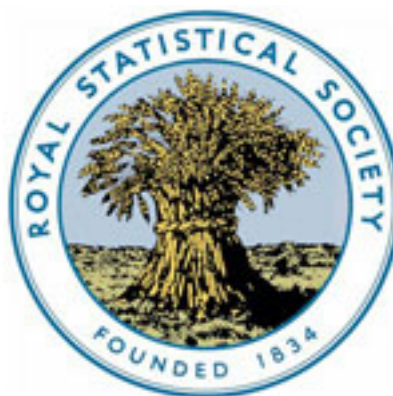


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The Criminal

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than the population. Working-class savings and investments have grown enormously. What evidence we have indicates that aggregate wages and aggregate national income have increased at nearly the same rate. Unemployment, so far as it is registered, has, period for period, been at nearly the same level for forty years, except that the years of good employment were specially numerous in the nineties. But this is only one side—the visible side—of the picture. For the permanently unemployed and unfit our only records are the singularly inadequate and imperfect statistics of pauperism. We have nothing to go on but guesses as to the real extent of poverty. We cannot recover records for previous years, and statistical science must remain powerless where there are no data. We are not taking any steps as yet to learn our existing condition in any complete way, though the work done in intensive inquiries would have been sufficient, if directed over the whole field, to have given us an adequate sample.

It is because of the immediate and pressing need of information before we commit ourselves to dangerous remedies on an erroneous diagnosis that I have spent my allotted time in pressing the importance of scientific method in statistical research.

II.—*The Criminal*. By Professor BÉLA FÜLDES, of Budapest.

FROM a moral and political standpoint, the investigation of the circumstances of the criminal is of much more importance than that of the crime. In those circumstances, whether personal, domestic, or social and economic, we find the explanation of the crime. The most valuable branch of the statistics of criminality, therefore, is that which relates to the criminal in the above relations. Regarding these, statistical *data* are at present, it must be admitted, very incomplete. Those relating to judicial proceedings have always been held to be of the greatest interest, yet the importance of these is trifling compared with that of facts which give the key to the secret motive, the soul, of the criminal. Amongst those facts we place in the first rank the sex, age, social position of the family, and the intellectual, economic, and religious qualifications of the individual.

Sex.—The influence of sex as an element in criminality may best be illustrated by the case of the female. On this, statistics are somewhat at a discount, since we must take into consideration the fact that a great part of the criminality of woman is confined to the family or domestic circle,¹ and is for that reason more difficult to be brought home to the offender than is the case with men, whose life is spent more in public and outdoor society. Then, again, owing to the weakness, timidity, and shame of their sex,

¹ *Atti di Commissione Giudiziaria*, 1885, p. 70.

women take greater pains than men to commit their crimes in such a way as to escape detection. Last, but not least, as the crime committed by a wife brings disgrace upon her husband also, there is often reluctance to prosecute. For these reasons, all the crimes committed by women are by no means brought on to the record. We find, too, that sex makes a difference in the procedure of the Courts. Not only is it more difficult, for the reasons given above, to arrive at a conclusion in a case where a woman is accused, but there is an inclination to exercise greater indulgence where that sex is concerned, and to let a woman go free where a man would be condemned.² Women, again, must be judged by a different standard of responsibility from men, since their economic position and their mental development are on a lower plane. Woman is also more passive and less educated into controlling her will. She is often merely the intellectual factor, or the instigator, of crime. Öttingen remarks that many crimes committed by men originated in the volition of women—as for example, in the case of Macbeth, illustrating the aptness of the French advice “cherchez la femme.” But it must be remembered that the instigator of a crime is liable to punishment with the perpetrator, and there are cases in which the man instigates, and the woman executes, the criminal act, though such cases are probably rare, because so many crimes connote qualities not possessed by the weaker sex.

The responsibility of women in crime is often diminished by the condition in which they happen to be ; as, for example, in the period of child-bearing. It is also reduced by the opinion prevalent amongst women that against a man all is allowable, a view which the conduct of the men appears to confirm. On all these grounds, then, the responsibility for crime may be considered to be less in the woman than in the other sex.

The difference between the sexes in regard to ethical qualities has not yet been scientifically established. Vignoli, the Italian author, in an interesting work, *Psicologia sessuale*, develops the theory that virtue and the nobler qualities, generally speaking, take their origin from women,³ whilst man is the personification of egoism. The maternal functions in themselves demand of a woman a greater capacity for self-sacrifice, for without a high degree of altruism, to breed and to educate is impossible, and from these noble impulses spring all the rest which form the ethical basis of humanity. Morrison confirms this view to a certain extent. Quetelet, on the other hand, considers that the moral disposition of the two sexes shows less difference than might be expected, and that such difference as existed is mainly due to women's timidity, defencelessness, physical weakness, and to her retired mode of life, which

² Cuénoud, “Statistique générale des Crimes à Genève, 1817-85” (*Zeitschrift für Schweizerische Statistik*, 1890), shows that 25 per cent. of males accused and 50 per cent. of women are acquitted.

³ “In ogni modo, la società com' è al presente, in specie nelle razze superiori, si deve in gran parte agli *influssi* e all' ispirazione della donna,” p. 47.

allows less opportunities and is burdened with fewer necessities. (*Physique Sociale*, II, pp. 290, 293.) Shakespeare says:—

“There is no motion
That tends to vice in man but I affirm
It is the woman's part.”—*Cymbeline*, II, 5.

Colajanni⁴ expresses the opinion that the lesser criminality of women is only the result of social circumstances, and if women lived in the same circumstances as men their criminality would be the same. That the moral instinct is greater in women than in men he denies. Pike, admitting the lesser criminality of the former as a fact, sees in it nothing beyond the results of heredity.⁵ Bonneville de Marsangy is of opinion that in good, as in evil, woman is “eccentric.”⁶ Ellis mentions the fact that in the eastern provinces of Russia, where women pursue the same occupations as men, the criminality of the former is high. In Spain, on the contrary, where women mostly live in the seclusion of their family, the number of female criminals, notwithstanding the general lack of education of the sex, is small. Again, the relative criminality is low amongst women, because a certain portion of the sex, disposed to crime, is diverted into the channel of prostitution, and without that outlet the number would increase. The position of women in society, in the family, and in occupation must be admitted to be such as tends to decrease the occasions for committing crime, since a considerable portion of the latter originates in meetings, political and other, in the factory, the public-house, in debate. There are also certain special offences which can only be committed by men, such as those against the military and electoral laws.

