del vicio; el desamparo, y la casa maldita cuya hospitalidad mata el cuerpo y el alma.⁷⁷

As was to be expected from this staunch feminist, Arenal's attitude was passionately sympathetic but her opinions communicated in an educated, engaging and convincing manner that was unlikely to cause offence and would elicit support. Although she stood out during the period for devoting attention to what might, to some, appear to be a 'specialist area', she nevertheless matched the concerns of other feminists (notably Emilia Pardo Bazán and Adolfo Posada, who also contributed to EM). Her attitude, too, was in line with the open-minded, cosmopolitan outlook adopted by many of EM's contributors, as she recommended the system adopted by La Société des libérées de Saint-Lazare to help these female criminals, although her approach was considerably more compassionate than others'.⁷⁸

⁷⁷ 'El Congreso Internacional' (March 1891), 40-41.

⁷⁸ For instance, although Lombroso recognized the need for different solutions, he negatively proposed Carpenter's theory that it was possible to cure male alcoholics but not their female counterparts. He also claimed that it was more difficult to stimulate young girls' intelligence than that of their male counterparts, particularly if their education had been neglected during childhood. Hence 'La criminalidad femenina reviste un carácter más cínico, más cruel y más depravado que la criminalidad masculina.'

Other issues considered included the impact of imprisonment upon the perpetrator's family, such as the situation of women whose husbands were in prison,⁷⁹ the protection of children⁸⁰ and whether divorce might be a solution to adultery.⁸¹ The contributors also focussed on more personally-oriented desires, such as the teaching of criminology in Universities.⁸² Nocito, for instance, highlighted the need to set up chair of *Ciencia penitenciaria* in all Universities and for special libraries.⁸³

EM's Gaps and 'Differences'

As we have seen, a wide range of issues were addressed in EM, and the perspectives of both Spanish and international thinkers were considered in an effort to stimulate readers to consider the current situation and potential for reform in crime-related matters. There were, however, some gaps since the focus was primarily on the Italian school, with relatively little attention accorded to developments in French thought, such as the work of Alexandre Lacassagne, often seen as Lombroso's main rival as he questioned the latter's theories on the influence of heredity and focussed instead on the impact of the environment. Little reference, too, was made to the work of prominent Spanish doctors, for example the aforementioned José María Esquerdo and José María Escuder, who played a major role in medical debates on criminal responsibility.⁸⁴ Nonetheless, EM

'Aplicaciones judiciales y médicas' (May 1893), 106.

⁷⁹ Araujo, 'Revista de revistas ("Las mujeres de los condenados y el divorcio")', EM, 154 (October 1901), 201-03.

⁸⁰ P. Strauss, 'Los niños mártires', EM, 106 (October 1897), 159-74.

⁸¹ Ferri, 'Educación, ambiente y criminalidad' (January 1893).

⁸² For instance, Bernaldo de Quirós, in 'Los últimos estudios de criminología', EM, 114 (June 1898), 77-103 and EM, 115 (July 1898), 60-110, provides a description of the courses running at various institutions throughout Europe, including the Escuela de estudios superiores at the Ateneo (run by Salillas), the Nueva Universidad de Bruselas (run by A. Hamon) and the University of Sienna.

⁸³ 'El Congreso Penitenciario [...]' (September 1890).

⁸⁴ I am very grateful to the anonymous readers of this article and to Dr Michael Stannard for providing information on the broader context outside EM. As Stannard notes in his dissertation, Esquerdo was a 'Leading Madrid psychiatrist, orator, politician and friend of Galdós [...]. [He] founded a much-praised private asylum in Carabanchel Alto in 1877.' 'Degeneration Theory in Naturalist Novels of Galdós', 17. Stannard_umn_0130E_11842.pdf [Accessed 13 June 2013]. See also Ana Conseglieri and Olga Villasante, 'La imbecilidad como exención de responsabilidad: el peritaje de Esquerdo en el proceso

could be usefully studied in order to evaluate the circulation, reception and development of the positivist and anthropological approaches to criminology (particularly Italian theories) in Spain.⁸⁵ The advantage of using this review for such investigations is that EM did not adhere to one particular line of thought (be it scientifically or politically motivated), but was instead open to a wide range of theories and ideas.⁸⁶ Furthermore, it was not restricted during a period when ‘the majority of the defenders of criminal anthropology were Liberals, Republicans, Socialists and Anticlericals’⁸⁷ and published articles by both supporters and detractors of particular theories on crime and reform.

