

### III.—THE STUDY OF CRIME.

By Rev. W. D. MORRISON.

#### I.

ROUGHLY speaking the range of this study embraces, first, the movement of crime, secondly, the causes of crime, and thirdly, the repression of crime. The movement of crime comprises its extent, intensity, and geographical distribution; the causes of crime are divisible into personal, social and cosmical; the repression of crime deals with the theory, the methods, and the efficacy of punishment.

Before these three divisions of the subject can be treated in a competent manner they must first of all be preceded by a thorough knowledge of criminal statistics. Even in official quarters in this country very primitive ideas are at present current with respect to the amount of weight to be attached to criminal statistics. It is very frequently assumed that all the inquirer has to do is to go to the figures and to base his conclusions as to the movement of crime upon them alone. The adoption of this method leads to very fallacious results. Before any assured conclusions can be based upon the official statistics of crime careful account must be taken of the manner in which the figures have been affected by external circumstances, of the manner in which they are arranged and of the degree of certainty attaching to the various methods in which offences are classified. Among external circumstances requiring to be taken into consideration, the first in importance are alterations of judicial procedure. It is very common, for instance, for people to assume that serious crime has decreased in England within the last three decades inasmuch as the number of indictable offences has materially decreased in the period referred to. Whether serious offences have or have not diminished in the last three decades is a question which we shall not at present discuss; it is sufficient for our immediate purpose to point out that a decrease in the number of indictable offences cannot be taken as a satisfactory proof of its decay. The annual number of indictable offences has been materially affected within the last thirty years or so by important changes in judicial procedure. As a result of the passing of the Criminal Justice Act of 1856 and the Summary Jurisdiction Act of 1879 a vast number of cases which

used to be tried on indictment are now tried summarily, and all calculations which do not take cognisance of these changes in judicial procedure are bound to be erroneous. In estimating the movement of crime, therefore, the first point to be attended to is the alterations which may have taken place in the methods of judicial procedure, and the first error to be guarded against is the confounding of a mere change in the mode of trying criminals with an actual decrease of crime.

In appreciating the value of criminal statistics another matter of almost equal importance is the introduction of new laws and the abolition of old ones. The abolition of old restrictive laws, as for instance the enactments against trade combinations, and the falling into abeyance of many statutes which are not actually repealed, as for instance the utterance in print or otherwise of treasonable expressions, tend to diminish the number of cases which come before the criminal courts. On the other hand, the introduction of fresh restrictive legislation has the effect of increasing the annual number of offences. The Elementary Education Act of 1870 is an excellent illustration of the way in which offences are increased by fresh legislation. Before the passing of this measure no parent could be punished for not sending his child to school: in 1890 the number proceeded against before the magistrates of England and Wales for neglect of this duty amounted to 80,519. It will thus be seen that legislative changes play a considerable part in multiplying or diminishing the annual volume of offences.

It must not however be assumed as is sometimes done that in order to institute a fair comparison between one period and another all new offences have simply to be eliminated. It not seldom happens that the laws enacted against such offences have been passed in consequence of a real growth in the criminal instincts of the community so far as the offences in question are concerned. The Criminal Law Amendment Act of 1885 is a case in point. This act became law in consequence of a rapid increase in the number of sexual offences, and in order to arrive at a just estimate of the movement of crime within the last twenty or thirty years the cases under this act must be included in the general computation.

Turning from a consideration of the external circumstances which have to be taken note of in interpreting the contents of criminal statistics, let us now examine these contents themselves. It is usual to split up criminal statistics into three main divisions, consisting respectively of judicial statistics, criminal statistics proper, and prison statistics. It is, however, to be observed that this classification of

the material is not followed in the official documents of every country. In the German Empire the line of division between judicial statistics and criminal statistics proper is very clearly defined, in England it is not; and here it ought to be distinctly emphasised that, as far as accurate and scientific arrangement is concerned, the criminal statistics both of Germany and Italy are vastly ahead of our own. Both in Germany and Italy the department of criminal statistics is presided over by officials possessed of an intimate and comprehensive knowledge of criminal problems; accordingly the *Kriminal Statistik des Deutschen Reichs* and the Italian *Statistica giudiziaria penale* are veritable store-houses of admirably arranged information respecting the movement of crime. Of the two the Italian statistics are the more complete, and may be pronounced to be at present the best in Europe. The arrangement of English criminal statistics has remained practically unchanged since their institution in 1857. Since that period much progress has been made in statistical method; the Germans and Italians have availed themselves of it, but England as usual remains lethargic and indifferent.

These remarks on the comparative value of the statistical documents relating to crime are somewhat of a digression. We shall therefore resume our examination of the contents of criminal statistics by pointing out some of the differences between Judicial statistics, Criminal statistics, and Prison statistics. Judicial statistics are intended to exhibit the operation and administration of the criminal law. Accordingly they are concerned with the number of crimes committed and the nature of those crimes; the number of offenders apprehended and the nature of the offences; the percentage of offenders convicted and the nature of the punishment inflicted on them. The information obtained upon all those points serves to show how the criminal law works, and how justice is being administered. On the other hand, Criminal statistics are occupied not so much with the offence as with the person who commits it. The first set of statistics deals with crime, the second with the criminal, and the immense value of the latter consists in the fact that it is only through a knowledge of the personal condition of the criminal that we arrive at the causes which tend to produce crime. Let us go to the Italian returns for an example of the manner in which the personal condition of the criminal is exhibited. In these returns we find, in the first place, the offender's name, birthplace, commune, province, and date of birth. In the case of a foreigner the country only is given.

In the second place, we have an account of the offender's civil condition, whether he is legitimate, legitimated, or illegitimate; whether he is single, married, a widower; has children or is childless. In the case of juveniles it is set down whether the offender has parents, relatives, or guardians, and whether he lives with them or not. The next point on which information is given is the occupation of the offender, whether he is an employer or employed, and what is the nature of his calling. Then comes an account of his penal condition, that is to say, whether he is or has been under police supervision, whether he has been subjected to conditional condemnation, whether he has been previously imprisoned, whether he has been under detention in a reformatory school, and so on. After this is a list of his previous convictions (if any), as well as an account of the nature of these offences, and the dates of their committal. Finally comes the indictment, the conviction, and the time and place of the crime for which he is in custody.

It will be observed that the Italian criminal statistics are silent with respect to the religious profession and the educational capabilities of offenders; nevertheless their contents are amply sufficient to show that the object of Criminal statistics proper is to provide materials for estimating the effect of personal, social, and cosmical causes in the production of crime.

