

# CRIME AND ITS CAUSES

By

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PREFACE.

This volume, as its title indicates, is occupied with an examination of some of the principal causes of crime, and is designed as an introduction to the study of criminal questions in general. In spite of all the attention these questions have hitherto received and are now receiving, crime still remains one of the most perplexing and obstinate of social problems. It is much more formidable than pauperism, and almost as costly. A social system which has to try hundreds of thousands of offenders annually before the

criminal courts is in a very imperfect condition; the causes which lead to this state of things deserve careful consideration from all who take an interest in social welfare.

In the following pages I have endeavoured to show that crime is a more complicated phenomenon than is generally supposed. When society will be able to stamp it out is a question it would be extremely hard to answer. If it ever does so, it will not be the work of one generation but of many, and it will not be effected by the application of any single specific.

Punishment alone will never succeed in putting an end to crime. Punishment will and does hold crime to a certain extent in check, but it will never transform the delinquent population into honest citizens, for the simple reason that it can only strike at the full-fledged criminal and not at the causes which have made him so. Economic prosperity, however widely diffused, will not extinguish crime. Many people imagine that all the evils afflicting society spring from want, but this is only partially true. A small number of crimes are probably due to sheer lack of food, but it has to be borne in mind that crime would still remain an evil of enormous magnitude even if there were no such calamities as destitution and distress. As a matter of fact easy circumstances have less influence on conduct than is generally believed; prosperity generates criminal inclinations as well as adversity, and on the whole the rich are just as much addicted to crime as the poor. The progress of civilisation will not destroy crime. Many savage tribes living under the most primitive forms of social life present a far more edifying spectacle of respect for person and property than the most cultivated classes in Europe and America. All that civilisation has hitherto done is to change the form in which crime is perpetrated; in substance it remains the same. Primary Schools will not accomplish much in eliminating crime. The merely intellectual training received in these institutions has little salutary influence upon conduct. Nothing can be more deplorable than that sectarian bickerings, respecting infinitesimal points in the sanctions of morality, should result in the children of England receiving hardly any moral instruction whatever. Conduct, as the late Mr. Matthew Arnold has so often told us, is three fourths of life. What are we to think of an educational system which officially ignores this; what have we to hope in the way of improvement from a people which consents to its being ignored?

But even a course of systematic instruction in the principles of conduct, no matter by what sanctions these principles are inculcated, will not avail much unless they are to some extent practised in the home. And this will never be the case so long as women are demoralised by the hard conditions of industrial life, and unfitted for the duties of motherhood before beginning to undertake them.

In addition to this, no State will ever get rid of the criminal problem unless its population is composed of healthy and vigorous citizens. Very often crime is but the

offspring of degeneracy and disease. A diseased and degenerate population, no matter how favourably circumstanced in other respects, will always produce a plentiful crop of criminals. Stunted and decrepit faculties, whether physical or mental, either vitiate the character, or unfit the combatant for the battle of life. In both cases the result is in general the same, namely, a career of crime.

As to the best method of dealing with the actual criminal, the first thing to be done is to know what sort of a person you are dealing with. He must be carefully studied at first hand. At present too much attention is bestowed on theoretical discussions respecting the various kinds of crime and punishment, while hardly any account is taken of the persons who commit the crime and require the punishment. Yet this is the most important point of all; the other is trivial in comparison with it. If crime is to be dealt with in a rational manner and not on mere *a priori* grounds, our minds must be enlightened on such questions as the following: What is the Criminal? What are the chief causes which have made him such? How are these causes to be got rid of or neutralised? What is the effect of this or that kind of punishment? These are the momentous problems; in comparison with these, all fine-spun definitions respecting the difference between one crime and another are mere dust in the balance. There can be little doubt that a neglect of those considerations on the part of many magistrates and judges, is at the root of the capricious sentences so often passed upon criminals. The effects of this neglect result in the passing of sentences of too great severity on first offenders and the young; and of too much leniency on hardened and habitual criminals. Leniency, says Grotius, should be exercised with discernment, otherwise it is not a virtue, but a weakness and a scandal.

When imprisonment has to be resorted to, it must be made a genuine punishment if it is to exercise any effect as a deterrent. The moment a prison is made a comfortable place to live in, it becomes useless as a safeguard against the criminal classes. This is a fundamental principle. But punishment, although an essential part of imprisonment, is not its only purpose. Imprisonment should also be a preparation for liberty. If a convicted man is as unfit for social life at the expiration of his sentence as he was at the commencement of it, the prison has only accomplished half its work; it has satisfied the feeling of public vengeance, but it has failed to transform the offender into a useful citizen. How to prepare the offender for liberty is, I admit, a task of supreme difficulty; in some cases, probably, an impossible task. For work of this character what is wanted above all is an enlightened staff. Mere machines are useless; men unacquainted with civil life and its conditions are useless. It is from civil life the prisoner is taken; it is to civil life he has to return, and unless he is under the care of men who have an intimate knowledge of civil life, he will not have the same prospect of being fitted into it when he has once more to face the world.

In the preparation of this volume I have carefully examined the most recent ideas of English and Continental writers (especially the Italians) on the subject of crime. The opinions it contains are based on an experience of fourteen years in Orders most of which have been spent in prison work. In revising the proofs I have received valuable assistance from Mr. J. Morrison.

W.D.M.

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## CRIME AND ITS CAUSES

### CHAPTER I.

#### THE STATISTICS OF CRIME.

It is only within the present century, and in some countries it is only within the present generation, that the possibility has arisen of conducting the study of criminal problems on anything approaching an exact and scientific basis. Before the introduction of a system of criminal statistics—a step taken by most peoples within the memory of men still living—it was impossible for civilised communities to ascertain with absolute accuracy whether crime was increasing or decreasing, or what transformation it was passing through in consequence of the social, political, and economic changes constantly taking place in all highly organised societies. It was also equally impossible to appreciate the effect of punishment for good or evil on the criminal population. Justice had little or no data to go upon; prisoners were sentenced in batches to the gallows, to transportation, to the hulks, or to the county gaol, but no inquiry was made as to the result of these punishments on the criminal classes or on the progress of crime. It was deemed sufficient to catch and punish the offender; the more offences seemed to increase—there was no sure method of knowing whether they did increase or not—the more severe the punishment became. Justice worked in the dark, and was surrounded by the terrors of darkness. What followed is easy to imagine; the criminal law of England reached a pitch of unparalleled barbarity, and within living memory laws were on the statute book by which a man might be hanged for stealing property above the value of a shilling.

Had a fairly accurate system of criminal statistics existed, it is very likely that the data contained in them would have reassured the nation and tempered the severity of the law.

Of Criminal Statistics it may be said in the first place, that they act as an annual register for tabulating the amount of danger to which society is exposed by the nefarious operations of lawless persons. By these statistics we are informed of the number of crimes committed during the course of the year so far as they are reported to the police. We are informed of the number of persons brought to trial for the perpetration of these crimes; of the nature of the offences with which incriminated persons are charged, and of the length of sentence imposed on those who are sent to prison. The age, the degree of instruction, and the occupations of prisoners are also tabulated. A record is also kept of the number of times a man has been committed to prison, and of the manner in which he has conducted himself while in confinement.

One important point must be mentioned on which criminal statistics are almost entirely silent. The great sources of crime are the personal, the social, and the economic conditions of the individuals who commit it. Criminal statistics, to be exhaustive, ought to include not only the amount of crime and the degrees of punishment awarded to offenders; these statistics should also, as far as practicable, take cognisance of the sources from which crime undoubtedly springs. In this respect, our information, so far as it comes to us through ordinary channels, is lamentably deficient. It is confined to data respecting the age, sex, and occupation of the offender. These data are very interesting, and very useful, as affording a glimpse of the sources from which the dark river of delinquency takes its rise. But they are too meagre and fragmentary. They require to be completed by the personal and social history of the criminal. Crime is not necessarily a disease, but it resembles disease in this respect, that it will be impossible to wipe it out till an accurate diagnosis has been made of the causes which produce it. To punish crime is all very well; but punishment is not an absolute remedy; its deterrent action is limited, and other methods besides punishment must be adopted if society wishes to gain the mastery over the criminal population. What those methods should be can only be ascertained after the most searching preliminary inquiries into the main factors of crime. It ought, therefore, to be a weighty part of the business of criminal statistics to offer as full information as possible, not only respecting crimes and punishments, but much more respecting criminals. Every criminal has a life history; that history is very frequently the explanation of his sinister career; it ought, therefore, to be tabulated, so that it may be seen how far his descent and his surroundings have contributed to make him what he is. In the case of children sent to Reformatory Schools, the previous history of the child is always tabulated. Enquiries are made and registered respecting the parents of the child; what country they belong to, what sort of character they bear, whether they are honest and sober, whether they have ever been in prison, what wages they earn, and whether the child is legitimate or not. A similar method to the one adopted with Reformatory children ought to be instituted, with suitable modifications, in European prisons and convict establishments. It is, at the present time,

being advocated by almost all the most eminent criminal authorities,<sup>[1]</sup> and more than one scheme has been drawn up to show the scope of its operation.

In addition to the service which a complete personal and family record of convicted prisoners would render as to the causes of crime, such a record would be of immense advantage to the judges. At the present time a judge is only made acquainted with the previous convictions of a prisoner; he knows nothing more about him except through the evidence which is sometimes adduced as to character. An accurate record of the prisoner's past would enable the judge to see at once with what sort of offender he was dealing, and might, perhaps, help to put a stop to the unequal and capricious sentences which, not infrequently, disgrace the name of justice.<sup>[2]</sup>

Passing from this point, we shall now inquire into the possibility of establishing some system of International Statistics, whereby the volume of crime in one country may be compared with the volume of crime in another. At the present time it is extremely difficult to institute any such comparison, and it is questionable if it can ever be properly done. In no two countries is the criminal law the same, and an act which is perfectly harmless when committed in one part of Europe, is considered in another as a contravention of the law. Each country has also a nomenclature of crime and methods of criminal procedure peculiar to itself. In each country the police are organised on a different principle, and act in the execution of their duty on a different code of rules. In all cases, for instance, of mendicancy, drunkenness, brawling, and disorder, the initiative rests practically with the police, and it depends almost entirely on the instructions issued to the police whether such offences shall figure largely or not in the statistics of crime. A proof of this fact may be seen in the Report of the Commissioner of Police of the Metropolis, for the year 1888. In the year 1886, the number of persons convicted in the Metropolis of "Annoying male persons for the purpose of prostitution" was 3,233; in 1888, the number was only 1,475. This enormous decrease in the course of two years is not due to a diminution of the offence, but to a change in the attitude of the police. Again, in the year 1887, the Metropolitan police arrested 4,556 persons under the provisions of the Vagrant and Poor Law Acts; but in the year 1888, the number arrested by the same body under the same acts amounted to 7,052. It is perfectly obvious that this vast increase of apprehensions was not owing to a corresponding increase in the number of rogues, beggars, and vagrants; it was principally owing to the increased stringency with which the Metropolitan police carried out the provisions of the Vagrant and Poor Law Acts. An absolute proof of the correctness of this statement is the fact that throughout the whole of England there was a decrease in the number of persons proceeded against in accordance with these acts. These examples will suffice to show what an immense power the police have in regulating the volume of certain classes of offences. In some countries they are called upon to exercise this power in the direction of stringency; in other countries it is exercised in the direction of leniency; and in the

same country its exercise, as we have just seen, varies according to the views of whoever, for the time being, happens to have a voice in controlling the action of the police. In these circumstances it is obviously impossible to draw any accurate comparison between the lighter kinds of offences in one country and the same class of offences in another.