Returning to the notion of actualidad, it is also important to evaluate EM’s position within the context of the press’s role during this period. Although EM’S contributors were alert to the latest debates and crime reports, they resisted the temptation to engage with the sensationalist tendencies that could be seen in the daily press and did not seek to satisfy the public’s desires for gory details or adopt a particular position (which might sometimes be politically motivated) when evaluating specific trials.⁸⁸ This was not entirely surprising since EM was, after all, a review and thus its contributors were not preoccupied with communicating the latest ‘news of the day’. Hence, although number of recent high-profile criminal cases were mentioned, for

judicial de Otero’, *Frenia*, Vol. VII (2007), 213-228. (Otero was executed for attempting to murder King Alfonso in 1880.)

Richard Cleminson and Francisco Vázquez García note that Escuder was a ‘medico-legal doctor’, author of *Locos y Anómalos* (1895) and acted as ‘expert witness in the trial of the priest Galeote’. *Los Invisibles: A History of Male Homosexuality in Spain, 1850-1939* (Cardiff: Univ. of Wales Press, 2007), 19. Campos and Huertas note that some of his reports ‘are an example of the dogmatic use of degenerationist positions and Lombrosian theories of the time, constituting an attack on the traditional penal system.’ ‘Lombroso but not Lombrosians’, 311.

⁸⁵ Lázaro had informed Jerónimo Vida that the aim of the Nueva Ciencia Jurídica had been to ‘propagar en España la Escuela Positiva’ (CC, 13.i.1892).

⁸⁶ Indeed, EM was accused of being both Liberal and Conservative and in CC, 13.xi.1889 Lázaro assured Romero Girón ‘[EM] no tiene color político y [...] cada redactor [tiene] libertad absoluta para emitir sus juicios’.

⁸⁷ Campos and Huertas, ‘Lombroso but not Lombrosians?’, 309.

⁸⁸ The sole exception was a humorous take on the topic of crime through the publication of the cartoon ‘Culpa y castigo’ in EM, 35 (November 1891), 42. This, however, was a one-off and a rarity for EM.

instance those involving Varela,⁸⁹ Willié,⁹⁰ Captain Clavijo⁹¹ and Nakens,⁹² the approach adopted was much more objective than we would expect to find in the daily press, probably because the contributors were aware that any information that was too closely tied to a particular day would soon become outdated. A degree of prior knowledge was also frequently assumed: for instance in his article on the Willié case, Salillas assumed that he was addressing contemporary readers who would be familiar with the case and his main aim, thus, was to examine this crime in relation to the theory of degeneración. The emphasis, then, was primarily upon taking stock of past events and upon encouraging readers to consider what might happen or what the future might hold.

On occasions, the contributors deliberately sought to dissociate themselves from the press's frenzied obsession with crime during this period, thus shunning the opportunity to pander to the public's whims and desire for gory details and, instead, adopting what might be regarded as a moralistic high-ground. This corresponded to the self-conscious and self-reflective tendency amongst EM's contributors to evaluate the genre in which they were writing and to consider the positive and negative attributes of the press during this period. Dorado's article in November 1906, for example, reads, 'Está visto que no se puede tener confianza en las informaciones de los periódicos. [...] Son malos intermediarios'.⁹³ The press's potentially corruptive nature was also considered in 1899 by Posada in his review of the work of the Italian Raimundo Anecchino, who believed that 'la prensa puede ser una fuente de sugerencias para

⁸⁹ Salillas 'El jurado médico y la causa de Varela', EM, 62 (February 1894), 88-98 and Dorado, 'A propósito de la causa de Varela', EM, 65 (May 1894), 68-95.