Prison returns partake partly of the nature of Judicial statistics, and partly of the nature of Criminal statistics. Prison statistics deal with the machinery of prison administration in much the same way as judicial returns deal with the machinery of the penal law; and, on the other hand, they deal with the personal condition of the convicted offender on very much the same lines as criminal statistics proper. Accordingly in Prison statistics we have an account of the annual cost of the administration, and of the number and duties of the various officials of which it is composed. This is the machinery of the Prison system. After the machinery comes the material on which it has to work, that is to say, the persons sent to prison. Prison returns therefore treat of the numbers annually imprisoned, and of the length and nature of the sentences pronounced upon them. These returns also furnish an account of the age, sex, education, religion, nationality, as well as the previous convictions, conduct, and state of health of the imprisoned population. In the returns of the Discharged Prisoners' Aid Societies an account is given of the manner in which prisoners are assisted after their liberation, and the annual report of the

Inspector of Reformatory and Industrial Schools furnishes a list of the percentage of juveniles who again become criminals after passing through reformatory institutions. Before concluding this account of prison statistics it is requisite to call attention to the fact that these returns must not be confounded with the general statistics of crime. This is a very common form of error. It is very often assumed, for instance, that crime must be decreasing, inasmuch as the total prison population has decreased, or inasmuch as the daily average of persons in prison has gone down. Both these methods of reasoning are fallacious. The rise and fall of the prison population depends upon many other circumstances besides the growth or decay of crime. Imprisonment is only one of many ways for repressing offences against the criminal law. In addition to imprisonment the criminal law uses such methods as hanging, fining, sureties, conditional condemnation, reformatory and industrial schools, private homes for juveniles, and so on. If these methods are becoming more and more substituted for imprisonment the prison population must decrease even if there has been no diminution either in the amount or in the intensity of crime. Let us illustrate this by an example. In the year 1868-9 the number of convictions in the courts of summary jurisdiction in England and Wales amounted to 372,707, and out of this number 95,263 or 25 per cent. were imprisoned. In the year 1887-8 no less than 538,930 convictions were recorded, but out of this number only 78,438 or 14 per cent. were imprisoned. These figures incontestably show that there has been a very considerable increase in the number of offences subject to summary jurisdiction since 1868-9, but in the face of this increase in the total number of summary offences the prison population has decreased to the extent of 11 per cent. It is evident from these statistics that the number of persons sent to prison is not to be accepted as an accurate criterion of the annual amount of offenders summarily convicted. Again the growth or decay of crime in seriousness cannot easily be determined by prison statistics alone. In recent years magistrates have received enlarged powers for fining offenders in cases where imprisonment used to be the only method of dealing with them, and in recent years great changes have also taken place in the treatment of juvenile offenders. It is now a very common custom for magistrates to cause charges of felony preferred against juveniles to be withdrawn and charges of a lighter character to be substituted for them. The object of this alteration in procedure is to relieve the magistrate of the necessity of sending the young

offender to prison, and he is accordingly handed over to an industrial school or private institution instead. In this way the prison population is diminished, although there may be no diminution in the gravity of crime. It is also to be observed that the numbers in prison on a given day, or the daily average of prisoners, are very largely determined by the duration of sentences. It is therefore impossible to form an opinion respecting the movement of crime based upon the daily average of persons in prison. If sentences are being shortened the daily average in prison will decrease even if no decrease is taking place in the extent and seriousness of crime, and if sentences are being lengthened the daily average will increase even if there has been a decay in the amount and intensity of crime. In other words, the daily average is absolutely worthless as a criterion for estimating the movement of crime. Summing up the whole subject of the relations between the prison population and the statistics of crime, we arrive at the general conclusion that the number of offenders annually admitted to prison, as well as the daily average of offenders in prison, is too entirely dependent on judicial procedure and judicial sentences to be of substantial value in estimating the growth or decrease of crime.

## II.

These preliminary observations on the nature and value of criminal statistics have placed us in a better position for considering the study of crime in the three aspects of it to which allusion has already been made. It will be remembered that the first of these aspects was the movement of crime in extent, intensity, and geographical distribution. How is this movement to be determined? There are three methods by which this may be accomplished, namely, by an examination of the cases reported to the police, the cases tried, and the cases convicted. Every proceeding of a criminal character passes through the successive phases of report, trial, condemnation or acquittal: each of these phases taken singly is more or less imperfect as a criterion, but all of them taken together, although falling short of mathematical exactitude as we shall presently see, are nevertheless a sufficiently close approximation to the facts to enable us to form some sort of an estimate as to the movement of crime.

The number of cases reported to the police has the merit of being the fullest account of serious crime. As soon as an offence has been committed the first step which usually takes place is to report it to the police. In many instances this

action has no practical result, inasmuch as it neither leads to the apprehension, trial, nor conviction of the offender. All the same the offence is recorded if indictable in character, and the total annual number of such offences is the most complete official register of the amount of serious crime. Yet this record is in several respects inadequate. It is almost needless to advert to the fact that many crimes are committed which are not reported to the police. A statement was recently made at Birmingham by Mr. Chamberlain that in the course of two years the Society for the Prevention of Cruelty to Children had dealt with no less than 8810 cases of criminal cruelty, but out of all this number only 1497 were brought to the notice of the police. Multitudes of cases of a criminal character never reach the ears of the authorities, and are consequently unrecorded. In cases of theft, for example, it often happens that the injured person is either unconscious of his loss or at least of the manner in which it occurred: or if he is aware of these things he does not trouble to report the affair to the police. In a recent report to the Town Council the Chief Constable of Manchester gave a very startling account of the number of frauds perpetrated in that city which never came officially before the criminal authorities. He stated that in 1891 the sums of money of which commercial houses in Manchester were robbed by persons of good education alone amounted to upwards of ninety thousand pounds, and that in the majority of instances the perpetrators of these robberies were not prosecuted. It follows as a matter of course that none of these cases appear in the annual statistics of offences reported to the police, although they constitute an important item in the annals of crime. But, apart from these inevitable omissions in police statistics, it is also to be observed that as far as England and Wales are concerned official returns of offences reported to the police are only made when these cases are considered to be of an indictable character. No record is kept of summary offences when the offender is not tried; and as summary cases although lightest in nature are largest in number, it is manifest that the annual number of reports to the police is not altogether an adequate index of the total amount of crime committed. At best it is but an approximation. The actual amount of crime committed is always immensely in excess of the statistics of recorded crime.