In the case of the more serious offences against person and property, the initiative of putting the law in motion rests chiefly with the injured individual. The action of the individual in this respect depends to a large extent on the customs of the country. In some countries the injured person, instead of putting the law in motion against an offender, takes the matter in his own hands, and administers the wild justice of revenge. Great differences of opinion also exist among different nations as to the gravity of certain offences. Among some peoples there is a far greater reluctance than there is among others to appeal to the law. Murder is perhaps the only crime on which there exists a fair consensus of opinion among civilised communities; and even with regard to this offence it is impossible to overcome all the judicial and statistical difficulties which stand in the way of an international comparison.

In spite, however, of the fact that the amount of crime committed in civilised countries cannot be subjected to exact comparison, there are various points on which the international statistics of crime are able to render valuable service. It is important, for instance, to see in what relation crime in different communities stands to age, sex, climate, temperature, race, education, religion, occupation, home and social surroundings. If we find, for example, an abnormal development of crime taking place in a given country at a certain period of life, or in certain social circumstances, and if we do not discover the same abnormal development taking place in other countries at a similar period of life, or in a similar social stratum, we ought at once to come to the conclusion that there is some extraordinary cause at work peculiar to the country which is producing an unusually high total of crime. If, on the other hand, we find that certain kinds of crime are increasing or decreasing in all countries at the same time, we may be perfectly sure that the increase or decrease is brought about by the same set of causes. And whether those causes are war, political movements, commercial prosperity, or depression, the community which first escapes from them will also be the first to show it in the annual statistics of crime. In these and many other ways international statistics are of the greatest utility.

From what has already been said as to the immense difficulty of comparing the criminal statistics of various countries, it follows as a matter of course that the figures contained in them cannot be used as a means of ascertaining the position which belongs to each nation respectively in the scale of morality. Nor is the moral progress of a nation to be measured solely by an apparent decay of crime. On the contrary, an increase in the amount of crime may be the direct result of a moral advance in the average



sentiments of the community. The passing of the Elementary Education Act of 1870 and of the Criminal Law Amendment Act of 1885 have added considerably to the number of persons brought before the criminal courts and eventually committed to prison. But an increase of the prison population due to these causes is no proof that the country is deteriorating morally. It will be regarded by many persons as a proof that the country has improved, for it is now demanding a higher standard of conduct from the ordinary citizen than it demanded twenty years ago.<sup>[3]</sup>

On the other hand, a decrease in the official statistics of crime may be a proof that the moral sentiments of a nation are degenerating. It may be a proof that the laws are ceasing to be an effective protection to the citizen, and that society is falling a victim to the forces of anarchy and crime. It is, therefore, impossible by looking only at the bare figures contained in criminal statistics, to say whether a community is growing better or worse. Before any conclusions can be formed on these matters, either one way or the other, we must go behind the figures, and look at them in the light of the social, political and industrial developments taking place in the society to which these figures refer.

In this connection, it may not be amiss to point out that the present tendency of legislation is bound to produce more crime. All law is by its nature coercive, but so long as the coercion is confined within a limited area, or can only come into operation at rare intervals, it produces comparatively little effect on the whole volume of crime. When, however, a law is passed affecting every member of the community every day of his life, such a law is certain to increase the population of our gaols. A marked characteristic of the present time is that legislative assemblies are becoming more and more inclined to pass such laws; so long as this is the case it is vain to hope for a decrease in the annual amount of crime. Whether these new coercive laws are beneficial or the reverse is a matter which it does not at this moment concern me to discuss; what I am anxious to point out is, that the more they are multiplied, the greater will be the number of persons annually committed to prison. In initiating legislation of a far-reaching coercive character, politicians should remember far more than they do at present that the effect of these Acts of Parliament will be to fill the gaols, and to put the prison taint upon a greater number of the population. This is a responsibility which no body of men ought lightly to incur, and in considering the advantages to be derived from some new legislative enactment, an equal amount of consideration should be bestowed upon the fact that the new enactment will also be the means of providing a fresh recruiting ground for the permanent army of crime.

A man, for instance, goes to prison for contravening some municipal bye-law; he comes out of it the friend and associate of habitual criminals; and the ultimate result of the bye-law is to transform a comparatively harmless member of society into a dangerous thief or house-breaker. One person of this character is a greater menace to society than a hundred offenders against municipal regulations, and the present system

of law-making undoubtedly helps to multiply this class of men. One of the leading principles of all wise legislation should be to keep the population out of gaol; but the direct result of many recent enactments, both in this country and abroad, is to drive them into it; and it may be taken as an axiom that the more the functions of Government are extended, the greater will be the amount of crime.

These remarks lead me to approach the question of what is called "the movement" of crime. Is its total volume increasing or decreasing in the principal civilised countries of the world? On this point there is some diversity of view, but most of the principal authorities in Europe and America are emphatically of opinion that crime is on the increase. In the United States, we are told by Mr. D.A. Wells,<sup>[4]</sup> and by Mr. Howard Wines, an eminent specialist in criminal matters, that crime is steadily increasing, and it is increasing faster than the growth of the population.

Nearly all the chief statisticians abroad tell the same tale with respect to the growth of crime on the Continent. Dr. Mischler of Vienna, and Professor von Liszt of Marburg draw a deplorable picture of the increase of crime in Germany. Professor von Liszt, in a recent article,<sup>[5]</sup> says, that fifteen million persons have been convicted by the German criminal courts within the last ten years; and, according to him, the outlook for the future is sombre in the last degree. In France, the criminal problem is just as formidable and perplexing as it is in Germany; M. Henri Joly estimates that crime has increased in the former country 133 per cent. within the last half century, and is still steadily rising. Taking Victoria as a typical Australasian colony, we find that even in the Antipodes, which are not vexed to the same extent as Europe with social and economic difficulties, crime is persistently raising its head, and although it does not increase quite as rapidly as the population, it is nevertheless a more menacing danger among the Victorian colonists than it is at home.<sup>[6]</sup>

Is England an exception to the rest of the world with respect to crime? Many people are of opinion that it is, and the idea is at present diligently fostered on the platform and in the press that we have at last found out the secret of dealing successfully with the criminal population. As far as I can ascertain, this belief is based upon the statement that the daily average of persons in prison is constantly going down. Inasmuch, as there was a daily average of over 20,000 persons in prison in 1878, and a daily average of about 15,000 in 1888, many people immediately jump at the conclusion that crime is diminishing. But the daily average is no criterion whatever of the rise and fall of crime. Calculated on the principle of daily average, twelve men sentenced to prison for one month each, will not figure so largely in criminal statistics as one man sentenced to a term of eighteen months. The daily average, in other words, depends upon the length of sentence prisoners receive, and not upon the number of persons committed to prison, or upon the number of crimes committed during the year. Let us look then at the number of persons committed to Local Prisons, and we shall be in a position to judge if crime

is decreasing in England or not. We shall go back twenty years and take the quinquennial totals as they are recorded in the judicial statistics:—

Total of the 5 years	1868 to 1872
Total of the 5 years,	1873 to 1877,
Total of the 5 years,	1884 to 1888,

If statistics are to be allowed any weight at all, these figures incontestably mean that the total volume of crime is on the increase in England as well as everywhere else. It is fallacious to suppose that the authorities here are gaining the mastery over the delinquent population. Such a supposition is at once refuted by the statistics which have just been tabulated, and these are the only statistics which can be implicitly relied upon for testing the position of the country with regard to crime.

Seeing, then, that the total amount of crime is regularly growing, how is the decrease in the daily average of persons in prison to be accounted for?

This decrease may be accounted for in two ways. It may be shown that although the number of people committed to prison is on the increase, the nature of the offences for which these people are convicted is not so grave. Or, in the second place, it may be shown that, although the crimes committed now are equally serious with those committed twenty years ago, the magistrates and judges are adopting a more lenient line of action, and are inflicting shorter sentences after a conviction. Let us for a moment consider the proposition that crime is not so grave now as it was twenty years ago. In order to arrive at a fairly accurate conclusion on this matter, we have only to look at the number of offences of a serious nature reported to the police. Comparing the number of cases of murder, attempts to murder, manslaughter, shooting at, stabbing and wounding, and adding to these offences the crimes of burglary, housebreaking, robbery, and arson—comparing all these cases reported to the police for the five years 1870-1874, with offences of a like character reported in the five years 1884-1888, we find that the proportion of grave offences to the population was, in many cases, as great in the latter period as in the former.<sup>[7]</sup> This shows clearly that crime, while it is increasing in extent, is not materially decreasing in seriousness; and the chief reason the prison population exhibits a smaller daily average is to be found in the fact that judges are now pronouncing shorter sentences than was the custom twenty years ago. We are not left in the dark upon this point; the judges themselves frequently inform the public that they have taken to shortening the terms of imprisonment. The extent to which sentences have

been shortened within the last twenty years can easily be ascertained by comparing the committals to prison and the daily average of the quinquenniad 1868-72 with the committals and the daily average of the quinquenniad 1884-88. A comparison between these two periods shows that the length of imprisonment has decreased twenty-six per cent. In other words, whereas a man used to receive a sentence of twelve months' imprisonment, he now receives a sentence of nine months; and whereas he used to get a sentence of one month, he now gets twenty-one days. If it be a serious offence, or if the criminal be a habitual offender, he now receives eighteen months' imprisonment, whereas he used to receive five years' penal servitude. As far as most judges and stipendiary magistrates are concerned, sentences of imprisonment have decreased in recent years more than twenty-six per cent.; and if there was a corresponding movement on the part of Chairmen of Quarter Sessions, the average decrease in the length of sentences would amount to fifty per cent. But it is a notorious fact that amateur judges are, with few exceptions, more inclined to pronounce heavy sentences than professional men.