In the elucidation of the above questions statistics can render great service. *Data* collected within recent times indicate that the proportion of women amongst criminals varies between 10 and 20 per cent.

Where the women undertake a greater share in outdoor occupations the proportion rises above that which is found where they confine themselves for the most part to domestic life. Pike says: “As the difference between men and women in occupation disappears that in criminality decreases.”⁷ Morrison also attributes to this cause the greater relative criminality of the women in Scotland. The proportion of criminals amongst men is at least four or five times as high as that amongst women. Quetelet notes this. It is interesting to find that in cases of suicide the relative

⁴ *Sociologia Criminale*, II, p. 96.

⁵ *History of Crime*. London, 1873.

⁶ *Étude sur la moralité de la femme et de l'homme*. Paris, 1862. O. Feuillet, in M. de Camors, says: “Les femmes s'élèvent plus haut que nous dans la grandeur morale. Il n'y a pas de vertu, pas de dévouement, pas d'héroïsme où elles ne nous dépassent; mais, une fois lancées dans les abîmes, elles y tombent plus vites et plus bas que les hommes. Cela tient à deux causes; elles ont plus de passion, et elles n'ont point d'honneur.”

⁷ *Loc. cit.*, p. 529.

numbers of the two sexes are the same. The ratio amongst tramps and mendicants again, whilst usually identical for both sexes, when it differs is apt to be higher amongst the women.⁸

"Women," says Quetelet, "enter later than men upon the path of crime, but leave it earlier." This raises the question of the influence of age upon the criminality of women, since other inquirers have found the average age of the female criminal to be higher than that of the male.⁹ It would be singular, however, to find this latter conclusion established, in view of the fact that in general the mental and physical development of women reaches maturity earlier than that of men. The statistical evidence on this subject is incomplete, because in most cases the age and sex of criminals are not recorded for a series of years. In France the return for 1900 shows that in 100,000 women in each age-group the number of criminals was:—

Age 16—20.....	4	Age 30—40.....	4
„ 21—24.....	7	„ 40—50.....	3
„ 25—30.....	5	„ 50—60.....	2

The above figures lend support to the theory of Quetelet; but all the returns are not conclusive in the same direction. In Hungary, for instance, it is found that at ages above 50 the proportion of male criminals is 7·42; of women, 10·05.

Statistics can also demonstrate the influence of civil condition upon criminality, which is rarer amongst married women than amongst the rest. The return for 1899 in Hungary shows that, amongst the women in the aggregate, 62·19 per cent. of those over 15 were married, but amongst female prisoners above that age the married were only 55·15 per cent. The corresponding figures for the unmarried were 23·39 and 32·78. Notwithstanding the fact that marriage often increases the troubles of life and that a good deal of crime is due to the anxiety and hardship arising out of it, its favourable influence upon morals cannot be doubted; and where there are children that influence is still greater.¹⁰ Our data show that, whilst 76 per cent. of female criminals were married, those who had children amounted to only 51·79 per cent. Bertillon says: "La présence des enfants influe beaucoup sur la moralité des épouses. Celles qui ont des enfants sont justement deux fois moins exposées au crime que les autres." (*Statistique humaine*, p. 47.) All circumstances which tend to isolation, solitude, or neglect are dangerous for women. Pike says:¹¹ "So far as crime is determined by extraneous circumstances, every step made by woman towards her independence is a step towards that precipice at the bottom of which lies a prison." This is especially the case with the women of large cities. In Vienna, in 1899, the proportion of women amongst criminals was 162, against a general average of only 139. Moral

⁸ v. Mayr, *Bettler u. Vaganten*, p. 33.

⁹ Ellis, *Crime* (German ed., p. 239).

¹⁰ Ellis, p. 238, says: "The greatest obstacle of crime is motherhood."

¹¹ *History of Crime*, p. 527.

isolation is also at the root of the difficulty found in reforming the female criminal, and the number of habitual offenders of this sex is decidedly large—*semel mala, semper mala*.¹² Even as isolation is dangerous, so an assured position and protection from evil influences have their beneficial results. These are amongst the causes of the relatively small criminality of women of the upper classes, as has been observed by Quetelet,¹³ Starcke,¹⁴ and Valentini. Morrison says (*Crime*, p. 156): "The more women are driven to enter upon the economical struggle for life the more criminal they will become." Joly's words, too, are worth quoting: "La femme est faite pour être ménagée" (p. 391).

In regard to the nature of the crimes committed by women, we find that in proportion as women are confined to the household sphere their crimes are related to domestic questions. A further characteristic of female criminality is that, owing to the weakness and the sense of shame of those who perpetrate them, the crimes are less those of open violence than of deceit and secrecy. The interests, relationships, and feelings of women are less complex than those of men, and in the case of the former the two spheres in which the tendency to crime is most prominent are those of love and the material necessities of existence.¹⁵ The crimes of women are far more generally against the person than against property, and serious offences are relatively the more numerous amongst them. "With the gravity of crime," says Morrison, "grows the proportion of women criminals" (*Crime*, p. 151). In Germany, in 1900, we find the proportions, amongst men, of perjury, 42·4 per cent.; theft, 35·4; cheating, 20·6; whilst amongst women the principal offences were procuring, perjury, infanticide, and the abandonment of infants. In France the proportion of offences against the person is double that of those against property. In Austria, in 1899, the general proportion of female criminals in the total was 13·9 per cent., but in cases of murder it was 30·3; of abandonment, 92·8; and of infanticide, 100. In Hungary, in 1901, of 100 male criminals, 3·1 were convicted of offences against human life, whilst the corresponding figure for females was 14·1. It is the high proportion of serious offences, in fact, that is the chief characteristic of feminine criminality. The proportion of injury to the person is also considerable, and the highest is that of concealment of birth.