Cases tried stand upon a somewhat different footing to cases reported. All such cases, whether indictable or summary, are tabulated in the official statistics of this country. This makes them a more valuable criterion of the total



amount of crime than the reports to the police. Attempts have recently been made to get at the total amount of crime in England and Wales by mixing together the number of cases reported to the police with the number of summary cases tried, but the results of such a proceeding must be unsatisfactory. In all matters of this kind the three distinct phases through which a criminal case has to pass must be kept rigidly apart, otherwise inextricable confusion is certain to arise. Each phase of a criminal case sheds light upon the other, but when all its aspects are thrown together in the hope of arriving at some total computation which in the very nature of things cannot be attained, the only possible result is a kind of composite statistical photograph, which neither represents one thing nor another. One or two points affecting the value of cases tried as a criterion for estimating the movement of crime must now be referred to. It is well known that a certain percentage of false and frivolous charges figure among the cases which come before the criminal courts, yet all these charges must be included in any calculations based upon the number of cases tried. Another important matter must also be noted. The quantity of cases for trial depends to an enormous extent on the efficiency of the police and on the nature of the instructions issued to them. Where the police force is in a state of inefficiency the annual record of cases tried will afford a very inadequate conception of the extent and ramifications of crime. In such a posture of affairs innumerable offences will escape detection, and it is possible for a country to be riddled with the operations of criminal offenders whilst the statistical registers continue to exhibit a small percentage of cases for trial. This dangerous condition of things may likewise arise from another cause, which again affects the value of trials as an absolutely accurate standard, namely, the willingness or unwillingness of the population to come forward as witnesses. If the population is to any considerable extent unwilling to give evidence, as is the case with respect to certain forms of crime in Ireland and Italy, the yearly total of offences tried will be very seriously impaired as a test of the growth or decay of crime. Finally, the instructions issued to the police have an important bearing upon the number of cases tried. In almost all cases of drunkenness, importuning, breaches of the peace, and so on, the initiative rests with the police, and it depends almost entirely on the nature of police instructions whether these and similar offences will or will not figure largely in the statistics of crime. These instances are a sufficient indication of the variety of con-



siderations which must be reckoned with in estimating the movement of crime upon the basis of cases tried.

From trials we pass on to convictions. What is their value, and what are the hindrances which stand in the way of appraising it? So far as they extend, convictions represent the nature of the offences committed in a community with much greater accuracy than is possible in the case of offences tried or reported to the police. Until an offence has been submitted to the judgment of a properly constituted tribunal it is not possible to say with reasonable accuracy in what the offence has really consisted. The evidence bearing upon the case has not undergone that indispensable process of sifting and scrutiny which only a court of justice can adequately perform. Thus it not infrequently happens that a person is tried for one kind of crime and convicted of another, an indictment for murder resolves itself on trial into a case of manslaughter, and a charge of burglary resolves itself on examination before the courts into a case of simple theft. On the other hand, it is a very common practice, as has already been mentioned, to withdraw charges of felony against juvenile offenders which the police are perfectly able to substantiate in order that the young delinquent may be spared the odium of imprisonment and all the other risks which this method of punishment involves. In addition to being affected by questions of age, the criminal courts are also affected in their decisions by considerations of sex. At the present time in courts of summary jurisdiction in England and Wales about one man in every six is acquitted of the charge preferred against him, whereas one woman in every four is acquitted. It is to be inferred from this that magistrates are much more unwilling to convict women than men, for it is highly improbable that the evidence on which the charges rest is weaker in the one case than in the other; in fact, the presumption is quite the other way. The percentage of convictions is also affected by the constitution of the court and the nature of the crime. Evidence which will satisfy one magistrate and one set of jurymen will not satisfy another magistrate or another set of jurors, and testimony which will be regarded as ample in a case of theft will be looked upon as quite inconclusive in a trial for murder.

It follows from this brief examination of the statistics of convictions, trials, and cases reported, that each of these returns possesses its special import and its peculiar defect, that none of them by itself is to be accepted as an absolute test of the movement of crime, but that all of them, when interpreted by the light which each sheds on the other,

constitute a valuable index of the criminal condition of a community.

One or two additional observations still require to be made as to the methods of estimating the movement of criminality. The first of these is that a distinction must be made between persons and offences: the two must not be confounded. It very often happens that two or more offenders are tried for the same offence; and, on the other hand, it also happens that one person is tried for several offences. It is also to be noted that the number of offenders tried annually must not be regarded as so many different individuals. The same person may be tried many times in the course of a single year. According to a petition on drunkenness presented to the House of Lords in the session of 1891, many instances occur in which one person is convicted for drunkenness as many as thirty-two times in one year; in estimating the value of criminal statistics, it has accordingly to be borne in mind that these thirty-two cases only represent one offender.

Another important consideration must also be mentioned. It may be accepted as a general principle that the rise or fall of serious crime can be gauged with much greater accuracy than the movement of petty crime, inasmuch as criminal statistics increase in exactitude in proportion to the gravity of the offence. According to this principle, the statistics of a crime such as murder are a much closer approximation to the actual facts than the statistics of offences such as drunkenness. Murder is a crime which immediately creates a profound commotion among the community, and is almost certain to come before the eyes of the criminal authorities; it is, therefore, reasonable to assume that the number of murders annually reported to the police represents with considerable accuracy the actual number of murders committed: but the same thing cannot be said with respect to drunkenness. Within the last five or six years the number of cases of drunkenness has, on the whole, decreased in England and Wales, and if we had only criminal statistics to go by, it might be inferred that the evil of drunkenness was abating. But the statistics of the Registrar-General are, to some extent, hostile to this view. In the Fifty-third Annual Report on Births, Deaths, and Marriages, the Registrar-General says that "the deaths attributed to intemperance have increased year by year since 1884, and in 1890 were both absolutely and relatively to the population more numerous than in any previous year. They

numbered 2037, and were in the proportion of seventy to a million living, the highest previous rate having been fifty-five, and this in the next preceding year, 1889." If, as the Registrar-General shows, the deaths due to drink are increasing, it is hardly likely that intemperance is on the decrease: it is much more probable that the proper explanation of the figures to this effect in the criminal statistics is that the police are adopting more lenient methods with the intemperate—that they are, in fact, less disposed to arrest them at present than they were a few years ago. In estimating the movement of offences, we have accordingly to bear in mind that, as a rule, the graver the offence the higher is its value as an index of the growth or otherwise of crime in extent and intensity.