We have now arrived at the conclusion that crime is just as serious in its character as it was twenty years ago, and that it is growing in dimensions year by year; the next point to be considered is, the relation in which crime stands to the population. Crime may be increasing, but the population may be multiplying faster than the growth of crime. Is this the condition of things in England at the present day? We have seen that the criminal classes are increasing much faster than the growth of population in France and the United States. Is England in a better position in this respect than these two countries? At the present time there is one conviction to about every fifty inhabitants, and the proportion of convictions to the population was very much the same twenty years ago. If we remember the immense development that has taken place in the industrial school system within the last twenty years—a development that has undoubtedly had a great deal to do with keeping down crime—we arrive at the conclusion that, notwithstanding the beneficent effects of Industrial Schools, the criminal classes in this country still keep pace with the annual growth of population. If we had no Industrial and Reformatory institutions for the detention of criminal and quasi-criminal offenders among the young, there can be no doubt that England, as well as other countries, would have to make the lamentable admission that crime was not only increasing in her midst, but that it was increasing faster than the growth of population. The number of juveniles in these institutions has more than trebled since 1868,<sup>[8]</sup> and it is unquestionable that if these youthful offenders were not confined there, a large proportion of them would immediately begin to swell the ranks of crime. That crime in England is not making more rapid strides than the growth of population, is almost entirely to be attributed to the action of these schools.

We shall now look at another aspect of the criminal question, and that is its cost. Crime is not merely a danger to the community; it is likewise a vast expense; and there is no country in Europe where it does not constitute a tremendous drain upon the national resources. Owing to the federal system of government in America, it is almost impossible to estimate how much is spent in the prevention and punishment of crime in the United States, but Mr. Wines calculates that the police force alone costs the country fifteen million dollars annually.<sup>[9]</sup> In the United Kingdom the cost of criminal justice and administration is continually on the increase, and it has never been so high as it is at the present time. In the Estimates for the year 1891 the cost of Prisons and of the Asylum for criminal lunatics falls little short of a million sterling. Reformatory and Industrial Schools for juvenile offenders cost considerably over half-a-million, and the expenditure on the Police force is over five and a half millions annually. Add to these figures the cost of criminal prosecutions, the salaries of stipendiary and other paid magistrates, a portion of the salaries of judges, and all other expenses connected with the trial and prosecution of delinquents, and an annual total of expenditure is reached for the United Kingdom of more than seven and a half millions sterling. In addition to this enormous sum, it has also to be remembered that a great loss of property is annually entailed on the inhabitants of the three kingdoms by the depredations of the criminal classes. The exact amount of this loss it is impossible to estimate, but, according to the figures in the police reports, it cannot fall short of a million sterling per annum.

These formidable figures afford ample food for reflection. Apart from its danger to the community, the annual loss of money which the existence of crime entails is a most serious consideration. It is equal to a tenth of the national expenditure, and every few years amounts to as much as the cost of a big European war. It is tempting to speculate on the admirable uses to which the capital consumed by crime might be devoted, if it were free for beneficent purposes. How easy it would be for many a scheme, which is now in the region of dreamland, to be immediately realised. Unhappily, it is almost as vain to look forward to the abolition of crime as it is to look forward to the cessation of war. At the present moment the latter event, however improbable, is more likely to happen than the former. War has ceased to be a normal condition of things in the comity of nations; it has become a transitory incident; but crime, which means war within the nation, is still far from being a passing incident; on the contrary, a conflict between the forces of moral order and social anarchy is going on continually; and, at present, there is not the faintest prospect of its coming to an end.

What is the cause of this state of warfare within society? Which of the combatants is to blame? Or is the blame to be laid equally on the shoulders of both? In other words, are the conditions in which men live together in society of such a nature that crime is certain to flow from them; and is crime simply a reaction against the iniquity of existing social arrangements? Or, on the other hand, does crime spring from the individual and

his cosmical surroundings; and is it the product of forces over which society has little or no control? These are questions which cannot be answered off-hand, they involve considerations of a most complicated character, and it is only after a careful examination of all the factors responsible for crime that a true solution can possibly be arrived at. These factors are divisible into three great categories—cosmical, social, and individual.<sup>[10]</sup> The cosmical factors of crime are climate and the variations of temperature; the social factors are the political, economic and moral conditions in the midst of which man lives as a member of society; the individual factors are a class of attributes inherent in the individual, such as descent, sex, age, bodily and mental characteristics. These factors, it will be seen, can easily be reduced to two, the organism and its environment; but it will be more convenient to consider them under the three-fold division which has just been mentioned. Before proceeding to do so, it may be as well to remark that in each case the several factors operate with different degrees of intensity. It is often extremely difficult to disentangle them; and the more complex the society is in which a crime takes place, the greater is the combination and intricacy of the causes leading up to it.

## CHAPTER II. CLIMATE AND CRIME.

Man's existence depends upon physical surroundings; these surroundings have exercised an immense influence in modifying his organism, in shaping his social development, in moulding his character. To enumerate all the external factors operating upon individual and social life is outside our present purpose, but they may be briefly summed up as climate, moisture, soil, the configuration of the earth's surface, and the nature of its products. These natural phenomena, either singly or in varying degrees of combination, have unquestionably played a most prominent part in making the different races of mankind what they at present are. We have only to look at the low type of life exhibited by the primitive inhabitants of certain inhospitable regions of the globe to see how profoundly the physical structure of man is affected by his natural surroundings. Even a comparatively slight difference of environment is not without effect upon the population subjected to its influence. According to M. de Quatrefages, the bodily structure of the English race has been distinctly modified by residence in the United States of America. It is not more than two and a half centuries since Englishmen began to emigrate in any considerable numbers to the American Continent, but in that comparatively short period the Anglo-American has ceased to resemble his ancestors in physical appearance. Alterations have taken place in the skin, the hair, the neck, and the head; the lower jaw has become bigger; the bones of the arms and legs have lengthened, and the American of to-day requires a different kind of glove from the



Englishman. Structural changes of a similar character have taken place in the negroes transplanted to America. M. Elisée Reclus considers that in a century and a half they have traversed a good quarter of the distance which separates them from the whites. Another important point, as showing the influence of habitat upon race, is the fact that the modifications of human structure resulting from residence in America are in the direction of assimilating the European type to that of the red man.<sup>[11]</sup> In short, it may be taken as a well-established principle that external nature destroys all organisms that cannot adapt themselves to its action, and physiologically modifies all organisms that can.

The social condition of mankind is also profoundly affected by climatic and other external circumstances. The intense cold of the Arctic and Antarctic regions is fatal to anything approaching a developed form of civilisation. Intense heat, on the other hand, although not incompatible with a certain degree of progress, is unfavourable to its permanence;<sup>[12]</sup> the extinct societies of the tropics, such as Cambodia, Mexico and Peru, affording instances of the operation of this law. It is impossible for man to get beyond the nomad state in the vast deserts of Northern Africa; and the extreme moisture of the atmosphere in other portions of the same continent puts an effectual check on anything like social advance. In some parts of the world social development has been hindered by external circumstances of another character, such as the want of wood, the scarcity of animals, the absence of edible fruits. In fact, it is only within a comparatively temperate zone that human society has been able permanently to assume highly complex forms and to build itself up on an extensive scale. In this zone, climate, while favouring man up to a certain point, has at the same time compelled him to eat bread in the sweat of his brow. It has compelled him to enter into conflict with natural obstacles, the result of which has been to call forth his powers of industry, of energy, of self-reliance, and to sharpen his intellectual faculties generally. In addition to exercising and strengthening these personal attributes, the climatic influences of what has been called the zone of civilisation have brought man's social characteristics more fully and elaborately into play. The nature of these influences has forced him to cooperate more or less closely with his fellows; while each step in the path of cooperation has involved him in another of a more complex kind. The growth of social cooperation is not necessarily accompanied by a corresponding development of the moral sentiments; increased cooperation in some cases involving a distinct ethical loss. In many directions, however, highly organised societies tend to evolve loftier types of morality; and it is in harmony with the facts to say that the highest moral types are not to be found where nature does most or where it does least in the way of providing food and shelter for man.

It is also interesting to observe the effect which climate, through the agency of religion, has had upon human conduct. One of the main factors in the origin of religion

is the feeling of dependence upon nature so strongly manifested in all primitive forms of faith. The outcome of this feeling of dependence was to exalt the forces of nature into divinities, and man's conception of these divinities, shaped as it was by the attitude of nature around him, had an incalculable influence on his life and actions. The remains of this influence are still visible in the aesthetic effects which the forces and operations of nature produce on civilised man; in all other respects it has to a large extent passed away.<sup>[13]</sup>

We have now touched upon most of the ways in which external surroundings have had a hand in shaping the course of human life in the past; it will be our next business to inquire whether these surroundings have any effect upon human conduct at the present day, and especially upon those manifestations of conduct which are known as crimes. That they still have an effect is an opinion which has long been entertained.