Age.—The want of the necessities of life and the desires and passions of humanity are to a great extent functions of the age of the individual, and are found consequently to be in causal *nexus* with that factor. Quetelet, indeed, finds the relation between crime and age to be as close and well-defined as the gradations of a Life Table; the connection between them not being limited to the development, growth, and diminution of crime in general, but extending even

¹² Tarde, *Les femmes se déplacent et se rassemblent moins*.

¹³ *Physique Sociale*, II, p. 297.

¹⁴ *Verbrechen u. Verbrecher*, p. 204.

¹⁵ The connection of crime with prostitution, exposed by Öttingen.

to the relative tendency to the different classes of offences. The maximum tendency towards crime in general is reached at about 25 years of age. Quetelet observes that in early life the criminal abuses the confidence he enjoys as member of a family, and becomes a thief. A few years' later, as his passions awake, the tendency towards general crimes increases. After the age of 20, his physical strength increases and offences of violence and the destruction of life become more prevalent. Later, again, with the increase of intellectual power, there is added to the crimes involving violence an increase of the more refined and elaborate crimes, involving fraud, abuse of confidence, and taking advantage of the ignorance and imprudence of others. The most unpleasant phase of criminality is noticeable in advanced age. Greed and avarice have increased; physical powers are on the wane. The criminal is compelled to have recourse to the protection of concealment and obscurity, and when the passions have not been extinguished, the victim is too often a defenceless child.¹⁶ Extremes thus meet, and the last step in criminality is in the same direction as the first; but of what a different nature! The crime which may be explained in youth by passion, inexperience, and equality in age can only be attributed towards the end of life to moral unsoundness. It may be that the above presentment of the case by Quetelet is somewhat dogmatic, but, on the whole, it represents very fairly the close relations between age and crime. By way of supplement to it may be cited the observation of Joly, that young men often murder for their money mistresses who are older than themselves.¹⁷

Recognising the importance of age as a factor in crime, statisticians have been keen in their search for information on the subject. There are, however, serious difficulties in their way. First, it is hard to get the age accurately recorded, it being essential that the figure should be that at the date of the commission of the offence, not at the time of conviction. Again, it is difficult to co-ordinate the age with the concurrent facts of civil condition, social and material position, and so on. Another way in which the record of age is of interest is that it shows in some cases the moral character of the period in which the criminal was born or educated. Finally, it may be added as a well-known fact that at a trial distinctions are often drawn between different ages. In France, for example, a jury is lenient in cases where the offender is over 40 years old.¹⁸ Criminality is at its maximum between the ages of 21 and 23, and in respect to the statistical evidence on this point the fact must be discounted

¹⁶ "Près de la moitié (49·6 per cent.) des attentats à la pudeur sur les enfants sont commis par des accusés ayant dépassé la quarantaine."—*Compte Rendu de la Justice Criminale pour la France*, 1886.

¹⁷ "À mesure qu'il avance dans la vie, la force en lui fait place à la ruse. Prenons, maintenant, les phases qui précèdent et celles qui suivent—l'attention est attirée par deux faits saillants: la prédominance du vol dans l'adolescence, la prédominance des attentats à la pudeur sur enfants dans la vieillesse." P. 183.

¹⁸ *Compte Rendu*, 1886, p. xiii.

that the young are often exempted from formal accusation when they would certainly have been charged had they been of mature years. Joly observes, "C'est vers 25 ans que l'homme violente le plus ses semblables" (*loc. cit.*, p. 183). In regard to juvenile offenders, the remarkable investigations of Morrison, Albenel, and others are worth perusal. In illustration of the relation of crime to age Hungarian statistics may be cited, which show that amongst offenders in general the proportion of those under 23 years old is 30 per cent., but that of convictions for offences against property is 33.9, and of those for offences against morality as high as 54.3. In the age-group 24—30, the general proportion is 28.1 per cent.; in offences against human life it rises to 30.6, and to 33.7 per cent. in those involving hurt or injury. On the other hand, it falls to 25.8 in offences against property, and to 23.6 in those against morals. In the advanced age-group there is a general ratio of 7.2 per cent. This is exceeded in cases of injury (8.5) and in offences against the state and public ordinances (8.4). Hurt and immorality take a lower place (5.2 and 5.4).

Civil Condition.—Civil condition, being one of the most important of human relationships, based upon both natural and moral impulse, is a factor whose influence in crime is very great. It has not, however, been statistically investigated, even Quetelet having passed it by. No doubt one reason for this omission is that, though marriage is a moral institution it is not regulated exclusively by moral considerations, so that the relationship between civil condition and crime is more difficult to establish than between crime and other factors. There are also technical difficulties to be taken into account. Speaking generally, the married criminals are in the majority only because at their age most people are married. It becomes necessary, therefore, that the calculation should show the ratio of criminals amongst the married, in the aggregate, against the corresponding figure for the unmarried, of each sex. Again, as marriage is, like crime, a function of age, it is necessary to eliminate the influence upon crime of the latter before we can appraise that of the former, which can be effected by subdividing each civil condition into age-groups. The general result of the evidence is to show that the married contribute the fewest, and the single the greatest, number to the aggregate of criminals.¹⁹ As regards the latter, it must be borne in mind that, as shown above, the most criminal age is that at which a large proportion of the offenders are still unmarried. Similarly, the comparatively small number of widowed criminals is attributable mainly to the more advanced age of the majority of those in that condition. An important point is the influence upon the criminality of married people of the existence or the number of their children.

¹⁹ Joly (p. 227): "Il est définitivement acquis que les célibataires donnent de deux à deux fois et demi plus d'accusés que les vieux et les gens mariés." Prinzing (*Soziale Faktoren der Criminalität*, 1902) says that except between the age of 18 and 25 men are less criminal when married than when single, but married women are more criminal than spinsters. He also points out the high criminality of widowers and divorced persons.