⁹⁰ Salillas, 'La degeneración y el proceso Willié' (June 1894).

⁹¹ Salillas, 'El Capitán Clavijo (proceso mental)', EM, 79 (July 1895), 25-41.

⁹² Dorado, 'A propósito de la causa de Nakens: ilegalidad de la condena', EM, 225 (September 1907), 107-45.

⁹³ 'El discurso de la apertura de los Tribunales y la Memoria del fiscal del Supremo', EM, 215 (November 1906), 61-78 (p.61).

verificar actos suicidas y delitos ó crímenes’. In Anecchino’s opinion, there was only one solution: “A los periódicos no debería estarles permitido sino registrar la noticia pura y simple de los suicidios y de los delitos, prohibiéndoseles de una manera rigurosa cualquier detalle”.⁹⁴ A similar viewpoint was expressed later in the ‘Revista de revistas’, where Araujo referred to the work of a Dr Pacheco, who believed that descriptions of crimes in the press ‘obran eficazmente sobre los cerebros desequilibrados de los degenerados’.⁹⁵ EM’s contributors were evidently determined not to comply with the public’s desires for such descriptions.

It could also be argued that EM stood apart from the traditional reporting of crime during this period in terms of the general attitude adopted by contributors. Whilst the ideas of criminologists were sometimes associated with negative theories of inescapable degeneration, the contributors of EM were generally positive in their outlook and, even though their prime interest was centred upon Spain, their discussions were frequently situated in a broad, universal context. Hence Spain was not regarded as an isolated case but as part of the Latin race. Furthermore, in their deliberations on the alleged racial inferiority of this race and the relationship between the concept of civilization versus barbarity or savagery,⁹⁶ childhood⁹⁷ and questions relating to general historical processes (in other words, was society progressing or regressing?), the contributors frequently cast their criticisms in a constructive and forward-looking light, often highlighting the possibility of regeneration. Chamberlin and Gilman have noted that, just as ‘Birth and death went hand in hand’, degeneration was ‘[a] balance to the

⁹⁴ ‘Notas bibliográficas’, EM, 128 (August 1899), 201-02 (p.202).

⁹⁵ ‘Revista de revistas (“El contagio del crimen por la prensa”)', EM, 194 (February 1905), 194-96 (p.195).

⁹⁶ See, for instance, Ferri, ‘La escuela criminalista positiva’, EM, 52 (April 1893), 159-84: ‘el hombre delincuente está en retraso con respecto á la raza civilizada á que pertenece, y, por consiguiente, reproduce en ella las formas de la primitiva barbarie.’ (p.172).

⁹⁷ See, for example, section IV of ‘El atavismo moral’ in EM, 59 (November 1893), 102-21, where Tarde compares a criminal to a child.

idea of progress’, in other words, regeneration, in which the majority of contributors profoundly believed.⁹⁸ Hence, although Dorado strongly condemned the current Spanish legal system, which he regarded as outdated and closely linked to ‘nuestra postración general, nuestra pobreza, nuestra ignorancia, nuestra haraganería’,⁹⁹ he also emphasized his belief that discussions on crime and legal reforms were essential to initiatives relating to Spain’s regeneration and that change was possible. Likewise, in his review of Bernaldo de Quirós’ work *Las nuevas teorías de la criminalidad*, Posada wrote that it was ‘un deber patriótico animar y aplaudir [al autor]’ and he went on to declare that he regarded Quirós as being amongst those who could ‘procurarnos esa vida nueva, esa regeneración á que tantos, por modo diversión y equivocado á veces aluden, en estos días de prueba para nuestro desdichado pueblo’.¹⁰⁰