Going back to the ancient Greeks, we find Hippocrates holding that all regions liable to violent changes of climate produced men of fierce, impetuous and stubborn disposition. "In approaching southern countries," says Montesquieu, "one would believe that morality was being left behind; more ardent passions multiply crimes; each tries to gain from others all the advantages which can minister to these passions." Buckle believes that the interruption of work caused by instability of climate leads to instability of character. In analysing the contents of French statistics, Quetelet,<sup>[14]</sup> while admitting that other causes may neutralise the action of climate, proceeds to say that the "number of crimes against property relatively to the number of crimes against the person increases considerably as we advance towards the north." Another eminent student of French criminal statistics, M. Tarde, comes to very much the same conclusions as Quetelet; he admits that a high temperature does exercise an indirect influence on the criminal passions. But the most exhaustive investigations in this problem have been undertaken in Italy, by Signor Enrico Ferri. After a thorough examination of French judicial statistics for a series of years, Ferri arrives at the conclusion that a maximum of crimes against the person is reached in the hot months, while, on the other hand, crimes against property come to a climax in the winter.<sup>[15]</sup>

In testing these opinions respecting the influence of climate upon crime, we are obliged, to some extent, to have recourse to international statistics. But these statistics, as has already been pointed out, owing to the diversity of customs, laws, criminal procedure, and so on, do not easily admit of comparison. So much is this the case that we shall not make the attempt as far as these statistics have reference to crimes against property. In this field no satisfactory result can, at present be obtained. The same remark holds good in relation to all offences against the person, with the exception of homicide. This, undoubtedly, is an important exception; and it arises from the fact that there is a greater consensus of opinion among civilised communities respecting the gravity of homicide than exists with regard to any other form of crime. Murder in all its degrees



is a crime which immediately causes a profound commotion; it is easy to recognise; it is more likely than any other offence to come to the ears of the authorities. For these reasons this crime lends itself most readily to international comparison; nevertheless, differences of judicial procedure, legal nomenclature, and different methods of classification stand in the way of making the comparison absolutely accurate. These differences, however, are not so great as to render comparison impossible or worthless; on the contrary, the results of such a comparison are of exceptional value, and go a long way to determine the question of the effect of climate upon crimes of blood.

Assuming, then, with these reservations, that such a comparison can be instituted, let us see to what extent murder, in the widest sense of the word, including wilful murder, manslaughter, and infanticide, prevails in the various countries of Europe. In ordinary circumstances this task would be a laborious one, entailing a minute and careful examination of the criminal statistics and procedure of many nations. Fortunately, it has recently been accomplished by Dr. Bosco in an admirable monograph communicated in the first instance to the Journal of the International Statistical Institute, but now published in a separate form. Bosco's figures have all been taken from official sources, and may, therefore, be accepted as accurate; but, before tabulating-them, it may be useful to make an extract from the explanatory note by which they are accompanied. "As the composition of the population, with respect to age, varies in different countries, and as it has to be remembered that all the population under ten years of age has no share, at least under normal conditions, in the crime of murder, it has seemed to me a more exact method to calculate the proportion of murders to the inhabitants who are over ten years of age, than to include the total population. For those States where a census has been recently taken, such, for instance, as France and Germany, the results of that census have been used; that is to say, the French census of May, 1886, and the German census of December, 1885. For the other States the population has been calculated (adding the excess of births over deaths to the results of the last census) to the end of the intermediate year for each period of years to which the information relates; that is to say, to the end of 1883 for Belgium, and to the end of 1884 for Austria, Hungary, Spain, England, Scotland and Ireland. As the information respecting Italy refers to 1887 only, the population has been estimated up to the end of that year. The division of the population according to age (above and below ten) has been obtained by means of proportional calculations based on the results of the census for each State. In the case of France and Germany, however, it has been taken directly from the census returns."[\[16\]](#)

Homicides of all kinds in the following European States:—

Countries.	Population over ten.	Years.	Annual average
Italy	23,408,277	1887	3,606
Austria	17,199,237	1883-6	689
France	31,044,370	1882-6	847
Belgium	4,377,813	1881-5	132
England	19,898,053	1882-6	318
Ireland	3,854,588	1882-6	129
Scotland	2,841,941	1882-6	60
Spain	13,300,839	1883-6	1,584
Hungary	10,821,558	1882-6	
Holland	3,172,464	1882-6	35
Germany	35,278,742	1882-6	567

What is the import of these statistics? We perceive at once that Italy, Spain and Hungary head the list in the proportion of murders to the population. In Italy, out of every 100,000 persons over ten years of age, eleven in round numbers are annually convicted of murder in one or other of its forms; in Spain eight are convicted of the same offence, and in Hungary five are convicted. These three countries are conspicuously ahead of all the others to which our table refers. Austria and Belgium follow at a long distance with two convictions in round numbers to every 100,000 inhabitants over ten. France, Ireland and Germany come next with one conviction and

a considerable fraction to every 100,000 persons over ten; England, Scotland and Holland stand at the bottom of the list with between seven and eight persons convicted of murder to every one million of inhabitants over ten.

In order to understand the full meaning of these figures we must take one more stop and compare the numbers convicted with the numbers tried. In some countries very few convictions may take place in proportion to the number accused, while in other countries the proportion may be very considerable. In other words, in order to arrive at an approximate estimate of the amount of murders perpetrated in a country, we must consider how many cases of murder have been tried in the course of the year. It very seldom happens that a person is tried for this offence when no murder has been committed; and it may, therefore, be assumed that the crime has taken place when a man has to stand his trial for it. Estimating then the prevalence of murder in the various countries by trials, rather than convictions, it will be found that Germany, with a much larger percentage of convictions than England, has just as few cases of murder for trial. And the reason the number of convictions, as between the two nations, differs, arises from the fact that a prisoner's chance of acquittal in England is a hundred per cent. greater than it is in Germany. It is not, therefore, accurate to assume that a greater number of murders are committed in Germany than in England because a greater number of persons are annually convicted of this crime; all that these convictions absolutely prove is, that the machinery of the criminal law is more effective in the one country than in the other. To take another instance, more persons are annually tried for murder in Ireland than in France; but more cases of conviction are recorded in France than in Ireland. These contrasts show that, while the French are less addicted to this grave offence than the Irish, they are more anxious to secure its detection, and that a greater body of public opinion is on the side of law in France than in Ireland. All these instances (and more could easily be added to them) are intended to call attention to the importance of looking at the number of persons tried, as well as the percentage of persons convicted, if we desire to form an accurate estimate of the comparative prevalence of crime.

While thus showing that the number of trials for murder is the best test of the prevalence of this offence, it is not meant that the test is in all respects indisputable. At most it is merely approximate. One obstacle in the way of its entire accuracy consists in the circumstance that the proportion of persons tried, as compared with the amount of crime committed, is in no two countries precisely the same. In France, for instance, more murders are perpetrated, for which no one is ultimately tried, than in Italy or in England; that is to say, a murderer runs more risk of being placed in the dock in this country than in France. But the difference between the two countries is again to a great extent adjusted by the fact that once a man is placed in the dock in France he has far less chance of being acquitted than if he were tried according to English law. On the

whole, therefore, it may be assumed that the international statistics of trials, corrected when necessary by the international statistics of convictions, present a tolerably accurate idea of the extent to which the crime of murder prevails among the nationalities of Europe. In any case these figures will go some way towards helping us to see whether climatic conditions have any influence upon the amount of crime. This we shall now inquire into.

On looking at the isotherms for the year it will be observed that the average temperature of Italy and Spain is ten degrees higher than the average temperature of England. On the other hand, the average temperature of Hungary is very much the same as the average temperature of this country; but Hungary is at the same time exposed to much greater extremes of climate than England. In winter it is nearly ten degrees colder than England, while in summer it is as hot as Spain. The advocates of the direct effect of climate upon crime contend that account must be taken not merely of the degree of temperature, but also of the variations of temperature to which a region is exposed. According to this theory one of the principal reasons the crime of murder is, at least, fourfold higher in Hungary than in England, is to be found in the violent oscillations of temperature in Hungary as compared with England. In Italy murders are, at least, ten times as numerous as in England; in Spain they are seven times as numerous; the chief cause of this condition of things is said to be the serious difference of temperature. In the United States of America there are more crimes of blood in the South than in the North; the main explanation of this difference is said to be that the climate of the South is much hotter than the climate of the North.

In opposition to this theory of the intimate relation between temperature and crime, it may be urged that the greater prevalence of crimes of blood in hot latitudes is a mere coincidence and not a causal connection. This is the view taken by Dr. Mischler in Baron von Holtzendorff's *"Handbuch des Gefängniswesens."* He says the real reason crimes of blood are more common in the South of Europe than in the North is to be attributed to the more backward state of civilisation in the South, and to the wild and mountainous character of the country. To the latter part of this argument it is easy to reply that Scotland is quite as mountainous as Italy, and yet its inhabitants are far less addicted to crimes against the person. But it is more civilised, for, as M. Tarde ingeniously contends, the bent of civilisation at present is to travel northward. Admitting for a moment that Scotland is more civilised than Spain or Italy, all savage tribes, on the other hand, are confessedly less advanced in the arts of life than these two peninsulas. But, for all that, many of these savage peoples are much less criminal. "I have lived," says Mr. Russell Wallace, "with communities of savages in South America and in the East who have no laws or law courts, but the public opinion of the village freely expressed. Each man scrupulously respects the rights of his fellows, and any infraction of these rights rarely or never takes place." Mr. Herbert Spencer also quotes

innumerable instances of the kindness, mildness, honesty, and respect for person and property of uncivilised peoples. M. de Quatrefages, in summing up the ethical characteristics of the various races of mankind, comes to the conclusion that from a moral point of view the white man is hardly any better than the black. Civilisation so far has unfortunately generated almost as many vices as it has virtues, and he is a bold man who will say that its growth has diminished the amount of crime. It is very difficult then to accept the view that the frequency of murder in Spain and Italy is entirely due to a lack of civilisation.

Nor can it be said to be entirely due to economic distress. A condition of social misery has undoubtedly something to do with the production of crime. In countries where there is much wealth side by side with much misery, as in France and England, adverse social circumstances drive a certain portion of the community into criminal courses. But where this great inequality of social conditions does not exist—where all are poor as in Ireland or Italy—poverty alone is not a weighty factor in ordinary crime. In Ireland, for example, there is almost as much poverty as exists in Italy, and if the amount of crime were determined by economic circumstances alone, Ireland ought to have as black a record as her southern sister. Instead of that she is on the whole as free from crime as the most prosperous countries of Europe. In the face of these facts it is impossible to say that the high rate of crime in Italy and Spain is to be wholly accounted for by the pressure of economic adversity.

Will not difference of race suffice to account for it? Is it not the case that some races are inherently more prone to crime than others? In India, for instance, where the great mass of the population is singularly law-abiding, a portion of the aboriginal inhabitants have from time immemorial lived by plunder and crime. "When a man tells you," says an official report, quoted by Sir John Strachey, "that he is a Badhak, or a Kanjar, or a Sonoria, he tells you what few Europeans ever thoroughly realise, that he, an offender against the law, has been so from the beginning and will be so to the end; that reform is impossible, for it is his trade, his caste—I may almost say his religion—to commit crime." It is not poverty which makes many of these predatory races criminals. Speaking of the Mina tribe inhabiting one of the frontier districts of the Punjab, Sir John Strachey says: "Their sole occupation is, and always has been, plunder in the native States and in distant parts of British India; they give no trouble at home, and, judging from criminal statistics, it would be supposed that they were an honest community. They live amid abundance, in substantial houses with numerous cattle, fine clothes and jewels, and fleet camels to carry off their plunder." Special laws have been made for dealing with these tribes; a register of their numbers is kept; they can be compelled to live within certain local limits, but in spite of these coercive measures crime is not suppressed, and "a long time must elapse before we see the end of the criminal tribes of India."