No definite conclusions can be stated, since the census does not everywhere record whether a marriage is sterile or otherwise. So far as Hungary is concerned, we find that, whilst 75 per cent. of the population over 15 years old is married, only 42 per cent. of criminals are married. We may infer, therefore, that the existence of children lowers the criminal tendency of the parents—an observation which is confirmed by other authorities, such as Bertillon and Joly.

In connection with the question of civil condition may be considered that of legitimacy of birth. Sichart remarks that 27 per cent. of prisoners were illegitimate, a proportion far higher than prevails amongst the population as a whole. The connection between the two facts may be, however, indirect rather than immediate. From the same authority we also learn that the proportion amongst convicts of those who come from parents of low morality was 43·7 per cent., whereas the proportion of offences against morals was 51. Haussonville, Roussel, and others have noted, too, that bad morality on the part of the parents influenced the girls born to them more than the boys. Sichart extended his investigations to heredity, and found that of 100 convicts 16 per cent. are the offspring of drunkards; 6·7 per cent. belong to families in which insanity had been found, and 7·3 per cent. where suicide had occurred. Similar results were obtained by Winter from the Elmira Reformatory, where the parents of 13·7 per cent. of the prisoners were insane or epileptic, 38·7 were drunkards, 11·1 per cent. intemperate (probably drunkards), and 13·6 had received no education. More than one investigator has studied the question of the influence of civil condition upon criminality. Colajanni concludes that the influence is, on the whole, beneficial, especially in the case of women, but does not affect criminality impartially. It is not, for instance, a preventive of offences against the person, nor even against morals. He attributes its want of influence in the latter to the fact that many unions are contracted irrespective of affection. Joly, also, who has devoted considerable attention to this point, attributes to marriage an influence for good, though it may not be by any means a panacea against crime. It has results which approach occasionally very close to immorality, nor can it be said to educe good qualities not previously inherent. He expresses surprise at the evidence he has found of offences against morals amongst married couples, and observes that criminality seems specially rife amongst those who marry at an abnormally early age.

That economical conditions have undoubtedly great influence upon crime has been noted from the time of Aristotle, who said that poverty was conducive to crime. Louis Blanc, in his *Organisation du Travail*, says: "Si la misère engendre la souffrance, elle engendre aussi le crime" (p. 10). We may remember also Shakespeare's—

"My poverty but not my will consents." (*Romeo and Juliet*, act v, sc. i.)

The evil effects of indigence are admitted by recent enquirers without exception. Several, indeed—and amongst them Ferri and

Colajanni—find in it the principal motive of crime. The latter dwells upon the greater importance of the *relative* income of the individual over his *absolute* resources or economical power, and points out that the steadiness and security of the income is more beneficial to the character than the amount. It is very difficult to ascertain the actual relationship between criminality and material resources. In the majority of cases statistics discriminate between criminals upon grounds other than income. In Austria, in 1899, it was found that 86·7 per cent. of criminals had no property; that 13 per cent. had some, but not much; and that 0·3 per cent. were well-to-do. The proportion of the first class seems to be decreasing. The well-to-do figure in comparatively small numbers in the list of offences against property. They share equally with the rest the crimes against life, and in somewhat higher proportion crimes of other descriptions. The influence of material circumstances is best seen when they have undergone some change. Colajanni has well said that whatever doubt may arise in regard to the influence of material prosperity in general, there can be none as to that of the variation in prosperity.²⁰ Tarde comes to the same conclusion,²¹ and it is obvious that everyone has to accommodate himself to his material circumstances; so changes must invariably cause considerable disturbance.²²

An economical crisis or a bad harvest is a stimulus to crime, and as experience proves is followed by the multiplication of offences. After the bad harvest of 1817 crimes in England increased by 5,000; in 1846 by 2,000, and in Austria by 6,000.²³ Yvernés has described the effects in France of bad harvests and commercial crises. Starcke gives abundant evidence of the same results in Germany.²⁴ Mayr says that a rise of one groschen in the price of corn produces one more theft for every 100,000 of population.²⁵ It is the weaker elements in the community, says Böhmert, which are affected by years of high prices, and therefore on such occasions it is the criminality of women that tends to increase. It has been observed also that the deterioration of material circumstances is not uniform in its influence upon crime. It increases, that is, offences against property, but diminishes the number of those against the person. In Germany, between 1891 and 1897, the price of corn fell by 45 per cent., whilst offences against morality rose by 21 per cent. Bosco describes, too, the influence of the rise of prices in 1898. In countries which produce much wine the vintage is a season of special criminality, as Ferri shows in the case of France. Statistics are also available, which indicate that the same causes which affect crime affect suicide also.

²⁰ *Sociologia Criminale*, II, p. 542.

²¹ *Archives d'anthropologie criminelle*, 1901, p. 567.

²² Rylands, *Crime, its Causes and Remedy* (1889), p. 29.

²³ Lewes says: "Hunger is a stimulus to crime . . . it wanders through dark alleys, whispering desperate thoughts into eager ears."—*Physiology of Common Life*, p. 2.

²⁴ *Verbrechen u. Verbrecher*, p. 53.

²⁵ *The Regularity of Social Life*, p. 371.

The distribution of wealth has been mentioned as an important element in the criminality of a country, great disparity in that distribution being conducive to crime. Valentini has shown the beneficial results of peasant proprietary. Poverty resulting from natural circumstances is not so depressing as that which is the consequence of social institutions. The great revolution which has taken place in modern times in the economic system; the accumulation of population in great cities; the employment of women in factories, and the breaking-up of the home; night work in high temperature; bad dwellings—all these are component elements of modern criminality. To these may be added the great extension of credit, the increase of speculative enterprise and the extension of means of communications, each of which has its influence in the same direction.