Form and Content, Style and Structure: *EM*’s Articles ‘In Context’

What is of particular interest, and what is often disregarded if the articles from *EM* are taken out of their context, is the role that the articles on crime play in the publication as a whole, how they relate to the publication’s general mission and the mechanisms that Lázaro employed to retain a degree of coherence and unity within *EM*. As noted previously, the topic of crime was an on-going debate during this period, as people were learning from experience, testing out new ideas and ways of dealing with particular problems. It is thus notable that many of the contributors disputed the ideas advanced in other articles in the review. Whilst Lázaro stipulated that the contributors should not attack one another,¹⁰¹ he did not object to these kinds of debates, which arguably helped

⁹⁸ J. Edward Chamberlin and Sander L. Gilman, eds, *Degeneration: The Dark Side of Progress* (New York: Columbia U. P., 1985), xiii. Cited in Stannard, ‘Degeneration Theory in Naturalist Novels of Galdós’, 13.

⁹⁹ ‘El discurso de la apertura de los Tribunales’ (November 1898), 47.

¹⁰⁰ ‘Notas bibliográficas’, *EM*, 117 (September 1898), 202-03 (p.202).

¹⁰¹ Thus he insisted that Baltasar Champeure of the Ateneo Balear should not criticize ‘á los redactores de

to open the readers' minds and enabled them to appreciate all sides of the argument before coming to their own conclusions. Thus, although Lombroso was able to 'speak for himself', EM also published the views of his critics, including Silvela and Tarde¹⁰² and, in line with the general trend in Spain, disagreed with his ideas. As Campos and Huertas have noted, 'Lombroso's ideas were turned around and provoked more social, scientific and cultural debate on the figure of the criminal rather than the creator of a school of criminology.'¹⁰³ Hence El Licenciado Pero Pérez observed, 'Por más que se atacan con vehemencia las teorías puestas de moda y defendidas con tanto ardor por César Lombroso, su teoría no cesa de ocupar al mundo.'¹⁰⁴ In a similar manner, Arenal acknowledged that, for some, 'Estas resoluciones [for instance regarding aid for beggars] parecerán contaminadas de socialismo'¹⁰⁵ and she went on to question what else could be done. Her provocative one-word response, '¿Matarlos?', was undoubtedly designed to incite the readers to object and to encourage them to consider and seek more constructive solutions. EM, then, sought to promote tolerance and reflection, and was a forum for lively debate. It could also be regarded as a vehicle for education in its promotion of what might be termed as broad-mindedness.

As noted previously, Lázaro was aware that the topic might appear to be abhorrently specialist but was keen to stimulate his readers to take an interest in crime. He ambitiously aimed to even elicit responses from those who might be naturally indifferent to such matters and to encourage them to engage with the topic or at least recognize its significance within the review's general quest for regeneration. Thus

mi Revista como hace V. ahora con Clarín' since 'no es cosa de reñir dentro de casa' (CC, undated [September 1889]).

¹⁰² Silvela, 'El derecho penal y los sistemas fatalistas y deterministas' (February 1898) and Tarde 'El atavismo moral' (November 1893).

¹⁰³ Campos and Huertas, 'Lombroso but not Lombrosians?', 309. They also note that 'one of [the] objectives was to institutionalise psychiatry as a science and obtain recognition and social legitimacy for the field' (313).

¹⁰⁴ 'La Prensa Internacional ("Crímenes de los enajenados")', EM, 73 (January 1895), 189-96 (p.189).