Coming back to European peoples, it is worthy of note that both Hungary and Finland are inhabited by the same race. These two countries are separated by about fifteen degrees of latitude, but in the matter of murder the people of Finland are much more nearly allied to the Hungarians than to their immediate neighbours, the Swedes and Norwegians. The Finns commit about twice as many murders in proportion to the population as the Teutons of Scandinavia, but only about half as many as the Hungarians; and it is not improbable to suppose that while the effect of race makes them more murderous than the Scandinavians, the effect of climate makes them less murderous than the inhabitants of Hungary.

Before bringing forward any additional material on one side or the other, let us pause for a moment to consider the results which have just been obtained as to the effect of race as compared with climate upon crime. In India we have found an Aryan and a non-Aryan population living together under the same climatic influences, and very much the same social conditions, and we have seen that the Aborigines are more criminally disposed than the Aryan invaders. Again we have a Mongolian race living in the far North of Europe, and we find that they show a larger percentage of homicidal crime than the Teutonic inhabitants who live in the same latitudes. In Hungary, where the Mongoloid type is once more met with, the same facts are substantially reproduced; this type is more homicidal than the Austrian Teutons living under a similar climate. While these facts point to the conclusion that race has apparently some influence on the amount of crime, they fail to show that race characteristics alone are sufficient to explain the differences in criminality between the same peoples when settled in different quarters of the globe. The Mongoloid type in Finland is less criminal than the same type in Hungary, and the Teutonic type in Scandinavia is less murderously disposed than the same type in the empire of Austria. It has also been pointed out that the Anglo-American of the Northern States is more law abiding than his brother by race in the South, while both are more murderous than the inhabitants of the United Kingdom; where extremes of climate are not so great.

With these facts before us we shall now institute another comparison between two widely separated branches of the Anglo-Saxon race, namely, the colonists of Australia and the people of the motherland. Of the Australian colonists it is not incorrect to say that they are, on the whole, the pick of the home population. It is perfectly true that a certain proportion of the ne'er-do-wells have emigrated to Australia, and some of them, no doubt, help to swell the normal criminal population of the colonies. But, on the other hand, Australia has this advantage, that the average colonist who seeks a home beyond our shores is generally a superior man to the average citizen who remains at home; he is more steady, more enterprising, more industrious. In this way the balance is adjusted in favour of the colonies. It is a great deal more than redressed if the superior, social, and economic conditions, under which the colonists live, are also placed in the scale. In

his "Problems of Greater Britain," Sir Charles Dilke has shown, with admirable clearness, what immense advantages are enjoyed by the working population of Australia as compared with the same class at home; so much is this the case that the Australian colonies have been not inaptly called the paradise of the working man. Here then is an excellent opportunity for comparing the effects of climate upon crime. In Australia we have a people of the same race as ourselves, better off economically, living under essentially the same laws and governed in practically the same spirit. Almost the only difference between the inhabitants of the United Kingdom and the communities of Australia is a difference of climate. Does this difference manifest itself in the statistics of crime? In order to test the matter we shall exclude the colony of New South Wales from our calculations. For its size New South Wales is the richest community in the world, and its riches are well distributed among all classes of the population. But it was at one time a penal settlement, and it is possible that the criminal statistics of the colony are still inflated by that remote cause. The sister colony of Victoria stands upon a different footing and is free from that disturbing factor; we shall therefore select that colony as a normal type of the Australian group. In Part V.I.I. of the Statistical Register of the colony of Victoria for 1887, there is an excellent summary of the position of the colony with respect to crime. The admirable manner in which these judicial statistics are arranged, reflects the highest credit on the colonial authorities; for fulness of information and clearness of arrangement they are not surpassed by any similar statistics in the world. As homicide is the crime on which we have hitherto based our international comparisons, we shall, for the present, confine our attention to the Victorian statistics of this offence.

Countries.	Population over ten.	Years.	Annual average.
Victoria	581,838	1882-6	22
United Kingdom	26,594,582	1882-6	505

Before proceeding to analysis the contents of this table, it will be as well to explain the method on which it has been constructed, and the sources from which it is derived. The population of Victoria, over ten years of age, has been calculated according to the Victorian census for 1881, as contained in Part II. of the Victorian Statistical Register. In order to make the Victorian table harmonise in all particulars with Dr. Bosco's table for England, Scotland, and Ireland, the excess of births over deaths has been calculated

up to the end of 1884. The United Kingdom, it will be seen, has been selected as the measure of comparison with the colony of Victoria. This selection has been made on the ground that the colony of Victoria is not composed of the inhabitants of any one of the three kingdoms, but contains a mixture of them all. It will also be observed that the homicidal crime of each of the three kingdoms differs from the other, but this is a consideration which we shall not further comment upon at present.

After these preliminary explanations we are now in a position to examine the contents of our statistical table in its bearing upon crimes of blood. It will now be possible to see what light the criminal statistics of Victoria, as compared with the criminal statistics of the United Kingdom, throw upon these crimes; and the disturbing factor of race being eliminated, what is the influence of climate pure and simple upon them. According to the isotherms for the year the Victorians live in an atmosphere between eight and ten degrees hotter than our own. Side by side with this additional heat, there is, as compared with the United Kingdom, an additional amount of crime. In the colony of Victoria, in proportion to every 100,000 inhabitants over ten years of age, there are nearly one-third more murders annually than in the United Kingdom. On what ground is this considerable increase of homicide to be accounted for, except on the ground of climate? The higher percentage is not caused by difference of race; it is not caused by worse economic conditions—these conditions are much superior to our own—the meaning of the figures is not obscured by any material differences of legal procedure or legal nomenclature. It cannot be urged that the Victorian population are the dregs of the home population; the very opposite is the fact. The bad characters who emigrate are the only disturbing element; but, after all, these men are not so numerous, and the evil effects of their presence is counterbalanced by the superiority of the average colonist to the average citizen who remains at home. It may be said that there is greater difficulty in detecting crime in a new colony than in an old and settled country. As applied to some colonies it is possible this objection may be sound, but, as applied to Victoria, it will not hold good. In Victoria the police are much more effective than they are at home, and a criminal has much less chance of going unpunished there than he has in England. In Victoria in the year 1887, out of a total of 40,693 cases reported to the police, 34,473 were brought up for trial. In England, on the other hand, out of a total of 42,391 indictable offences reported to the police in 1886-7, only 19,045 persons were apprehended. The Victorian figures include offences of all kinds, petty as well as indictable, whereas the English figures deal with indictable offences only. But admitting this, and admitting that it is more difficult to arrest indictable offenders, this difficulty is not so great as to explain away the vast difference in the numbers apprehended in Victoria as compared with the numbers apprehended in England. Only one conclusion can be drawn from these figures, and it is that the Victorian constabulary are more efficient than our own, and that it is a more dangerous thing for a person to break the law in the young colony of Victoria than in the old community at home.



It seems to me that the points of comparison between the United Kingdom and Victoria, in so far as they have any bearing upon crime, have now been exhausted; on almost every one of these points Victoria stands in a more favourable position than ourselves. The colony has, on the whole, a better kind of citizen; it has superior social and economic conditions; it has a far more effective system of police. On what possible ground, then, is it, except the ground of climate, that the Victorians are more addicted to homicide than the people of the United Kingdom? I admit it would be rash to assert that climate is the cause if our own and the Victorian statistics were the only documents to which we could appeal; it would be rash to draw such a sweeping conclusion from so isolated a basis. But when we know that the Victorian statistics are only one set of documents among many, and that all these sets of documents point to the operation of the same law, the case assumes an entirely different complexion. The results of the Victorian statistics harmonise with the conclusions already reached from a comparison of the criminal statistics of Europe and America. These conclusions in turn are powerfully reinforced by the experience of Australia. In fact, the whole body of evidence, from whatever quarter it is collected, points with remarkable unanimity to the conviction that, as far as European peoples and their offshoots are concerned, climate alone is no inconsiderable factor in determining the course of human conduct.

Yet the evil influence of climate, mischievous as it is at present, is not to be looked upon and acquiesced in as an irrevocable fatality. At first sight it would seem as if the human race could not possibly escape the malevolent action of cosmical influences over which it has little or no control. The rise and fall of temperature, its rage and intensity, is one of these influences, and yet its pernicious offsets are capable of being held to a large extent in check. As far as bodily comfort is concerned, it is marvellous to consider the innumerable methods and devices the progressive races of mankind have invented to protect themselves against the hostility of the elements by which they are surrounded. In fact, an important part of the history of the race consists in the ceaseless efforts it has been making to improve upon and perfect these methods and devices. We have only to compare the rude hut of the savage with the modern dwelling of the civilised man in order to see to what extent we can shield ourselves from the elemental forces in the midst of which we have to live. We have only to mark the difference between the miserable and scanty garments of the natives of Terra del Fuego and the attire of the Englishman of to-day to see what can be done by man in the way of rescuing himself from the inclemencies of Nature. If these conquests can be achieved where our physical existence is in peril, there can be little reason to doubt that advances of a similar nature can be made in the moral order as soon as man comes to feel equally conscious of their necessity. As a matter of fact, in some quarters of the world these advances have already in some measure been made. In the vast peninsula of India the structure of society is so constituted that the evil effect of climate in producing crimes of blood has been marvellously neutralised. It hardly admits of dispute that the caste system on which

Indian society is based is, on the whole, one of the most wonderful instruments for the prevention of crimes of violence the world has ever seen. The average temperature of the Indian peninsula is about thirty degrees higher than the average temperature of the British Isles, and if there were no counteracting forces at work, crimes of violence in India should be much more numerous than they are with us. But the counteracting forces acting upon Indian society are of such immense potency that the malign influences of climate are very nearly annihilated as far as the crimes we are now discussing are concerned; and India stands to-day in the proud position of being more free from crimes against the person than the most highly civilised countries of Europe. In proof of this fact we have only to look at the official documents annually issued respecting the condition of British India. According to the returns contained in the Statistical Abstract relating to British India and the Parliamentary paper exhibiting its moral and material progress, the number of murders reported to the police of India is smaller than the number reported in any European State. The Indian Government issue no statistics, so far as I am aware, of the numbers tried; it is, therefore, impossible to institute any comparison between Europe and India upon this important point. But when we come to the number convicted it is again found that India presents a lower percentage of convictions for murder than is to be met with among any other people. It may, however, be urged that the statistical records respecting Indian crime are not so carefully kept as the statistics of a like character relating to England and the Continent. Sir John Strachey assures us that this is not the case; he says that these statistics are as carefully collected and tabulated in India as they are at home, and we may accept them as worthy of the utmost confidence. The following table, which I have prepared from the official documents already mentioned, may, therefore, be taken as giving an accurate account of the condition of India between 1882-6, as far as the most serious of all crimes is concerned. In order to facilitate comparison I have drawn it up as far as possible on the same lines as the other tables in this chapter.