Food and Alcohol.—The influence of bad diet and the abuse of alcohol have also to be taken into account. Spencer observes that part of the offences against children is attributable to the great cost of feeding. Certain food, again, has a deteriorating effect upon both body and mind. Lombroso and Fornasari have observed that a vegetable diet is less conducive to criminality than animal food. It seems, too, that a diet of fish tends in the same direction, in spite of the *dictum* of Humboldt that, owing to the alkaloids contained therein, a fish diet makes people more passionate. The most tragical influence upon criminality is undoubtedly that of alcohol, on which subject there is a copious literature in existence. Ducpetiaux, for instance, states that to this cause four-fifths of all criminality should be attributed. Cuénoud ascertained that out of 2,560 prisoners sentenced to more than three months' confinement, 1,030 were addicted to alcohol. The congress of German prison administrators, in 1886, placed on record the conclusion that the great majority of crimes are committed under the influence of alcohol. Rylands says²⁶ that in every 1,000 convictions, 205 are those of alcoholists. Haertel again states²⁷ the proportion at 41·7 per cent. In cases of murder, 46 per cent.; of manslaughter, 63 per cent.; of hurt, 74 per cent.; and of offences against the state or official regulations, 76·6 per cent. are committed under the influence of alcohol. In the principal prisons of Switzerland half the convicts were found to be drunkards, and one-fourth the children of drunkards. Everest declares that in the space of ten years 150,000 criminals in the United States were found to have committed offences attributed to drink; and in the State of Massachusetts 85 per cent. of the convictions were set down to the same cause. In Denmark 74 or 75 per cent. of arrests by the police were on account of drunkenness, and similar observations have been recorded in regard to tropical countries also.²⁸

The influence of alcoholism upon criminality was also discussed at the International Congress at Budapest in 1905. The opinions

²⁶ *Crime*, p. 17.

²⁷ *Furcht, Strafe, Arbeit*. Leipzig, 1888.

²⁸ Corre, *Archives*, 1890.

then expressed may be summarised as follows:—*Forel*: “Selon les pays, on trouve que 50 à 75 pour cent. de crimes contre les personnes sont dus, en tout ou en part, à l’alcoolisme.” *Legrain*: “Plus les crimes sont graves et sanglants, plus l’influence de l’alcool est fréquente.” *Pionthovski*: “On peut dire sans exagération, que la moitié des criminels le sont devenus grâce à l’abus des boissons alcooliques.” *Gennat*: “Le 50 p.c. au moins des actes de brutalité et des voies de fait réprimés par la loi, et le 75 p.c. pour le moins des délits contre les mœurs sont dus à l’usage immodéré des boissons alcooliques.” *Maréambet* “trouve que l’influence de l’alcoolisme à la criminalité en France est 66·8 p.c. pendant 1885-1905. De 1889-1905, vol, abus de confiance, etc., 64·2 pour cent; assassinat, meurtre, homicide volontaire, coups et blessures, rébellion, menaces de mort, 83·6 pour cent; viol, attentat et outrages à la pudeur, détournement de mineure, 63 pour cent.”

The cumulative effect of all these opinions is to lead us to the conclusion that Leone Levi took a far too lenient view of the case when he said²⁹ that alcoholism is not a cause of crime, but only fortifies causes already existing, and is but very seldom independent of the latter to the extent that, were it withdrawn, the criminality would not be the same.

Corroborative evidence of the effect of alcoholism will be found by taking into account the distribution of crime over the days of the week. It will thus be shown that the day on which the consumption of alcoholic drink is the greatest is also the day of greatest criminality. A recent inquiry in Lower Austria gives as its result that the number of crimes committed on a Saturday was 103; Sunday, 254; Monday, 125; Tuesday, 69; Wednesday, 62; Thursday, 62, and Friday, 48. Lang³⁰ found that in the jurisdictional district of Zurich the number of cases of hurt was—Saturday, 18; Sunday, 60; Monday, 22; Tuesday, 4; Wednesday, 4; Thursday, 4; and Friday, 4.

But in estimating the influence of alcoholism, we must not forget that intemperance is not a final cause, but is itself the outcome of influences of varied character, such as education, occupation, corruption, misery, want of home, family, intellectual provision, financial straits, misfortune, and so on. Just as alcoholism produces misfortune, the latter causes alcoholism. Then there is ambition. The youth must show off his courage and his capacity in the public-house. Thus the causes of alcoholism are very complex, and these must be suppressed if the criminality due to alcoholism is to be diminished. The sole way of effecting this is by invoking the agency of educational, economical, physical, and social forces.

It is necessary to bear in mind, also, that the influence of alcohol is exercised in different ways. It is direct only in a few cases, such as those of murder or sexual excess, &c. In certain cases the abuse of spirits would render the commission of the crime impossible, as

²⁹ *Journal of the Statistical Society*, London, 1880, p. 433.

³¹ *Alkoholgenuss und Verbrechen*, Basel.

where a cool head and comprehensive and rapid judgment are essential. Again, it is well to recollect that it is not chronic, but acute, alcoholism that is the generator of crime. Lastly, it must be recognised that for a thorough investigation of the influence of alcoholism upon criminality it is necessary to obtain detailed statistics, and, if possible, monographs on the more typical cases.