¹⁰⁵ 'Congreso Internacional' (February 1891), 103.

literature, which could sometimes be dismissed as being detached from topical concerns and solely concerned with entertainment, was frequently employed as a vehicle to engage readers and stimulate thinking on the subject. In an article by Lombroso, we read that crime was an important subject in both literature and art and the author even pondered, ‘Muchas veces me he preguntado por qué estaba más adelantada la antropología criminal en la literatura que en la ciencia’. In this way he dismissed the tendency to regard literary works as constituting pure fiction, if not entertainment, and accorded due recognition to the Realist and Naturalist works of the time, not solely in terms of their accurate representation of matters concerning society, but their ability to raise questions, serve as vehicles for social criticism, and stimulate reflection.¹⁰⁶ In a similar vein, the literature published in EM plays a crucial role, not solely giving readers an insight into the characteristics and features of criminals, but channelling their interest in the topic of crime and evoking a response from them.

During this period Galdós highlighted the presence of a ‘literary connection’ between the press and crime, noting that some journalists, unable to resist the temptation to embellish the factual details of the case in question, constructed what was essentially a work of fiction: ‘[...] construyen luego la historia más o menos fantaseada y novelesca del espantoso drama’.¹⁰⁷ This development of what Maristany has described

¹⁰⁶ ‘Aplicaciones judiciales y médicas’ (July 1893), 126. Lombroso proceeded to comment on the portrayal of criminals in the works of authors such as Balzac, Daudet, Zola, Ibsen, Dostoyevsky, Shakespeare: ‘Antes bien, son tan exactas sus descripciones, que pueden contarse como documentos de prueba y dar nueva confirmación á los descubrimientos antropológicos precisamente porque tienen un origen distinto por completo.’ (126). He regarded Zola’s work as being particularly significant: ‘En resumen, las novelas de M. Zola son historias modernas que se apoyan en documentos vivos, así como las historias en general se fundan en documentos muertos. Muy á menudo, tiene también la sobriedad del historiador, que desdeña los patrones complicados tan fáciles de encontrar, precisamente porque son falsos, y de los cuales nos habían imbuido los otros novelistas.’ (132).

See also Bernaldo de Quirós, ‘Los últimos estudios de criminología’ (July 1898), where there is a section on ‘Los delincuentes estudiados en la literatura y en el arte’, and Dorado, ‘Concepciones penales y sociales de Tolstoy, según su reciente novela Resurrección’, EM, 144 (December 1900), 94-119.

¹⁰⁷ ‘El crimen de la calle de Fuencarral’, 87.

as ‘[una] visión mítica’¹⁰⁸ and the blurring of the boundaries between fiction and reality was underlined by Baroja, who wrote, ‘¡El crimen de la calle de Fuencarral! ¡Qué folletín! ¡Qué novela por entregas viva!’¹⁰⁹ Salillas, for his part, described the Varela case as ‘drama’ and those implicated as ‘personajes’, whilst the circumstances resemble a sensationalist piece of literature (‘Háblase de pasiones extremosas, de rivalidades iracundas, de triunfos y postergaciones’).¹¹⁰ Later, in 1902, Gómez de Baquero refuted the Latin American Enrique Gómez Carrillo’s suggestion in *El alma encantadora de París* who had gone so far as to suggest that murder was ‘una de las bellas artes’.¹¹¹ This process of constructing crimes in the literature published in EM can be associated with the active attempts on the part of writers to comprehend cases of this nature and to grapple with what might well be deemed to be ‘extreme’ and ‘abnormal’ situations, yet still form a part of ‘real life’. They also serve as a means of involving the reader and sometimes directly link to the documentary articles on the subject.

Some of the fictional works published in EM are clearly related to criminological discussions. For instance, in 1893 the articles by Ferri, Lombroso and Tarde on criminology are counterbalanced by fictional accounts of crimes. In the same year, in the translations of works by the French writer Jean Richepin, ‘El asesino desnudo’,¹¹² ‘La obra maestra del crimen’¹¹³ and Jules Barbey d’Aurevilly’s ‘La dicha

¹⁰⁸ Maristany, *El gabinete del doctor Lombroso*, 24. He also noted (24), ‘Junto al noticierismo de la prensa y a las minuciosas y áridas relaciones de tipo judicial, se acomodaban también a las convenciones y reglas de géneros como el folletín, los romances de ciego y los populares y románticos relatos de “causas célebres”.’