After having enumerated the principal circumstances which have to be taken into account as affecting our judgment on the movement of crime, we now come to the final question whether it is possible, on comparing one period with another, to say, with certainty, whether crime is increasing or decreasing. In my opinion, it is not possible to be absolutely certain upon this most important point in moral statistics. When the periods selected for purposes of comparison are very brief, as, for instance, the two halves of a decade, the effect of disturbing factors can be, to some extent, allowed for; but, on the other hand, five years is too short a time to base any satisfactory conclusions on in such a matter as the growth or decay of crime. In order to arrive at a trustworthy estimate upon this important subject, the range of the comparison should embrace two generations, or, at the least, two decades. Unfortunately, when we attempt to compare one decade with another, difficulties of a very formidable character at once present themselves. As has already been pointed out, criminal statistics, when they cover a considerable period, are so enormously affected by changes in law, changes in procedure, changes in the attitude of the authorities, changes in public feeling, and, to some extent, in the conditions of life, that a comparison of their contents cannot be accepted as conclusive evidence of the rise or fall of crime. A proof of this inconclusiveness is seen in the contradictory results at which equally competent investigators arrive when they discuss the question of the growth or decay of crime. With respect to France, M. Joly contends that crime is increasing, M. Tarde that it is decreasing. Prof. von Liszt asserts that crime is increasing in Germany, Herr Starcke says that it is not; and,

while Prof. Ferri maintains<sup>1</sup> that the apparent decrease of homicide in Italy is a "statistical paradox," Dr. Bosco is equally positive that the decline is real. When writers of such admitted distinction reach such opposite conclusions, it is evident that the statistical material on which these conclusions are based is of a somewhat indecisive character, and does not readily lend itself to the construction of dogmatic statements.

In England the indecisive character of criminal statistics as a test of the growth or decay of crime is very imperfectly recognised. Hence it comes to pass that the public is frequently asked to accept dogmatic assertions on a subject which does not admit of being dogmatised about at all. Within the last twenty years or so a great many alterations have taken place in criminal law and procedure, in the temper of the authorities, and the tone of public sentiment with respect to crime and criminals. The extent of these alterations it is impossible to measure, but until this preliminary step has been taken, we are not in a position to say whether crime has increased or decreased within the last twenty years. One statement, however, we may venture upon making. Within the last decade the total number of offences of all descriptions has steadily and vastly increased, and if we take the criminal statistics as they stand, a comparison between the most serious offences against person and property (the first two classes of indictable crimes) will show that these offences have increased both absolutely and relatively to the population in the decade 1880-9 as contrasted with 1870-9. According to the principle that criminal statistics increase in value in proportion to the gravity of the offence there is little ground for asserting in the face of these facts that crime has decreased in this country in recent years. It is, however, a much safer method not to attempt to force figures to produce a result which the disturbing influences affecting them make it difficult for them to yield, and it is better at once to recognise that the most which can be got out of a comparison of the criminal statistics of two distinct periods is a reasonable approximation to the facts, but never an absolute certainty. In using criminal statistics as a criterion of the moral condition of the country it is essential to bear this circumstance in mind.

Something now requires to be said respecting the geographical distribution of crime. It is a well-known fact in

For Ferri's views, see *La Scuola Positiva*, anno i. p. 102. This is an excellent periodical on criminal matters.

natural history that plants and animals are distributed over the globe according to the degree in which the soil, the climate, the configuration of the country, and so on, is adapted to their existence. It is the same with crime. Crime is geographically distributed in nature and extent all over the world in proportion to the vitality of the various potentialities, whether cosmical, social, or individual, which tend to increase or check it. We have only to look at the criminal statistics of different civilised communities for convincing evidence of the truth of this dictum. At the same time it is to be observed that these statistics cannot be used for purposes of international comparison in so far as the extent and intensity of crime is concerned. The reason of this is obvious. In no two countries is the criminal law exactly the same, in no two countries is crime classified in the same way, in no two countries is the criminal law administered in the same spirit, or regarded in the same light by the population. It has been truly said by Dr. Starcke in a report presented to the International Statistical Institute on *Die wichtigsten Elemente der Criminal Statistik* that international statistics will only be comparable when all nations have the same criminal law, the same judicial administration, and a police force organised upon the same principles. At present the very greatest diversity exists among civilised communities on all these matters, and it is highly improbable that at any future period this condition of things will be superseded by an all-round uniformity. Differences of race, differences of social structure, differences in historical development, have all contributed to the formation of distinct types of criminal law and criminal administration, and as nations move along the paths marked out for them by their previous history, it is very unlikely that these differences will be any less in time to come than they are at present. But until these differences are obliterated it will be impossible to have a uniform criminal law, and therefore equally impossible to have international criminal statistics which admit of comparison in so far as the amount and gravity of crime is concerned.

International criminal statistics, while not admitting of comparison on the important points just mentioned, are yet capable of shedding considerable light on many of the probable causes of crime. When, for example, we see the same kind of crime increasing or decreasing in several communities at the same period, it is very probable that this general movement is due to the same general cause. International criminal statistics are also of material assistance in

enabling the investigator to estimate the effects of age, sex, occupation, social and material conditions, commercial prosperity or depression, and so forth, on the criminal tendencies of the population. In short, international criminal statistics may be usefully employed in all inquiries respecting the causes of crime, but they cannot be accepted as a conclusive test of the position of nations in the scale of criminality.

Crime, however, is not merely unequally distributed among different nationalities, it is also unequally distributed among the various divisions of the same state. Here the difficulties which invalidate international comparisons do not exist. The different departments, divisions, or counties of the same country are all subject to the same laws and the same methods of criminal administration, and it therefore becomes possible to institute useful and instructive comparisons between them. One of the first facts which strikes the investigator in this department is the extraordinary differences between one region and another with respect to the extent and nature of crime. In an interesting article<sup>1</sup> on crime in Italy, Dr. Bosco has shown that whilst there are only two cases of homicide to every 100,000 of the population in the province of Como, there are no less than fifty cases of homicide in the province of Girgenti. He has also pointed out that assaults and offences against morals are distributed in somewhat the same way as attempts against life, that is to say, they diminish in number as we proceed from the south of Italy to the north. On the other hand, this notable divergence in the territorial distribution of crime in Italy does not apply to the same extent to offences against property, and it cannot be said that thefts are more common in the north of Italy than in the centre, and in the centre than in the south. In the course of a valuable article<sup>2</sup> on the results of recent criminal statistics, Dr. Földes touches upon the distribution of crime in Germany, and shows that it is most prevalent in the provinces bordering on the Russian frontier, and lowest in the west and north. In some of the larger divisions of the German empire, as, for instance, Prussia and Bavaria, the amount of crime is almost double what it is in the smaller states, and similar diversities exist with regard to the distribution of juvenile and female crime. In France and England the same differences in the distribution of crime are to be found when we compare one department with another, or one

<sup>1</sup> See *Rassegna di Scienze Sociali e Politiche*, Dec. 15, 1891.

<sup>2</sup> See *Zeitschrift für die gesamte Strafrechtswissenschaft*, Band xi.

county with another. Why crime should be so unevenly distributed in the same country is a very interesting question : many causes are in operation to produce such a result, but, undoubtedly, one of the most important is the degree of density of the population. Other things being equal, a dense population has a tendency to produce more criminals than a thinly peopled district.