Migration.—Migration is a factor in the question which cannot be ignored, as it is found that criminality, like insanity, is frequently prevalent amongst immigrants,³¹ and in the civilised world migration tends to increase. The statistics of crime indicate that, as a rule, the members of a small community isolated in a larger diaspora are less criminal than their neighbours, because, being in the minority, they feel that they are liable to more severe criticism than the rest. This is presumably the case with an immigrant community, and a certain weight may also be assigned to the fact that those who emigrate usually possess the qualities of strength, endurance, and enterprise, which specially fit them for the struggle for life. Statistics, however, show that this hypothesis is not in accordance with facts. In some cases it has been found that amongst immigrants who have not yet settled down, crime tends to be unusually prevalent. Barry, for instance, says that in New South Wales the criminality of the newly-arrived immigrants is greater than that of the native population.³² Irishmen in England, again, constitute 3 per cent. of the population, but contribute 13 per cent. of the criminals, whilst a similar disproportion is found amongst English immigrants into the United States. A French authority³³ states that in that country the criminality of foreign residents is greater than that of the natives by 25 per cent. In 100,000 of the latter, 2 committed crimes against life, but in the same number of foreigners the corresponding number would be 5, chiefly Italians. The following statistics may be read with interest. Among 100,000 of each nationality living in France, the number convicted of offences was:—

French	550	Italian	1,458
British	539	Swiss	1,637
German	703	Spanish.....	2,339
Belgian	1,041		

Pike, too, is of the opinion that criminality tends to be greater amongst immigrants, a view shared by Böhmert and Bosco. German statistics show 790 criminals in 100,000 natives, but 1,080 in the same number of foreign residents. On the other hand, it may be that in some cases the greater criminality of the foreigner is merely due to the fact that most of them are of an age when the inclination to crime is greatest. Other explanations also may be taken into consideration. Judges may be more disposed to severity in the case of a foreigner than in that of their fellow-countrymen. The

³¹ Ellis, *loc. cit.*, p. 324.

³² "Social Conditions in New England," *Economic Review*, 1891, p. 196.

³³ Bosco, *Bulletin de l'Institut Intern. de Statistique*, 1903, p. 56.

immigrant may belong to a country where the criminality is generally greater than that to which he has migrated. He may be ignorant of the latter, its ways, laws, and language, and thus come unwittingly into conflict with the authorities. His means of subsistence may be small or precarious. He is beyond the control of his family and his usual associates. The novelty of his circumstances may cause a certain irritability in his temper, and so on. On the other hand, given favourable conditions, it may be assumed that any criminality brought from his home will tend to diminish. Joly considers that the influence of migration differs with the individual. Some carry with them and retain the criminality of their old home. Others improve in character when they go abroad—the Corsican, for instance. Others, again, deteriorate. Colajanni's conclusions agree with those above quoted.

Instruction.—The fundamental idea of the ethics of Socrates was that the well-informed man does not do wrong, and it is only the want of true knowledge which leads to crime. Many hundred years later the same doctrine was taught by Bentham, who said that crime was no more than a wrong moral account. On inquiring into the influence on crime of intelligence and the higher education we are met by the most contradictory opinions. There are some who look to intellectual progress for the amelioration of the human lot, like Owen, whose motto is, "Make mankind more cultured and you make it better and nobler." Others, on the contrary, attribute to the higher culture either no influence at all or else an influence for evil. The first exponent of criminal statistics, Guerry, was also the first to warn us not to hope for too much from instruction or the higher culture, and sums up the results of his investigations in the words, instruction can have a good, but also a bad, effect. His successor in the inquiry, Quetelet, reached much the same conclusion, and observes that better instruction had not so good an influence as was often attributed to it. As a rule, there seems to be an inclination to confuse intellectual instruction with moral education, and it is as well to bear in mind that instruction is often merely a new instrument for crime. Öttingen seems generally of this opinion. To him the question seems open and undecided, but higher culture appears to diminish the tendency to crimes of violence, and to lead to the application of more subtlety and refinement to the commission of crime. This view is shared by Starcke, Valentini, Yvernès, Haussonville, Féré, Pike, Saunders, Lombroso, Ellis, and other authorities.

The evidence of statistics is in accord with that of criminal anthropology. Italian investigators find that morality generally is not improved by instruction, and Lombroso goes as far as to state that the number of habitual criminals is increased by the instruction given in the prisons. Garofalo says that instruction imparts ideas but not sentiment, and it is sentiment or instincts which lead to crime in most cases, not reason. The result of instruction in the case of men whose instincts are bad, often realises the words of the poet:—

Video meliora, proboque;
Deteriora sequor.

The standpoint taken up by the French authority, Joly, differs from the above. Not that he hopes for much from instruction, which, at best, may modify the nature, but not the amount, of criminality. He even fears lest the higher instruction of one class may not aggravate the keenness of the struggle for life to the others. But he perceives the importance of the educative influence of school life. Regular attendance, obedience to authority, discipline, and cleanliness are enforced. He emphasises also the influence of religious teaching—"une école sans religion n'est qu'un péril de plus"—as well as of that of the obligations of modern citizenship, which confers rights but also imposes duties. It seems to him most important that the people should be taught what is attainable by man under normal conditions in order that they may not fall a prey to revolutionary ideas and fantastic aspirations. It is possible, in fact, for instruction to have an evil influence upon character. Increased culture may easily increase ambition and passion. It may also add to the capacity to commit certain sorts of crimes, which presuppose considerable knowledge or skill, and may enable the offender in other cases to conceal or obliterate the traces of his misdeeds.

Instruction often destroys faith, and along with it the sense of moral responsibility, whilst increasing the desires. It may also increase the sensibility of the individual, not rarely a powerful stimulus to crime. It gives rise, moreover, to mental unsoundness—another element in crime. Certain offences, involving fraud, for instance, are only possible upon the assumption that part of the community is cleverer than the rest. Criminality may be furthered amongst the literate classes by the facilities of locomotion, as well as by the tendency of the press to publish full details of every important crime. It is thus the education of character alone that is a real preventive of crime. The only valuable result of higher instruction from this point of view is that it tends to diminish the commission of crimes of violence and the shedding of blood. It is the quality, not the quantity, of crime which changes. There are signs, however, it is to be feared, that in the near future a new form of barbarism may come into existence. We cannot help noticing in the daily press, in the debates of parliament, in the theatre and the drawing room many signs of the deterioration of manners. A new idea of the ends of human life, of man, and of the world; a new gospel of the task of man on earth: all these are likely to give new force to moral development.