For a useful overview of the development of crime narratives and their circulation in the press, see Wadda de los Ríos-Font’s ‘El crimen de la calle de San Vicente’ (which focusses on the two popular types: the *causas célebres* and *crímenes*) and Ricardo Campos, ‘La clasificación de lo difuso: el concepto de “mala vida” en la literatura criminológica de cambio de siglo’, *Journal of Spanish Cultural Studies*, 10: 4 (2009), 399-422. See also Juan Ignacio Ferreras, *Estudios sobre la novela española del siglo XIX. La novela por entregas 1840-1900. (Concentración Obrera y economía editorial)* (Madrid: Taurus, 1972).

¹⁰⁹ *Obras completas*, VII, 568. Cited in Maristany, *El gabinete del doctor Lombroso*, 20.

¹¹⁰ ‘El jurado médico y la causa de Varela’ (February 1894), 88-89.

¹¹¹ ‘Crónica literaria’, 168 (December 1902), 138-53. Gómez de Baquero concluded, ‘lo de la sublimidad del asesinato artístico es pura blague, una broma fúnebre’ (p.153).

¹¹² ‘El asesino desnudo’ EM, 53 (May 1893), 66-76.

en el crimen',¹¹⁴ we are presented with stories about unrepentant criminals and madmen. The sense of vicious circles or inescapable destinies is presented to the readers in stories such as Pardo Bazán's 'Un destripador de antaño' (1890), which explores the rural myth of Sacamantecas,¹¹⁵ and the translation of Wilde's 'El crimen de Lord Arturo Savile' (1906).¹¹⁶ Readers are also able to gain an insight into the criminal mind through the translations of Andreyev's 'Los ahorcados' (1911)¹¹⁷ and Richepin's 'El asesino desnudo' (1893), whilst Barbey d'Aurevilly's 'Venganza de una mujer' (1893)¹¹⁸ focusses on the consequences of a woman's wrath. Two French stories, Balzac's 'El verdugo' (1892)¹¹⁹ and Mérimée's 'Mateo Falcone' (1892),¹²⁰ somewhat archaically (although it could be argued that they encourage readers to venture backwards in time and thus understand the past, as well as look towards the future), justify crime on the basis of honour. They also raise questions about guilt and criminal responsibility, which are explored in Sardou's 'La Perla negra' (1893),¹²¹ Richepain's 'La obra maestra del crimen' (1893) and Andreief's 'Los ahorcados'. The latter is the most provocative of all the literary works on crime published in EM since it not only focusses on the themes of evil, aggravating factors like alcoholism and convulsions, responsibility and remorse, but also highlights the impact of the criminals' actions upon their family. As such, it can be directly related to articles like Arenal's work on the 'niños moralmente abandonados' in February and March 1891, reminding readers that families of criminals are often, through no fault of their own, innocent victims in these situations.¹²² Likewise,

¹¹³ 'La obra maestra del crimen', EM, 59 (November 1893), 65-76.

¹¹⁴ 'La dicha en el crimen', EM, 60 (December 1893), 5-41.

¹¹⁵ 'Un destripador de antaño', EM, 13 (January 1890), 5-36.

¹¹⁶ 'El crimen de Lord Arturo Savile', EM, 205 (January 1906), 118-57.

¹¹⁷ 'Los ahorcados', EM, 273 (September 1911), 159-78; EM, 274 (October 1911), 111-36; EM, 275 (November 1911), 65-92.

¹¹⁸ 'Venganza de una mujer', EM, 58 (October 1893), 5-32

¹¹⁹ 'El verdugo', EM, 48 (December 1892), 5-14.

¹²⁰ 'Mateo Falcone', EM, 48 (December 1892), 15-25.

¹²¹ 'La perla negra', EM, 54 (June 1893), 20-52.