Tried.

	Population over ten.	Years.	Annual average.	Pe
India	148,543,223	1882-6	1,930	

According to this table, the remarkable fact is established that the number of cases of homicide in India committed by persons over ten years of age and reported to the police is smaller per 100,000 inhabitants than the number of cases of the same nature brought up for trial in England. In order to appreciate the full importance of this

difference it has to be remembered that in England a great number of cases of homicide are reported to the police, for which no one is apprehended or brought to trial. In the case of the notorious Whitechapel murders which horrified the country a year or two ago no one was ever brought to trial, hardly any one was arrested or seriously suspected. These crimes and many others like them materially augment the number of homicides reported to the police, but they never figure among the cases annually brought for trial before assizes. As a matter of fact, no one is ever tried in more than one half of the cases of homicide reported to the police in the course of the year. In the year 1888, for instance, 403 cases of homicide were reported to the police in England and Wales; but in connection with all these cases only 196 persons were committed for trial. In short, double the number of homicides are committed as compared with the number of persons tried; and if a comparison is established between India and England on the basis of homicides reported to the police, the outcome of such a comparison will be to show that there are annually more than twice as many murders committed per one hundred thousand inhabitants over the age of ten in England than there are in India.

An objection may be taken to these figures on the ground that the crime of infanticide is much more prevalent to India than it is in England, and that the perpetrators of this crime are much less frequently brought to justice in the former country than with us. That objection is to some extent valid; at the same time it is well to remember that infanticide in India is an offence of a very special and peculiar character; the motives from which it springs are not what is usually understood as criminal; these motives arise from religious usage and immemorial custom; in short, it is English law and not the Indian conscience which makes infanticide a crime. Of course, the practice of infanticide is a proof that the Hindu mind has not the same high conception of the value of infant life as one finds in the western world, and in that respect India stands on an inferior moral level to ourselves. But with the exception of infanticide (and it is necessary to except it for the reasons I have just alleged) India has not half as many homicides annually as England.<sup>[17]</sup>

To what cause is this vast difference in favour of India to be attributed? It is hardly probable that the difference is produced to any appreciable extent, if at all, by the nature of the food used by the people of India. If it were correct that a vegetable diet, such as is almost exclusively used by the inhabitants of India, had a salutary effect on the conduct of the population, we should witness the results of it, not only in the Indian peninsula, but also in other quarters of the world. The nature of the food consumed by the Italians bears a very close resemblance in its essential constituents to the dietary of the inhabitants of India; in both cases it is almost entirely composed of vegetable products. If vegetable, as contrasted with animal food, exercised a beneficial influence on human conduct; if it tended, for example, to restrain the passions, to minimise the brute instincts, some indisputable proof of this would be certain to show itself in the

criminal statistics of Italy. As a matter of fact, no such proof exists. On the contrary, Italy is, of all countries within the pale of civilisation, the one most notorious for crimes of blood. In the face of this truth, it is impossible to believe that a vegetable diet has anything to do either with producing or preventing crime, and the contention that the wonderful immunity of India from offences against the person is owing to the food used by the inhabitants must be looked upon as without foundation.

The peculiar structure of society is unquestionably the most satisfactory explanation of the high position occupied by the inhabitants of India with respect to crime. The social edifice which a people builds for itself is among all civilised communities a highly complex product, and consists of a great agglomeration of diverse materials. These materials are partly drawn from the primitive characteristics of the race; they are partly borrowings from other and contiguous races; they are to a considerable extent derived from natural surroundings of all kinds; and in all circumstances they are supplemented by the genius of individuals. In short, all social structures, when looked at minutely, are found to be composed of two main ingredients—race and environment; but these two ingredients are so indissolubly interfused that it is impossible to say how much is to be attributed to the one, and how much to the other, in the building up of a society. But if, it is impossible to estimate the value of the several elements composing the fabric of society, it is easy to ascertain the dominating idea on which all forms of society are based. That dominating idea, if it may for the moment be called such, is the instinct of self-preservation, and it exercises just as great a power in determining the formation and play of the social organism as it exercises in determining the attitude of the individual to the world around him. In working out the idea of self-preservation into practical forms, the social system of most peoples has hitherto been built up with a view to protection against external enemies in the shape of hostile tribes and nations; the internal enemies of the commonwealth—the thieves, the housebreakers, the disturbers of public order, the shedders of blood, the perpetrators of violence—have been treated as only worthy of secondary consideration. Such are the lines on which social structure has, in most cases, proceeded, with the result that while external security was for long periods assured, internal security remained as imperfect and defective as ever.

The structure of society in India is, however, an exception to the general rule. External security, or, in other words, the desire for political freedom has, to a great extent, become extinct wherever the principles of Brahmanism have succeeded in taking root.

These principles have been operating upon the Indian mind for thousands of years; their effect in the sphere of politics excited the wonder of the ancient Greeks, who tell us that the Indian peasant might be seen tilling his field in peace between hostile armies preparing for battle. A similar spectacle has been seen on the plains of India in modern times. But Brahmanism, while extinguishing the principle of liberty in all its branches,

and exposing its adherents to the mercy of every conqueror, has succeeded, through the caste system, in bringing internal order, security, and peace to a high pitch of excellence. This end, the caste system, like most other religious institutions, did not and does not have directly in view; but the human race often takes circuitous routes to attain its ends, and while apparently aiming at one object, is in reality securing another. The permanent forces operating in society often possess a very different character from those on the surface, and when the complicated network in which they are always wrapped up is stripped from off them, we find that they are some fundamental human instincts at work in disguise.

These observations are applicable to the caste system. This system, when divested of its externals, besides being an attempt to satisfy the mystic and emotional elements in the Indian heart, also represents the genius of the race engaged in the task of self-preservation. The manner in which caste exercises this function is thus described by Sir William Hunter in His volume on the Indian Empire. "Caste or guild," he says, "exercises a surveillance over each of its members from the close of childhood until death. If a man behaves well, he will rise to an honoured place in his caste; and the desire for such local distinctions exercises an important influence in the life of a Hindu. But the caste has its punishments as well as its rewards. Those punishments consist of fine and excommunication. The fine usually takes the form of a compulsory feast to the male members of the caste. This is the ordinary means of purification, or of making amends for breaches of the caste code. Excommunication inflicts three penalties: First, an interdict against eating with the fellow members of the caste; second, an interdict against marriage within the caste. This practically amounts to debarring the delinquent and his family from respectable marriages of any sort; third, cutting off the delinquent from the general community by forbidding him the use of the village barber and washerman, and of the priestly adviser. Except in very serious cases, excommunication is withdrawn upon the submission of the offender, and his payment of a fine. Anglo-Indian law does not enforce caste decrees. But caste punishments exercise an efficacious restraint upon unworthy members of the community, precisely as caste rewards supply a powerful motive of action to good ones. A member who cannot be controlled by this mixed discipline of punishment and reward is eventually expelled; and, as a rule, 'an out-caste' is really a bad man. Imprisonment in jail carries with it that penalty, but may be condoned after release by heavy expiations."

Those remarks of Sir William Hunter afford an insight into the coercive power exercised by the caste system on the Indian population. Without that system it is probable that the criminal statistics of India would present as high a proportion of crimes of violence and blood as now exists among the peoples of Southern Europe. But with that system in active operation, the evil influence of climate is completely neutralised and India at the present moment enjoys a remarkable immunity from violent

crime. With the example of India before us we are justified in coming to the conclusion that homicide and crimes of a kindred nature need not necessarily be the malign products of climate. Whatever climate has to do with fostering these offences may be obviated by a better form of social organisation. It would be ridiculous to dream of basing western society upon Indian models; but at the same time India teaches us a lesson on the construction of the social fabric which it would be well to learn. The tendency of western civilisation at the present time is to herd vast masses of men into huge industrial centres. It is useless discussing the abstract question whether this is a good thing or a bad; we must reconcile ourselves to the fact that it is a process forced upon communities by the necessities of modern industrialism; and we must accordingly make the best of it. In our efforts to make the best of present tendencies, and to render them as innocuous as possible to social welfare, there is one point at least where India is able to teach us an instructive lesson. In India a man seldom becomes, what he too often is, in all our large cities, a mere lonely, isolated unit, left entirely to the mercy of his own impulses, constrained by no social circle of any description, and unsustained by the pressure of any public opinion for which he has the least regard. In India he is always a member of some fraternity within the community; in that fraternity or caste he feels at home; he is never isolated; he belongs to a circle which is not too big for his individuality to be lost; he is known; he has a reputation and a status to maintain; his life within the caste is shaped for him by caste usages and traditions, and for these he is taught to entertain the deepest reverence. Caste is in many of its aspects a state in miniature within the state; in this capacity it performs a variety of admirable functions of which the state itself is and must always remain incapable.

Before the era of great cities the township in the West used to exorcise some of the functions at present discharged in India by the system of caste. But the township in the old sense of the word, with its settled population and the common eye upon all its members, has to a large extent disappeared. The influence of the family is at the same time being constantly weakened by the migratory habits modern industrialism entails on the population; in a word, the old constraining force, which used to hold society together, are almost gone, and nothing effective has sprung up to replace them.