When the statistician sets to work to investigate the influence of instruction upon crime he is met by the same difficulty as before, viz., that of isolating the different factors from each other. It is possible, for example, that with more instruction and a higher spiritual life there may come to be less physical strength, rendering impossible the perpetration of some sorts of crime. Higher instruction, again, is often a consequence of improved material circumstances, in itself a cause of decreasing criminality. It may, on the other hand, only enable a guilty person to escape from justice by reason of greater ability to defend himself. It is

also worth remembering that it is very difficult to define instruction categorically. We can discriminate between those who can read and write and those who cannot, but the mere power of reading and writing does not constitute culture, and indeed is often misused. It affords an indication that the individual in question has been at some time under the influence of school and education, and is so far of value, but some other standard is required by which instruction in the higher sense of the word can be judged. From such statistics as are at present available, the following information may be obtained. In England the institution of Sunday Schools, together with compulsory attendance, has resulted in a large diminution of juvenile offenders. In Austria, between 1881 and 1885, 46 per cent. of the criminals were unable to read or write, whilst the proportion in 1899 had receded to 33 per cent. The decrease, however, is concomitant with that in the number of illiterate amongst the population at large. In Hungary the general proportion of illiterate amongst the population over 6 years of age is 61·2 per cent., but amongst criminals it is 60 per cent. The difference is small, but it would be greater if the proportions were taken upon the population over 20 years old, which contains the majority of the criminals.

It is a view widely accepted that criminality is a disease, *sui generis*, and that the criminal is a degenerate member of society who is to be cured, not punished. The chief representatives of this opinion are Maudsley, Laycock, Bruce-Thompson, and Lombroso, with his followers. Maudsley says that the criminal is as distinct as a black sheep from a white. Bruce-Thompson observed that out of 430 convicts committed to the Perth jail in twelve years, 40 were insane at the time of the commission of their offence. Statistical science is not yet in a position to offer an opinion upon this serious question. It is difficult both to obtain accurate *data* and to draw well-founded conclusions. Two conditions have to be fulfilled: first, the observation of the mental state of criminals, and, next, the criminal inclinations of lunatics. Interesting information was collected by Sander from the lunatic asylum of Halldorf,³⁴ supporting his conclusion that amongst the insane the proportion of those convicted was sixteen times above that prevailing amongst the population at large. The reason is that madness and crime have often the same origin, as, for instance, in bad circumstances, isolation and the like.

Sander expressly states, however, that notwithstanding the drift of the observations he has made, there are no grounds for the assumption that every lunatic is a criminal, or every criminal is out of his mind. Of mental disease, it is principally *moral* insanity which bears any relation to crime, and it is of some importance to note that in many cases moral insanity arises from the lack of altruistic sentiment. From these observations it appears that people of unsound mind are often placed in situations leading to

³⁴ Sander- *Die Beziehungen zwischen Geistesstörung und Verbrechen*, 1886.

crime, owing, naturally, to their inability to judge the consequences of their own acts. This, however, is no evidence that the criminal is mad, for the solution of which question statistics have still to be collected. Nor is it to be expected that they will even provide corroboration of the extreme view stated above, but only for the apparent fact that there are crimes which imply great mental capacity.

Religion.—The influence upon crime of religious conviction is decidedly weighty. Rousseau says to forget religion is to forget duty. Here, again, statistics are wanting on the relationship between religion and crime. It is not from the standpoint of differences in denomination that the question has to be investigated, since the moral principles at the base of all European religions are almost the same, but the difference relevant to the inquiry is that of depth of religious feeling, on which statistics are silent. It is certain that a higher or a lower degree of religious conviction or feeling is a prominent element in crime. Leone Levi says, "What may be called a common-sense religion has more to do in making people virtuous than school learning."³⁵ But to ascertain the force of this factor by means of statistics involves the difficulty of all statistical research, viz., that of eliminating disturbing factors, religion being always connected with such influences as easy circumstances, instruction, occupation, and so on. There are certain religious bodies, for instance, whose members are almost invariably better off in the above respect than others. It must also be borne in mind that religion, in the lower classes especially, is connected with much superstition. The criminal looks to the aid of God, as in the cases of Edward Gloster, Lady Macbeth, and Richard III. The criminal then regards himself as not less necessary to the world than the innocent person. There are amongst criminals many persons of deep religious convictions, and many crimes are the direct outcome of religious feeling. All this is opposed to the task of stating with accuracy the influence of religion upon crime. In consideration of the above difficulties, it is out of the question to hope for exhaustive information, and we may recollect the remark of Lombroso, that it is paying too much honour to criminals to set forth their views upon religion or, in another direction, to free thought. There are authorities, such as Valentini and Colajanni, who attribute no influence upon crime to religion. On the contrary, Garofalo, Leone Levi and Joly regard religion as a mighty weapon against crime. Illing records the following illustrations:—One prisoner told the chaplain of the gaol that he had long forgotten the "bubble of the communion." Another, when his attention was called to the dictates of religion, asked the minister to spare him such follies. A third, as the minister was giving him religious counsel on leaving the prison, observed that no man could exist upon such foolery. It was a characteristic remark, too, made by Caserio, when he was given a religious work, that it would be better to give him a beefsteak.³⁶

³⁵ *Loc. cit.*

³⁶ *Archives d'Anthropologie Criminelle*, 1901, p. 479.

In recent years the influence of religion on criminality has been chiefly investigated in connection with the Jews ; but here, again, the difficulty of eliminating extraneous factors arises, and, indeed, is unusually prominent owing to the special character of the occupations of this community and their almost exclusively urban concentration. It is known that the criminality of the Jews is lower than that of other peoples, but it is not known how much of the difference is to be attributed to greater sobriety, better circumstances, or the stricter maintenance of family life. We may also revert to what has already been mentioned, the probability of better conduct on the part of a small body of aliens in the midst of a dominant majority of different race and religion, who watch them strictly and judge them rigorously. The returns show that the proportion of Jewish criminals is high in regard to fraud, forgery, and perjury, and low in murder, hurt, and crimes against human life. The relatively large number of procurers amongst the Jews is a noticeable feature in the record.