¹²² This was later explored in paintings on the theme of La familia del anarquista el día de la ejecución

discussions on duels are complemented by stories such as the translation of Chekhov's *Un duelo* (1903).¹²³ These fictional works, thus, not only capture the readers' attention and entertain them, but imaginatively reconstruct the crimes and the associated problems, and the authors, in crafting their stories, encourage readers to engage with and reflect on the issues discussed by the criminologists. Drawing on Foucault's words on the detective novel, sometimes they cause readers to waver between identification and distance, powerfully presenting crime as 'both very close and quite alien, a perpetual threat to everyday life, but extremely distant in its origin and motives, both everyday and exotic [...]'.¹²⁴

In some cases Lázaro's placing of these articles within the individual issue was significant. In May 1893 Richepin's short story, 'El asesino desnudo' is almost strategically placed just before Lombroso's third article on 'Aplicaciones judiciales y médicas de la antropología criminal' as if to promote reflection.¹²⁵ Hence these fictional works acquire a new dimension when considered in relation to the other articles that were published within EM, exploiting its potential as both an organic and a dynamic publication, comparable to a magic lantern. However, it acts not as a static object, casting out different shades of light, but also receives new lights and shadows, in so doing taking on a new identity and becoming a receptor as well as an activator. This occurs through the combination of some radically different works and genres that might never have been intended to be published together or even associated with each other. It also occurs through the presence and active involvement of the readers, who,

by Álvarez de Sotomayor, Benedito Vives, Chicharro and others, who painted these works as applications for a scholarship funded by the Real Academia de Bellas Artes de San Fernando in 1899.

¹²³ 'Un duelo (novela)', EM, 169 (January 1903), 5-32; EM, 170 (February 1903), 5-32; EM, 171 (March 1903), 5-32; 172 (April 1903), 5-27.

¹²⁴ *Discipline and Punish: The Birth of the Prison*, trans. Alan Sheridan (New York: Vintage Books, 1991 edition), 286. <https://zulfahmed.files.wordpress.com/2013/12/disciplineandpunish.pdf> [Accessed 18 January 2017].

¹²⁵ EM, 53, 66-76 and 78-124.

simultaneously act as passive receivers of information and active responders to the different views (or the same views presented in different formats) and are thereby provoked to reflect and implicitly, to respond, act and influence others. In so doing, the process of reading this periodical publication evokes something that resembles a chemical reaction that both absorbs particular ideas and catalyses new thoughts.

The style and structure employed in the review also reinforce Lázaro's intention that EM should serve as a forum for lively debate on crime and as a means of educating readers on the subject, aiming, in addition, to encourage readers to reflect on potential solutions and thereby to engage with the process of regeneration. As noted previously, it is often clear that many of the opinions advanced were individual interpretations, even though overall, the contributors were encouraged to be impartial. Thus they generally sought to persuade and convince, but not impose a view upon readers and regularly took into account different opinions. The structure of the periodical complements such workings and helped to support EM's initiatives in educational terms. Rather than repeating material, the contributors made use of cross referencing. For example, in his review of Dorado's work *El Reformatorio de Elmira*, which had been published in EM in 1898, Posada wrote:

Los lectores de estas notas seguramente conocen de qué tratan aquéllos y por tanto ya habrán podido apreciar las importantes noticias que Dorado ha sabido recoger y ordenar acerca del célebre Reformatorio de Elmira [...]. Por este motivo no me detengo más analizando el contenido del nuevo libro de Dorado, limitándome á dar cuenta de su publicación.¹²⁶

¹²⁶ 'Notas bibliográficas', EM, 116 (August 1898), 204.