### III.

In the preceding remarks on the movement of crime we have set forth some of the principal methods which must be observed in estimating it, as well as the degree of exactitude attaching to all such estimations ; but it yet remains for us to examine a few of the chief causes which enter into the production of crime and criminals. It has already been mentioned that the causes of crime are divisible into three fundamental classes, namely, personal, social, and cosmical. This method of classification is, on the whole, the most definite and convenient. It is, however, necessary to observe that it is often impossible to draw a dividing line between these three sets of causes ; the separation of them is useful for purposes of exposition, but must not be assumed as implying an equally distinct separation in fact. With these preliminary observations we shall now proceed to speak of the personal or individual factors of crime. These may be defined as consisting of sex, age, physical and mental constitution. The effect of sex on crime is visible in the smaller proportion of female criminals than males. Among the general population of most countries the female population equals or exceeds the male population, but among the criminal population of every community the number of males exceeds the number of females. To what influences is the smaller criminality of women to be ascribed ? Some assert that it arises from a superior moral disposition, and that this superior moral disposition is a result of the altruistic feelings arising out of the duties of motherhood. Others question the belief that women excel men in moral attributes, and ascribe the inferior criminality of women to physical and social causes. Whatever may be the elevating effects of motherhood on the moral character of women, it must be admitted that this is not the only reason women are less disposed to crime than men. It is unquestionable that women are incapable of committing many crimes of a certain nature, owing to the want of physical strength. Murder, burglary, housebreaking, assault—and, in fact,



almost all crimes of violence—require an amount of bodily effort which women, as a rule, do not possess. It is, therefore, contended by writers such as Quetelet and Von Oettingen that want of power has probably as much to do with the small percentage of females convicted of crimes of violence as want of will. In support of this contention it is pointed out that the proportion of women who commit crimes of violence which do not necessitate the exercise of physical strength is very high indeed. In France, for instance, no less than 75 per cent. of the offences against children are perpetrated by women, and women are also responsible for 70 per cent. of the cases of murder by poisoning. It would accordingly seem that where physical impediments do not come into operation the contrast between males and females in the scale of criminality is apt to disappear.

Social conditions also tend to reduce the percentage of female offenders as compared with males. Owing to a variety of causes women lead more secluded lives than men, and are brought less into contact and conflict with the hard realities of life. Most of their time is spent in the home, and most of their duties are connected with its internal management. The duties and cares of motherhood bind them to home by the strongest of human ties, and one of the results of this is that women who are mothers are, according to M. Bertillon, not half so criminally disposed as women who are childless. On the other hand, it is universally admitted that where women have neither home nor family ties and live an isolated and independent life in great industrial centres they immediately begin to form a larger percentage of the criminal population. It would therefore appear that in all cases where women are subjected to the same social and economic conditions of existence as men their criminal tendencies become more pronounced, and that the disparity of these conditions must be set down as one of the factors operating against the production of female crime. Before leaving the subject of the relations between sex and crime we may remark that whatever may be the causes which make women less criminal than men the fact remains that they are so, and that in England at the present moment it is five times less probable that a girl will become a criminal than a boy.

Intimate as are the relations between sex and crime the connexion between age and crime is perhaps closer still, and Quetelet is justified in observing that "among all the causes which tend to develop or arrest the propensity to crime, age is unquestionably the most powerful". This

arises from the fact that the moral and mental development of every human being, the passions, impulses and desires, which play so conspicuous a part in shaping his conduct, are largely dependent upon age. In early youth, whilst the faculties are in a more or less rudimentary stage and the emotions demand to be instantly appeased, the dominant form of crime is theft. Reflexion exercises such a small check upon cupidity at this period of life that an act of theft generally springs from the impulse of the moment, and is executed in such a manner that discovery is often sure to follow. The daring of young thieves is proverbial, and it must be regarded as the result of blindness to danger rather than as the effect of calculation. In France the predominance of theft among the young is attested by the fact that juveniles under twenty-one form 29 per cent. of the total number of persons tried for theft. Next to theft the offences most frequently imputed to minors are offences against decency, vagabondage, fraud and the destruction of trees, plants and crops. At the Elmira Reformatory<sup>1</sup> in the State of New York nearly 58 per cent. of the inmates are between sixteen and twenty years of age, 32 per cent. are between twenty and twenty-five years of age, and 10 per cent. are between twenty-five and thirty: of these offenders 93 per cent. in round numbers were convicted for offences against property, 6 per cent. for offences against the person, and 4 per cent. for offences against the peace. These statistics may be regarded as confirmatory of the figures relating to France, and both sets of statistics may be taken as showing how high the percentage of theft is among the young.

When full maturity is reached, and the bodily and mental powers of the criminal are at their maximum, the form which crime assumes undergoes a corresponding change. Cases of simple theft give place to formidable crimes of violence, such as burglary and homicide. This is another instance of the close connexion between the physical and mental attributes of the criminal as conditioned by age and the nature of his offence. As years advance this intimate union is on the whole maintained; the decay of the physical powers is accompanied by a corresponding decrease in violent crime, and offences requiring the exercise of cunning, craft, and skill form a high percentage of the crimes committed by persons who are approaching middle life. But as life advances crime materially diminishes, and offenders over fifty form a small proportion of the prison population. The

<sup>1</sup> See *Sixteenth Year Book of the New York State Reformatory*.

decade between thirty and forty is the most criminal period of life. Nearly 26 per cent. of the local prison population of England and Wales are between these ages, a fact which further establishes the close relation between bodily activity and the pursuit of a criminal career.

In a recently published volume, entitled *Nouvelles Recherches de Psychiatrie et d'Anthropologie Criminelle*, Prof. Lombroso, the celebrated author of *L'Uomo Delinquente*, still adheres to his theory that the criminal has as a rule a distinct physical conformation, and asserts that his opponents ignore the existence of a criminal type because they do not know how to look for it. Lombroso's typical criminal is a large and clumsy individual, with long arms, large jaws, a retreating forehead, projecting eyebrows, enormous ears, and other minor anatomical malformations. He has a defective sense of smell, but is gifted with keen sight and hearing. His features are repulsive, and he has a cold, hard, and stony look, which typifies his insensibility to pain. In his walk, gestures, conversation, and general habits he resembles the savage and the pre-human forms of the race. It is these peculiarities in combination which constitute the criminal type. At the Congress of Criminal Anthropology held in Paris in 1889 the existence of this type was ably combated by Manouvrier and Topinard, and it was contended that the anomalies visible in so large a proportion of criminals are anomalies arising from degeneracy and not from atavism. Whatever may be the ultimate fate of Lombroso's theory, he has unquestionably succeeded in calling attention to the fact that a larger proportion of anomalies is to be found among the criminal population than among ordinary members of the community. Sometimes these anomalies are inherited from diseased and degenerate parents, sometimes they are produced by a wretched childhood, and sometimes they are the result of a criminal mode of life. The amount of physical debility among the prison population may to some extent be measured by a statement contained in the report of the Medical Inspector of English Prisons for 1890. This report states that of the prisoners received at Pentonville with sentences to hard labour about one-half are unfit for such labour, and are exempted from it on medical grounds. Hard labour merely means a form of employment which any ordinary man can easily accomplish in five or six hours, and the unfitness of so large a proportion of offenders to perform it would seem to establish the defective physical capacity of criminals taken as a class.