An interesting indication of the comparative strength of religious feeling is found in the return of breaches of the law of the Sunday's rest in Germany (1900) :—

Protestants....	65·1 per cent.	Proportion to population....	62·7
Catholics.....	27·2 ,,	,, 	35·7
Jews 	7·7 ,,	,, 	1·1

Protestants frequently infringe the law, Catholics more rarely, and Jews most of all.

Occupation.—Occupation is another factor bearing a distinct influence upon criminality. It is true that the moral basis of every occupation is nearly the same, but it is impossible to deny that almost every occupation has its peculiar moral danger. Some develop cruelty, others fraud. Some develop the desire of a higher standard of living, which, in the absence of economical material, involves strenuous struggles. Others, on the contrary, not ensuring a sufficient means of life, develop crime. In the times in which we are now living, the minute division of occupation tends to develop peculiarities of employment which are the parents of crime. It has been observed, for instance, that in respect to crime the conditions are better when agricultural and manufacturing industries are not so far apart as they are apt to become. Joly, indeed, gives to the combination of these two classes of occupation the name of “alliance préservative.” To eliminate the different factors which are in operation concurrently with occupation in relation to crime is an almost impossible task. It should be remembered that as occupation tends to produce different dispositions, so different dispositions are apt to choose different occupations. In such cases, then, the disposition is not the result of the occupation, but would have existed had the latter been other than it is. Furthermore, occupation depends to some extent upon age, sex, religion, worldly position, intelligence, and character, hence what may appear to be due to occupation may really be the result of one or other of these factors in the individual concerned. Some

occupations are followed only in cities, others only in the country. Criminality, therefore, in any one of them may be due not to the occupation, but to the conditions of urban or rural residence. Occupation, too, is only ascertained at a census, which usually takes place at considerable intervals; and there are professions to which some of the members only belong nominally, such as merchants, physicians, and lawyers who do not practise or conduct their business. Others frequently change their occupation, and it becomes difficult to say to which of their callings their criminality may be assigned. For these reasons it is clear that any accurate definition of the extent of the influence of occupation upon criminality is impossible, and that all that the most acute study of statistics can expect to achieve is to reach some degree of approximation to the actual facts.

Politics.—Political life, again, has its influence upon criminality, but neither statistics nor political science³⁷ has yet probed the question thoroughly. Some modern students have shown an interest in the matter. Lombroso has thrown some light on the subject in his two works *Les Crimes politiques* and *Anthropologie criminelle*. Colajanni has investigated the influence upon crime of war, standing armies and slavery. He comes to the conclusion that the majority of criminals are men who have taken a keen interest in active politics.

Joly investigated with some success the problems of the influence of revolutions and political movements. Rickards has made inquiries about the influence of great political changes. Speaking generally, it appears that every political system has its own dangers and tends to provoke certain kinds of crime, whether the system be that of a monarchy, aristocracy, or democracy, absolute or representative. Under absolute monarchy the more prevalent offences connected with the government are those against the central power and those of the press. Parliamentary government is distinguished by the frequency of electioneering bribery, by corruption, and by harshness. Representatives of constituencies and their party are above the law. Insult is the natural consequence of political warfare. The dispensing of material and other benefits to political partisans leads to the withdrawal from politics of the better elements of society, as can be seen from the case of the Tammany group, which followed the precept that "the function of public office is to fill the pocket." The party system, again, is an obstacle to the steadfast and impartial administration of justice, and is thus conducive to the spread of crime. In another direction crime may be the result of discontent with existing political conditions. Tarnowsky states that the abnormal criminality of Poland and the Baltic provinces of Russia must be attributed mainly to this cause. On the other side is the fact that the diminution of criminality in England towards the end of the nineteenth century is attributable to the removal of the dangerous elements of society from the country owing to the Boer war.

³⁷ Montesquieu, *Esp. des Lois*, VI, 9 and 15; de Tocqueville, *Democ. en Amérique*, II, 87; de Coulanges, *La Cité Antique*, 402.

Crime is also fomented by the contest between capital and labour. The action of Socialists in Germany, and, in a more intense form, that of the Nihilists in Russia, and the Irish agrarian disturbance (1881, Cd-4439), are violent endeavours to settle a difficult problem. In Germany the number of Socialist trials amounted in one year to 237. It is worth noting that the greater number of the accused were between 20 and 30 years of age; 2 were under 15, and 32 between 16 and 18. Only 4 women figure in the return. One-fourth of the whole criminality of the country was located in Berlin.

III.—*On the Sex-Ratios of Births in the Registration Districts of England and Wales, 1881-90.* By H. D. VIGOR, *Ricardo Scholar*, and G. UDNY YULE, *Newmarch Lecturer in Statistics, University College, London.*

THE purpose of the present note is to exhibit, somewhat more fully than has yet been done, the amount and nature of the variation in the sex-ratios of births in the different registration districts of England and Wales on the basis of the data for the period 1881-90 given in the Decennial Supplement to the 55th Report of the Registrar-General. In this Supplement the total numbers of births of each sex are given for each of the 632 registration districts. The sex-ratios are not stated, however, so the necessary first step in the arithmetic was carried out by one of us, the proportions of males per 1,000 total births being worked out with the aid of a large slide-rule, to the nearest unit. Occasional errors of a unit are possible, but are of no practical consequence whatever.

From the values so obtained, a correlation table (Table 1) was compiled between (1) the proportion of males per 1,000 births in each district, (2) the total number of births on which the ratio was based. The sex-ratios were grouped by intervals of three units, the numbers of births by intervals of 4,000, the range of the latter being, it may be noted, very large indeed, viz., from 564 in the Scilly Islands and 1,000 or 2,000 in numerous small rural districts, to 105,000 in West Ham and over 148,000 in the West Derby division of Liverpool.

The mean proportion of male births is 509·2, with a standard deviation of 7·46. The mean number of births in a district during the decade is 14,500, with a standard deviation of 18,100. The coefficient of correlation is obviously, from the appearance of the table, small, its actual value being $-0\cdot014$, with a probable error of $0\cdot027$. A careful examination shows, however, that the means of successive rows are hardly collinear, the very small value of the