There were some occasions when there was a degree of repetition, for instance as regards the reports on the Congresses,¹²⁷ but, overall, the links convey a sense of unity and promote mental agility. Complementing the presence of *amenidad* in the style adopted, a number of articles were also clearly structured internally in order to facilitate comprehension. This is the case with articles such as Nocito's article on the Prison Congress and Dorado's series on the Elmira Reformatory, which were clearly set out and divided into short sections to make them more digestible.¹²⁸

Conclusions

EM not only reflected contemporary attitudes towards crime but actively contributed to, sometimes even led discussions on crime and reform.¹²⁹ Enlisting the collaboration of the contributors, Lázaro set himself the challenge of educating the review's readers on crime and reform. Although the number of subscribers overall may appear to be small,¹³⁰ this was not rare for the period and, as the review was available at local Casinos and libraries, it is likely that the number of readers was considerably higher than the subscription figures might suggest. It is also clear that EM soon gained a prestigious reputation and was widely discussed amongst major writers and thinkers of the period.¹³¹

¹²⁷ For example, Lombroso's article ('Aplicaciones judiciales y médicas') in June 1893 repeats some of the material communicated in Nocito's and Arenal's articles in 1890 and 1891. See Nocito, 'El Congreso Penitenciario' (September and October 1890) and Arenal, 'Congreso Internacional' (February and March 1891).

¹²⁸ Nocito's articles in September and October 1890 are also preceded by a summary that would immediately enable readers to gain a sense of what would follow.

¹²⁹ In her chapter entitled 'La sociología criminal', Lily Litvak notes that both EM editorial and EM revista played a major role in circulating positivist ideas in Spain. *España 1900: Modernismo, anarquismo y fin de siglo* (Barcelona: Anthropos, 1990), 132-33.

¹³⁰ According to Raquel Asún, there were never more than 1,000 subscribers and the average figure was 500, which decreased to 300 in 1914. 'El proyecto cultural de La España Moderna y la literatura, 1889–1914: análisis de la revista y de la editorial' (unpublished doctoral thesis, Univ. of Barcelona, 1979), 256.

¹³¹ See Chapter Six of Davies, *La España Moderna and Regeneración*. Lázaro wrote, 'EM, aunque tiene pocos suscritores, ocupa el primer lugar en cuanto al prestigio y respetos' (CC to García Ramón, 14.xii.1899), whilst Rubén Darío described it as 'la revista de más fuerza que hoy tiene España entre los grandes periódicos'.

EM promoted mental agility and, in relating matters concerning crime to questions surrounding Spain's racial inferiority and degeneration, the general editors and contributors adopted a positive, forward-looking attitude, highlighting the need for reform. They encouraged readers to take on board multiple viewpoints and to situate their own ideas within a much broader European, if not universal context. At the same time, Spain's interests were always placed at the centre and thus the contributors often responded critically or proposed modifications to particular ideas in accordance with the needs of the Hispanic world. This was far from a process of mere reflection or passive digestion of both national and foreign ideas. On the contrary, readers were invited to tackle crucial questions regarding the nation's future and to become actively involved in the process of Spain's regeneration.

Significantly, in publishing literature that would both complement the more documentary and specialist accounts and cast a new light upon debates, EM aimed to ensure that matters relating to crime and reform were not side-lined, but promoted as topics of general interest and they aspired to open up new discussions on these issues. Simultaneously, in refusing to pander to the public's desire for sensationalist descriptions, they enabled readers to consider these topics, and particularly the literature focussed upon crime, from a fresh perspective, thus according them a newfound relevance and significance. In this sense, EM's venture was unique. One could even contend that, in relating crime to the crucial question of Spain's current and future 'health' and engaging readers from non-specialist backgrounds, the contributors prophesized further developments in the humanitarian approaches to these issues, particularly those concerning mental health, which are generally associated with modern times. EM's mission, thus, sought to be all-encompassing, as the contributors set out to seek solutions, rather than evade key issues, to attain a balance between 'the personal'

and 'the public', and to transcend international boundaries. In so doing, they blurred, if not overcame the potential obstacles arising from simplistic and generically-imposed distinctions, specifically the divisions between literature and topical issues such as criminology, but also the perceived barriers between class, political ideologies, scientific ideas and social structures.