The question now arises: How far is this defective physique

of the criminal population the result of criminal habits of life? If we take the physical condition of the inmates of the Elmira Reformatory as a test, it would appear that the practice of a criminal career is largely responsible for the enfeebled state of the prison population. According to the report of this institution for 1891, no less than 87 per cent. of the young persons admitted into it were in good health, and as this reformatory was established for beginners in crime, these statistics would seem to show that it is a life of crime which debilitates a considerable proportion of the criminal population. Many of the peculiarities in criminals which Lombroso ascribes to atavism are also explicable on the hypothesis that they arise from a career of crime; it is unquestionable that the look, walk, gestures, and slang of many criminals are produced in this way. At the same time it is not to be denied that a high percentage of the criminal classes are born with physical defects and anomalies of anatomical and physiological conformation, but whether these peculiarities are the direct or merely the indirect causes of a criminal life is a matter which affords scope for considerable differences of opinion. On some points, however, there is little room for dispute. It will be admitted on all sides that a person born with a degenerate and feeble constitution is much less likely to obtain employment and to earn a livelihood than a normally constituted man. Such a person is therefore much more likely to become a criminal, but it is economic causes in this instance which directly drive the man to crime, and not an innate perversity arising from physical defects. Again, a person may be perfectly able, so far as physique is concerned, to work at his trade or calling, but certain anomalies in his personal appearance create an impression against him, and where there is room for choice, others are preferred before him. If such a man in consequence becomes a criminal, the connexion between his bodily structure and his criminal career is only an indirect one. Even where economic causes do not come into play, the consciousness of physical peculiarities sometimes exercises a disturbing effect upon conduct. It is generally believed that Byron's lame foot had a good deal to do with his cynical and pessimistic views of life, and Shakespeare's Richard the Third, after discanting on his deformities, resolves to become a villain :—

And therefore—since I cannot prove a lover,  
To entertain these fair well-spoken days—  
I am determined to prove a villain.

It would therefore seem that the existence of physical defects has a tendency in many cases, though by no means all, to embitter the disposition, and to prepare the way for criminal courses ; yet the connexion between physical anomalies and criminal conduct is even in this instance only an indirect one.

I do not however wish it to be inferred from the preceding observations that there are not cases in which there is a direct causal connexion between the criminal's life and his physical organism : it is indubitable that there are such cases, and that a debilitated body has a tendency to produce a perverted mind. Nevertheless I should be inclined to maintain that in all instances where the organism, owing to its defective or anomalous structure, is responsible for a criminal career, that course of life is produced much less frequently by the direct effect of the organism on the character than by the manifest inadaptability of the organism to the social and economic conditions around it. In fact, the criminal life of a defectively organised human being is merely an instance of the operation of the law of natural selection. In the inevitable and unceasing struggle for existence a considerable proportion of the feeble, the degenerate, the malformed, the anomalous are not fitted for one reason or another to earn a living by normal methods, and society looks upon all who adopt abnormal methods as criminals. It therefore follows that the presence of a high percentage of physical anomalies among offenders is not a key to their mental attitude, is not a proof of the existence of a criminal type : it is rather a proof of a fact apparent everywhere, that the physically anomalous and incapable are less adapted to fight the battle of life, and are accordingly more likely to come into collision with the law. In our view therefore the physical factors of crime are in the main factors of a character which hinder the person burdened with them from honestly procuring the means of existence ; these factors are very rarely by themselves the immediate and determining causes of crime.

The same remark applies with very nearly the same amount of force to mental defects. All persons mentally erratic, mentally peculiar, mentally below the average are badly adapted to fill a place in the economic constitution of society. These defects need not necessarily be of a criminal character. Excessive vanity, excessive irritability, an unsettled disposition, fitfulness of mind, instability of purpose and many other characteristics very prevalent among the criminal classes are not in themselves directly related to crime : they are merely a class of attributes which have the

effect of excluding their victims from participating in industrial life and its rewards. In a multitude of cases it is this exclusion which produces the criminal career; it is not any overwhelming tendency to wrong-doing. But while this is so, it is nevertheless important to note that want of mental adaptation to the economic order of things has the effect of rousing the criminal instincts into activity, and above all the instinct of cupidity. The form in which this instinct will manifest itself depends upon the sex, age, strength and general mental ability of the individual: it is these conditions which determine whether he will become a swindler, a burglar, a pickpocket, a coiner, and so on. Many crimes, however, have little or no connexion with the economic conditions of existence. They would still take place even if every human being had all the necessities of life in abundance. Crimes of this nature are as a rule a product of the individual character, and arise from jealousy, hatred, irritability, vengeance, libertinage, vanity, combined with an abnormal lack of either pity or probity. In his work *La Criminologia* the Italian jurist Garofalo has rightly pointed out that the truly criminal disposition is always distinguished by an utter absence, or at least a very feeble development, of the sentiments of pity or probity. Where these two sentiments exist with a moderate amount of vitality they succeed in interposing a barrier against the blind outbursts of instinct and passion; and in cases where we find offenders possessing a fair share of pity or probity we generally discover that external circumstances, and not innate impulses, have played a paramount part in producing the offence. In the space at our command it is obviously impossible to enter into all the ramifications of criminal psychology: it must suffice to say that in this department of criminology it is most essential to differentiate between psychological attributes which directly betray a criminal disposition and psychological defects which cripple the economic or social career of the individual and drive him by a circuitous path into a life of crime.

The cosmical causes which enter into the production of crime may be briefly summarised as consisting of climate, soil, seasons, temperature, and the configuration of the earth. It has been maintained by De Greef that conduct is entirely dependent upon these cosmical factors, and, although this statement is probably too absolute, there can be no question that the various forms of civilisation are, to a very large extent, the product of cosmical conditions, and that in so far as conduct is related to civilisation, it is indirectly moulded and modified by the operations of external nature.