In these circumstances what is to be done? It is useless attempting to restore the past. That never has been accomplished successfully; all attempts in that direction look as if they were opposed to the nature of things. It is among the living and vigorous forces of the present that we must look for help. I shall content myself by mentioning one of these forces, namely Trade Societies. It seems a pity that these societies should confine their operations merely to the limited object of forcing up wages. That object is, of course, a perfectly laudable and legitimate one, but it is surely not the supreme and only end for which a Trade Society should exist. A Trade Society would do well to teach its members how to spend as well as how to earn. What, indeed, is the use of higher wages to a

certain section of the members of Trades-Unions? The increased pay, instead of being a blessing, becomes a curse; it leads to drunkenness, to wife-beating, to disorder in the public streets, to assaults on the police, to crimes of violence and blood. It is a melancholy fact that the moment wages begin to rise, the statistics of crime almost immediately follow suit, and at no period are there more offences of all kinds against the person than when material prosperity is at its height.

It lies well within the functions of such Trades-Unions as possess an enlightened regard for the welfare of their members, to introduce a code of regulations which would tend to minimise some of the evils which have just been mentioned. It would immeasurably raise the status of the Union, if certain disciplinary measures could be adopted against members convicted of offences against the law. In the professions of law and medicine it is the custom at the present time to expel members who are proved guilty of serious offences of this description, and unquestionably the dread of expulsion exercises a most salutary influence on the conduct of all persons belonging to these professions. It would be possible for Trade organisations to accomplish much without resorting to this rigorous treatment; and the real object for which such societies exist—the well-being of the members—would be attained much more effectively than is the case at present. Wages are but the means to an end; the end is individual, domestic and social welfare, and it is only a half measure to supply the means unless something is also done to secure the end.

### CHAPTER III.

#### THE SEASONS AND CRIME.

Let us now approach the question of temperature and crime from another point of view. International statistics indicate pretty clearly that warm regions exercise an injurious effect on the conduct of European peoples. Does the information furnished by these statistics stand alone, or is it supported by the result of investigations conducted in a different field? To this vital question it will be our endeavour to supply an answer. In the annual reports of the Prison Commissioners there is an instructive diagram showing the mean number of prisoners in the local prisons of England and Wales on the first Tuesday of each month. This diagram has been published for a considerable number of years, and if we take any period of six years it is remarkable to observe the unfailing regularity with which crime begins to decrease as soon as the summer is over and the temperature begins to fall. From the month of October till the month of February in the following year, the prison population continues almost steadily to diminish; from the month of February till the month of October, the same population, allowing for pauses in its progress and occasional deflections in its course, mounts upwards with the

rising temperature. According to the last sextennial diagram of the Prison Commissioners, which embraces the six years ended March, 1884, the mean number of prisoners in the local prisons of England and Wales was, on the first Tuesday in February, 17,600; on the first Tuesday in April it had risen to 18,400; on the first Tuesday in July it had reached nearly 19,000; on the first Tuesday in October it culminated in 19,200. From this date onwards the numbers decreased just as steadily as they had previously risen, reaching their lowest point in February, when the upward movement again commenced. The steadiness and regularity of this rise and fall of the prison population, according to the season of the year, goes on with such wonderful precision that it must proceed from the operation of some permanent cause. What is this permanent cause? Is it economic, social, or climatic?

Is it economic? It is sometimes asserted that the increase of crime in the summer months is due to the large number of tramps who leave the workhouses after the winter is over and roam the country in search of employment. Many of these wanderers, it is said, are arrested for vagrancy; in summer they swell the prison population just as they swell the workhouse population in winter. This explanation of the increase of crime in summer contains so many elements of probability, that it has come to be rather widely accepted by students of criminal phenomena. It has not, however, been my good fortune to meet with any facts or statistics of sufficient weight to establish the validity of this explanation. As far as I can ascertain it is an explanation which has obtained currency almost entirely through its own intrinsic probability; it is believed, but it has not been proved. Let us proceed to put it to the test. For this purpose we shall select the county of Surrey—a fairly typical English county, composed partly of town and partly of country. In the county of Surrey during the month of July, 1888, sixty per cent. fewer persons were imprisoned for vagrancy than in the following month of January, 1889. As far as Surrey is concerned, these figures effectually dispose of the idea that vagrancy is more common in summer than in winter; as a matter of fact they demonstrate that the very opposite is the case. Surrey is the only county for which I have been able to obtain trustworthy statistics, but there is every reason to believe that the statistics of Surrey reveal on a limited scale what the whole of England, if figures were procurable, would reveal on a large scale. Assuming, then, that what holds good for Surrey is equally valid for the rest of England, the conclusion is forced upon us that the augmentation of crime in summer does not arise from an increase of vagrants and others arrested and convicted under the Vagrancy Acts while in search of work or pretending to be in search of it. The assumption that such is the case is quite unwarranted by the facts so far as they are obtainable, and another explanation must be sought of the greater prevalence of crime in summer as compared with winter.

An economic cause of an opposite character to vagrancy has by some been considered as accounting for the facts now under consideration. In the summer months,



work as a rule is more easily procured; people in consequence have more money to spend; drunkenness becomes more common, and the high prison population of summer is to be attributed to drink. That there is a greater consumption of drink when work becomes more plentiful is a perfectly correct statement which has been verified over and over again, and it is also equally correct to say that drinking leads its victims to the police court. But it has to be remembered that in almost all cases of drunkenness the magistrate allows the alternative of a fine. A much larger percentage of fines is paid in summer than in winter, the result being that the increase of drunkenness in summer does not disproportionately increase the size of the prison population. In July, 1888, as compared with January, 1889, cases of felony and assault, followed by imprisonment, increased in the county of Surrey 20 and 28 per cent. respectively, while drunkenness on the other hand only increased 18 per cent. The reason of this relatively small increase of imprisonment for drunkenness does not arise from the fact that there is less drunkenness in proportion to the other forms of crime; it is owing to the greater facility with which this offence can be purged by the payment of a fine. It is more easily purged in this fashion in summer than in winter, because people have more money in their pockets. Money, in short, acts in two capacities which neutralise each other; on the one hand it brings more persons before the magistrates on charges of drunkenness; on the other hand, it enables more persons to escape with the simple penalty of a fine. The prison population is, therefore, not unduly swollen in summer by the undoubted increase in drinking during that season of the year; drinking has, in fact, less to do with that increase than any other cause.

The preceding observations on vagrancy and drinking will suffice to show that as far as these two factors are concerned, the rise of the prison population in the warm weather cannot be explained on economic grounds. Are there any social habits which will account for it? Change of seasons has a notable effect on social habits. In the cold days of winter, the great mass of the population live as much as possible within the shelter of their own home; as long as the short days and the cheerless and dismal weather continue, there is little to tempt them out of doors and to bring them into contact with each other. But with the advance of spring this condition of things is changed; the lengthening days, the milder atmosphere, the more abundant sunshine offer increased facilities for social intercourse. Crowds of people are thrown together, quarrelling and disorders arise, which call for the interference of the police to be followed shortly after by a sentence of imprisonment. The growth of international intercourse is said to make for peace; the growth of social intercourse, admirable as it is in many respects, has the unfortunate drawback of mating for black eyes and broken heads. Admitting the truth of this serious indictment against our social instincts, and no one can deny that it does contain a considerable amount of truth, the fact still remains that weather is indirectly if not directly the source from which the increase of crime in summer proceeds. It is the good weather that multiplies occasions for human intercourse; the multiplication of

these facilities augments the volume of crime; and thus it comes to pass, that the conduct of society is, at least, indirectly affected by changes of season and the oscillations of temperature.

But it is also directly affected by these causes, as I shall now proceed to show. In one of the principal London prisons the average prison population during the months of June, July and August for the five years ended August, 1889 was 1,061, and the daily average number of punishments amounted to 9 and a fraction per thousand. The average population during the winter months of December, January, February, for the five years ended February, 1890, was 1009, and the daily average number of punishments amounted to 7 and a fraction per thousand. According to these statistics, we have an increase of 2 punishments per day, or 12 per week (omitting Sundays) to every thousand prisoners in the three summer months as compared with the three winter months. In other words, there is a greater tendency among the inmates of prisons to commit offences against prison regulations in summer than in winter. In what way is this manifest tendency to be accounted for? If prisoners were free men living under a variety of conditions, and subject to a host of complex influences, it would be possible to adduce all sorts of causes for the existence of such a phenomenon, and it would be by no means a difficult matter to find plausible arguments in support of each and all of them. But the almost absolute similarity of conditions under which imprisoned men live excludes at one stroke an enormous mass of complicating factors, and reduces the question to its simplest elements. Here are a thousand men living in the same place under the same rules of discipline, occupied in the same way, fed on the same materials, with the same amount of exercise, the same hours of sleep; in fact, with similarity of life brought almost to the point of absolute identity; no alteration takes place in these conditions in summer as compared with winter, yet we find that there are more offences committed by them in the hotter season than in the colder. In what way, except on the ground of temperature, is this difference to be explained. The economic and social factors discussed by us in connection with the increase of crime do not here come into play. All persons in prison are living under the same social and economic conditions in hot weather as well as in cold. The only changes to which they are subjected are cosmical; cosmical causes are accordingly the only ones which will account adequately for the facts. Of these cosmical causes, temperature is by far the most conspicuous, and it may therefore be concluded that the increase of prison offences in summer is attributable to the greater heat.

Seeing, then, that temperature produces these effects inside prison walls, it is only reasonable to infer that it produces similar effects on the outside world. The larger number of offences against prison discipline which take place in the hot weather have their counterpart in the larger number of offences committed against the criminal law during the same season of the year. The conclusions arrived at with respect to the action

of season are supported by the conclusions already reached with respect to the action of climate. In fact, both sets of conclusions support each other; both of them point to the operation of the same cause.

To any one who may still feel reluctant to admit the intimate relation between cosmical conditions and crime I would point out that suicide—a somewhat similar disorder in the social organism—likewise increases and diminishes under the influences of temperature. "We cannot help acknowledging," says Dr. Morselli, in his work on "Suicide," "that through the whole of Europe the greater number of suicides happen in the two warm seasons. This regularity in the annual distribution of suicide is too great to be attributed to chance or to the human will. As the number of violent deaths can be predicted from year to year with extreme probability in any particular country, so can the average of every season also be foreseen; in fact, these averages are so constant from one period to another as to have almost the specific character of a given statistical series." Professor von Oettingen in his valuable work, "Die Moralstatistik," comes to the very same conclusions as Morselli, although his point of view is entirely different. After mentioning several of the principal States of Europe, the statistics of which he had examined, Von Oettingen goes on to say that it may be accepted as a general law that the prevalence of suicide in the different months of the year rises and falls with the sun—in June and July it is most rampant; in November, December and January it descends to a minimum. In London there are many more suicides in the sunny month of June than in the gloomy month of November, and throughout the whole of England the cold months do not demand nearly so many victims as the hot. In the face of these indisputable facts Von Oettingen, while rejecting the idea that there is any inexorable fatality, as Buckle believed, connected with their recurrence, is obliged to admit that the hot weather exercises a propelling influence on suicidal tendencies, and that the cold weather on the other hand acts in an opposite direction<sup>[18]</sup>.