It is, however, held by Guerry, Lombroso, Ferri, and others that external nature has more than an indirect influence on human actions, and that the conduct of human beings is for one thing directly dominated by variations of temperature. It is pointed out, in support of this view, that the inhabitants of warm climates commit more offences against the person, whilst the inhabitants of cold climates commit more offences against property. As a general answer to this theory, it may be said that, as international criminal statistics are incapable of comparison, we are unable to subject the theory to the test of facts. In so far as this reply affects the international statistics of thefts, it must be accepted as a valid one, but it must be admitted that it does not apply with quite the same force to the statistics of homicide. No doubt, an accurate comparison of the amount of homicide committed in the various civilised communities is an impossibility, owing to disturbing circumstances which have already been referred to; but, at the same time, international statistics, with all their imperfections, make it tolerably plain that Italy and Spain, in proportion to their population, produce a larger amount of homicides than, for instance, Germany or England. Again, Australia, with a higher temperature than Great Britain, has also a higher proportion of homicides. Admitting, for a moment, the validity of international criminal statistics, we find that they do not all point in the same direction as to the effect of temperature on crime. India, for example, which is certainly much hotter than this country, has, at the same time, a much smaller proportion of murders to the population, and Colajanni, in his recent work, *La Sociologia Criminale*, mentions several other parts of the world where a high temperature is not accompanied by a high percentage of crimes of blood. It may, however, be urged, in reply to Colajanni, that the evil effects of temperature on the character are neutralised in India and elsewhere by ethnic, historic, religious, social, and economic conditions, and that where these conditions are almost the same—as, for instance, in Great Britain and Australia—the direct action of temperature is seen in the higher percentage of homicides in the warmer of the two countries.

But, however this may be, it is, at least, certain that the alternation of the seasons exercises a considerable effect on the amount and nature of criminality. The tables of Dr. Corre, in his work on *Crime et Suicide*, show that in France offences against the person are most numerous in summer, whilst offences against property are most prevalent in winter. In England we have no statistics for testing with



completeness the exact relation between season and crime, but it appears from the figures relating to indictable offences that the largest number of crimes against the person are committed in July, August, and September; whilst the largest number of offences against property are committed in October, November, and December. How are these facts to be interpreted? Are these variations in the nature of crime to be ascribed to the direct action of variations of temperature, or are they to be attributed to variations of daylight? As far as offences against property are concerned, I should be inclined to say that the short days and the long nights of winter are much more responsible for the increase of theft at that season of the year than any alterations in meteorological conditions; that, in short, it is opportunity, and not temperature, which makes the thief. This opinion is supported by the statistics of crime in Paris. According to the *Annuaire Statistique de la Ville de Paris* (1837), most of the thefts committed in the French capital are perpetrated in summer: it is in summer that the well-to-do Parisian leaves his house for the country; it is, therefore, at that season that the Parisian thief avails himself of the opportunity to ply his calling. It is very probable that if we had statistics bearing upon the annual variations of crimes against property in London, a similar state of things would be revealed.

Crimes against the person and against morals spring, as a rule, from motives which differ considerably from crimes against property, and, although the important factor of opportunity must not be omitted in estimating the causes of these offences, it is probable that temperature has a direct effect in multiplying or diminishing them. Marro<sup>1</sup> has pointed out that the conduct of prisoners is not so good in summer as in winter, and similar results have been arrived at with respect to the conduct of pupils at public schools. In the outer world increased opportunities for contact and conflict arising out of the presence of agreeable weather might be held to account for the increase of offences against person and morals in the summer season, but when we find that refractory conduct also increases in institutions where opportunities for contact and conflict are the same all the year round, we are almost forced to the conclusion that a heightened temperature has some direct influence in determining the actions of men.

The social causes of crime are so numerous and complex

<sup>1</sup> *I Caratteri dei Delinquenti.*

that it is impossible in this place to do more than touch upon a few of the most conspicuous. It is probable that the most important of these social causes at the present time is the increasing concentration of population arising mainly out of the centralisation of industry. In all nations where the towns are increasing at the expense of the country, crime has a distinct tendency to grow rapidly. In large centres of population the physical and industrial conditions of life are in a highly defective state, and a large degenerate class springs up, most of which is unsuited for industrial occupations. Many members of this class resort to a career of crime. In large cities the criminal has also a better field, as well as more abundant opportunities of escape. According to police statistics not half as many criminals are caught in London as in the country, and as a rule the larger the town the easier it is to commit a crime in it without being detected. The close connexion between the growth of large cities and the increase of crime may be estimated by the fact that London, which contains less than one-fifth of the population of England and Wales; is yet responsible for more than one-third of the annual number of indictable crimes. London requires one policeman to every 349 of the population, the provincial towns require one policeman to every 672 of the population, the counties only require one policeman to every 1134 of the population. The percentage of police to the population is a good measure of the extent of criminal activity in the different divisions of the country, and according to this index we are justified in observing that the larger the town the more criminal it becomes. It is customary just now for official optimists and optimistic politicians to try and persuade people that crime is decreasing in this country, but it is obvious to any one who studies the facts that the preliminary conditions of a lowered percentage of crime do not exist. The recent census reveals the unpleasant fact that the rural population has only increased about 3 per cent. in the decennium, whilst the urban population has increased 15 per cent. Until these figures are reversed, or until some transformation is effected in the mechanism of town life, it will be vain to hope for a genuine decrease in the amount of crime. It may be made apparently smaller by changes in criminal procedure, shortening of sentences and other similar devices, but we may rest assured that until the fundamental causes of the evil disappear, crime will not diminish either in volume or intensity.

It was at one time very usual to assume that poverty

was the principal social cause of crime, but in recent years considerable differences of opinion have arisen upon this point. Garofalo maintains that the well-to-do in proportion to their numbers are just as criminally disposed as the poor and needy, and it must be admitted that both he and Ferri are able to produce many striking facts and arguments in support of this contention. According to Dr. Földes, the Austro-Hungarian criminal statistics show that the well-to-do perpetrate fewer thefts than the poorer classes; but, on the other hand, they are responsible for quite as many murders, and in proportion to their numbers they commit a higher percentage of offences of a serious character. Mr. Roland Falkner has shown that in America the native-born citizen, notwithstanding all his comforts and advantages, is more addicted to crime than the poor emigrant from Europe; and M. Joly assures us that in France there is no intimate relation between poverty and crime. I have pointed out elsewhere<sup>1</sup> that in England the prison population is highest when work is most plentiful, and lowest when work is hardest to find. The twelfth report of the Scotch Prison Commissioners also reveals the fact that the prison population was greatest when pauperism was lowest. In the face of these facts it is impossible to contend that crime is merely an economic question, and that the criminal is simply a product of wretched material conditions. What appears to be the true view in this matter is that material circumstances exercise a certain influence on the nature of crime, but have comparatively little effect in increasing or diminishing its total amount. In other words, crimes against the person are highest when material prosperity is at its height and lowest in depressed times, whilst offences against property are highest in periods of depression and lowest when trade revives. But the total volume of crime is very slightly affected by these alterations in its nature. It is vain therefore to anticipate, as many are inclined to do, that a transformation of the economic constitution of society from individualism to collectivism will result in the abolition or even in the diminution of crime. Even on the supposition that such a transformation is successful in banishing distress from the community, it will only alter the channels in which crime is now accustomed to run. A state of society in which everybody is provided with the necessities of civilised life will be less addicted to offences against property, but more prone to

<sup>1</sup> *Crime and its Causes*, p. 148.

crimes against the person: theft will probably decrease (it will not disappear, inasmuch as many offences against property do not arise from economic causes), but maiming, murder, and violation will increase: the volume of crime will remain the same, but the population will run more risks of being maltreated than of being robbed. It is probable that the bulk of the community will prefer the latter alternative to the former.

It was at one time a prevalent idea that ignorance was a very important factor in the production of crime, but almost all investigators in the department of criminal statistics are hostile to this belief. In France, Guerry, Yvernes, Haussonville; in Italy, Lombroso, Garofalo, Ferri; in Belgium and Germany, Quetelet, Von Oettingen, Valentini, Starcke, are all more or less emphatically of opinion that instruction in reading and writing has little or no effect in elevating the character, and diminishing the annual volume of crime. The most that is admitted by the majority of competent inquirers is that education sometimes determines the form which crime will assume; the educated criminal, they maintain, seeks to attain his ends by fraud rather than violence, and Dr. Bosco is of opinion that the spread of education has had the effect of diminishing the percentage of homicides. But even these small concessions to the worth of education are the subject of much dispute. The only kind of education which possesses undoubted value from a moral point of view is the education of the character; and, as Tarde has shown, this form of education is much more the product of imitation than of precept. On the whole subject of the relations between education and conduct, Goethe goes to the root of the matter when he says "that everything is pernicious which liberalises the mind but gives us no mastery over ourselves".

It is also coming to be recognised that the effect of drink on crime has been exaggerated. It is a remarkable fact that the most drunken nations in Europe are also the very nations that are least addicted to crimes of blood, and if sobriety is to be accounted as the chief preservative against criminality, we ought to find a very low percentage of offences amongst the temperate communities in the south of Europe. As a matter of fact it is these communities which present the blackest criminal records, and although international statistics are not capable of being used for purposes of exact comparison, they at least possess the merit of making it perfectly plain that sober communities are just as criminally disposed as communities which contain a large percentage of drunkards.

The relations between nationality and crime have been exhaustively dealt with by Colajanni, who arrives at the conclusion that the varying degrees of criminality among different peoples are not to be ascribed to racial differences. Quetelet, on the other hand, considers nationality one of the most essential factors in the production of crime. The question is one which is rather difficult to decide, inasmuch as the criminal characteristics of a community may be attributed with equal plausibility either to nationality or to social and economic conditions. It is, however, certain that different nations have different temperaments, and that the highest percentage of offences against the person is committed by hot-blooded peoples. The existence of this fact would seem to show that nationality is not without some influence on the propensity to crime, but the precise extent of this influence it is of course impossible to determine. Other influences which exercise a distinct effect on criminal statistics are occupation, political institutions, militarism, and religious beliefs. We must, however, content ourselves with mentioning these factors; to discuss them would involve too great a demand on the space at our disposal.

We have now touched upon the individual, the cosmical, and the social causes of crime, and the general conclusion at which we arrive is that criminal conduct is a product of all these causes working together, but operating in each case with different degrees of intensity. Sometimes individual causes preponderate, sometimes social, sometimes cosmical, and in most instances it is difficult to say which is the determining cause. It would of course be a very excellent thing if the exact scope of the operation of these three sets of causes was capable of being accurately defined, but the complicated and impalpable nature of most of them makes this almost an impossibility. The present tendency of Italian thinkers is to lay the greatest amount of stress on individual and cosmical causes; in France the tendency is to place social causes in the front. These diversities of view are to a considerable extent resolvable into differences of terminology, and in any case it is not of paramount importance for practical purposes to be able to measure the precise value of each of the factors already mentioned so long as the influence of all of them is recognised in the production of crime.

A few words must now be said, in conclusion, as to the repression of crime. Since the days of Beccaria and Howard, the supreme object of persons interested in criminal matters has consisted in aiming at a diminution in the amount of

punishment and at an alleviation of the prisoners' condition when undergoing a sentence of imprisonment. These ideas came to the front as a revolt against the inhumanity perpetrated on offenders in bygone times, and, although good and needful in their day, it is now coming to be recognised that they are being pushed to an extreme. After all, it must be borne in mind that the supreme object of criminal legislation is not the diminution and mitigation of punishment, but the suppression of crime. It is also coming to be recognised that the theories of Howard and Beccaria have not succeeded in suppressing the criminal population, or even in preventing it from growing to an alarming extent. Such a result was not to be expected : a mere alleviation of the offenders' lot is not likely to produce a decrease in the total amount of crime. In order to effect this object, we must enter on an examination of the causes which tend to make men criminals : we must study the criminal himself : we must inquire into his physical, mental, social, and economic condition, and when a sufficient body of well-ascertained facts has been collected upon all these points, we shall then be in a position to devise scientific measures for the repression of crime, with some prospect of success. Although many more facts are needed, the number which has already been gathered together makes it absolutely certain that the present system of cellular imprisonment will never lessen the volume of crime. What is the origin of this system ? It is monastic, and it is based on the monastic idea that a period of solitude and contemplation is calculated to move the heart to penitence. It is now evident that this monastic method of treatment has failed with the criminal classes. It does not make the habitual criminal reflect upon his past, inasmuch as he is generally incapable of reflecting much at all : twenty-three hours in a cell, out of every twenty-four, is apt to make the physically degenerate criminal still more degenerate, and the multitude of morbid criminals still more morbid. We have seen that cities, with their in-door life, are the hotbeds of degeneracy and crime ; the cell is an aggravation of this in-door existence, and is, therefore, calculated to intensify the evil it is meant to cure. On the other hand, criminal statistics conclusively show that rural open-air life is the great preservative against crime. Healthy frames and healthy feelings are generated by contact with the soil. Just as putrid matter is purified by contact with mother earth, so are the human excrescences of civilisation disinfected by a return to those more natural conditions of existence which are to be found in the cultivation of the

ground. Abolish the cell, establish out-door occupations—this is at present the most pressing need in dealing with the repression of crime. Already the cell has been practically abolished in most of the convict prisons of Europe, with the result that grave offenders do not relapse so readily as offenders sent to cellular imprisonment. If this is the effect of an open-air life on the hardened offender, how much more satisfactory would be its effect on a novice who had just begun a life of crime!

For the discussion of further reforms in criminal legislation I must refer the reader to Prof. von Liszt's articles in the *Zeitschrift für die gesammte Strafrechtswissenschaft*, to an interesting work on the criminal by Mr. Havelock Ellis, to Prof. Ferri's important volume *La Sociologia Criminale*, and to M. Henri Joly's *Le Combat contre le Crime*.