The influence of temperature is, however, much less powerful on crime than it is on suicide. It has the effect of raising by one third the number of persons to whom life becomes an intolerable burden, but according to the diagram in the Prison Commissioners' Reports the highest increase in crime between summer and winter does not amount to more than one twelfth. In other words, between six and eight per cent. of the crime committed in this country in summer may with reasonable certainty be attributed to the direct action of temperature. This is a most important result and I should almost hesitate to state it if it were supported by my investigations only. But this is far from being the case. In an important paper contributed to the *Revista di Discipline Carcerarie* for 1886, Dr. Marro, one of the most distinguished students of crime in Italy, has arrived at similar conclusions. He has shown that in the Italian prisons in the four hottest months of the Italian summer—May, June, July and August—there are also the greatest number of offences against prison discipline. This is a result which coincides

in every particular with what has already been pointed out as holding good in English prisons, and the attempts of Dr. Colajanni in the second volume of his work, "*La Sociologia Criminale*," to explain it away are not by any means successful. It is hardly possible to conceive a more suitable form of test for estimating the effect of temperature on human action than the one afforded by a comparison of the offences committed against prison regulations at the different seasons of the year. Such a comparison amply bears out the contention that the seasons are a factor which must not be overlooked in all enquiries respecting the origin of crime, and the best methods of dealing with it.

In what way does a rise in temperature act on the individual so as to make him less capable of resisting the criminal impulse? This is a question of some difficulty, deserving more attention from physiologists than it has yet received. It is a satisfactorily established conclusion that the higher temperature of the summer months has a debilitating effect on the digestive functions; it is also believed that these months have an enervating effect on the system generally. In so far as the heat of summer produces disease, it at the same time tends to produce crime. Persons suffering from any kind of ailment or infirmity are far more liable to become criminals than are healthy members of the community. The intimate connection between disease and crime is a matter which must never be forgotten. In the present instance, however, the closeness of this connection is not sufficient to account for the growth of crime in summer. According to the Registrar General's report for 1889 the death rate in the twenty-eight large towns is less in the six months from June to November than in the six months which follow. There is, therefore, less disease at the very time when there is most crime. In the face of this fact it cannot be contended that disease, generally, pushes the population into criminal courses in summer.

But while this is so, it may yet be true that some special enfeeblement (generated by the rise of temperature) which does not assume the acute form usually implied in the name, disease has the effect of stimulating impulses of a criminal character, or of weakening the barrier which prevents these impulses from breaking out and carrying all before them. It is a perfectly well-established fact that a high temperature not only produces physical enfeeblement, but that it also impairs the usual activity and energy of the brain. In other words, a high temperature is invariably accompanied by a certain loss of mental power. In most persons this loss is comparatively trifling, and has hardly any perceptible effect on their mode of life and conduct; in others, it assumes more serious proportions. In some who are susceptible to cosmical influences, and for one reason or another are already on the borderland of crime, the decrease of mental function involved in a rise of temperature becomes a determining factor, and a criminal act is the result. Through the agency of climate the mental forces which are normally capable of holding the criminal instincts in check, lose for a time their accustomed power, and it is whilst this temporary loss endures that the person subject to it becomes

most liable to be plunged into disaster. It is in this manner, in my belief, that temperature deleteriously operates upon human conduct.

The results of my investigations do not, however, bear out the commonly accepted view that crimes against property increase in the depth of winter. As far as this law relates to crime in France it may be correct; the statistical inquiries of Guerry, Ferri, and Corre point to that conclusion. On the other hand, as far as the law relates to England, I have serious doubts as to its validity. In the county of Surrey, in the year 1888-89, not only more crimes against the person, but also more crimes against property were committed in July than in January. In the former month, as compared with the latter, cases of felony increased 20 per cent.; and if Surrey is to be taken as a fairly typical English county—which there is every reason to believe it is—we have before us the remarkable fact that there are more offences against property in summer than in winter. The current opinion that winter is the most criminal period of the year is entirely fallacious, and it is extremely probable that it is equally fallacious to imagine that property is less safe when the days are short and the nights long.

But while property, on the whole, is more safe in winter than in summer, the offences committed against it in winter are, as a rule, of a more serious character. This, at least, is the conclusion which I should be inclined to draw, from the fact that there are more indictable offences—that is to say, offences not tried by a magistrate, but by a judge and jury—in the six months between October and March than in the summer six months. For the year ended September, 1888, which is an average year, there were fully 2000 more indictable offences in the winter six months than in the summer six months. As a considerable proportion of indictable offences consist in crimes against property of the nature of housebreaking and burglary, it is very probable that these crimes are most prevalent in winter. But if all kinds of offences against property, petty as well as grave, are thrown together, and calculated under one head, it comes out that these offences are most numerous in summer.

The only kind of crime that increases in Surrey in winter is vagrancy; the growth of this offence for the years I have mentioned in January, as contrasted with July was 60 per cent. The development of vagrancy in the cold months is partly owing to the fact that work is not so easily procured in the cold weather; and a certain percentage of the population, mainly dependent for subsistence on casual and irregular out-door jobs, will rather resort to begging than the workhouse, when this kind of occupation is temporarily at a standstill. This class, however, is a comparatively small one, and constitutes a very feeble proportion of the offenders against the Vagrancy Acts which swell the prison statistics in winter. Most of the offenders against these acts are people who seize the opportunity afforded by the bitter weather of appealing to the sympathies of the public. In summer the occupation of such persons is to some extent gone; in the hot sunshine their rags and piteous looks do not so strongly affect our feelings of commiseration; we

know they are not suffering from cold; their petitions and entreaties accordingly fall upon deaf ears; in short, begging is not a paying trade in the hot months. In winter, all these conditions are reversed; with the first fall of snow off go the vagrant's boots, and out he runs looking the picture of misery and destitution. In an hour or two, if he escapes the attentions of the police, he has made as much as will keep him comfortably for a few days; but like many better men his success often brings about his fall; the alms of a generous public are consumed in the nearest beer-shop; sallying forth in quest of fresh booty, and made bold and insolent with drink, the beggar soon finds himself in the hands of the authorities. Anyone who cares to verify this statement can easily do so by following the reports of the police courts, and taking note of the number of convictions for *drunkenness and begging*—a somewhat significant combination of offences, and one which ought to make the inconsiderate giver pause.

What are the practical conclusions to be deduced from this study of the relations between temperature and crime? The first and most obvious conclusion is, that any considerable rise of temperature has a tendency, as far as Europeans and their descendants are concerned, to diminish human responsibility. Whether there are any palliatives against this tendency in the way of regimen, and what they are, is a matter for the consideration of physiologists; and a most important matter it is, for a high temperature does not merely lead to offences against the law, it also injuriously affects the conduct of children in schools, of soldiers in the army, of workmen in factories, and of the public generally in their relations with one another. While it is the task of physiologists to examine the physical aspects of the anti-social tendencies developed by variations of temperature, it is the duty of all persons placed in positions of authority to recognise their existence; and to recognise their existence not merely in others, but also in themselves. It is, unfortunately, not seldom true that justice is not administered so wisely and patiently in the burning summer heat as it is at other times. In adjudicating on criminal cases in the sultry weather, magistrates and judges would do well to remember that cosmical influences are not without their effect on human judgments, and that precipitate decisions, or decisions based upon momentary irritation, or decisions, the severity of which they may afterwards regret, are to some extent the result of those influences. The same caution is applicable to those who have to deal with convicted men; it should be remembered by them that in summer their tempers are more easily tried, while they have at the same time more to try them; and the knowledge of these facts should keep them on the alert against themselves.

While increased temperature undoubtedly decreases personal responsibility, it is a most difficult matter to decide whether this factor ought to be taken into consideration when passing sentence on criminal offenders. It is much more truly an extenuating circumstance than the majority of pleas which receive the name. In a variety of cases, such, for instance, as threats, assaults, manslaughter, murder, a high temperature

unquestionably sometimes enters as a determining factor into the complex set of influences which produce these crimes. But the first difficulty confronting a judge, who endeavours to take such a factor into account, will be the difficulty of discovering whether it was present or not in the individual case he has before him. In reply to this objection it may be urged, and urged too with considerable truth, that this hindrance is not insuperable. It is possible to overcome it by noting whether the case in question stands alone, or whether it is only one among a group of others taking place about the same period. Should it turn out to be a case that stands alone, it would be fair to assume that temperature is not a cause requiring to be taken into consideration in dealing with the offender. Should it, on the contrary, turn out to be one in a group of cases, it would be equally fair to assume that temperature was not without its effect in determining the action of the offender.

Having got thus far, having isolated temperature from among the other causes, and having fixed upon it as the most potent of them all, what would immediately and imperatively follow? As a matter of course it would ensue that a person whose deeds are powerfully influenced by the action of temperature is to that extent irresponsible for them. To arrive at such a conclusion is equivalent to saying that such a person, if his offences are at all serious, constitutes a grave peril to society. In a sense, he may be less criminal, but he is certainly more dangerous; and as the supreme duty of society is self-preservation, such a person must be dealt with solely from that point of view. It would be ridiculous to let him off because he is largely irresponsible; his irresponsibility is just what constitutes his danger, and is the very reason he should be subjected to prolonged restraint.

In all offences of a trivial character presumably springing to a large extent from the action of temperature, it might be wise if the offender were only punished in such a way as would keep alive in his memory a vivid recollection of the offence. This method of punishment is better effected by a short and sharp term of imprisonment than by inflicting a longer sentence and making the prison treatment comparatively mild. A short, sharp sentence of this character has also another advantage which is well worth attention. In many cases the offender is the bread-winner of the home. The misery which follows his prolonged imprisonment is often heartrending; the home has to be sold up bit by bit; the mother has to strip off most of her scanty garments and becomes, a piteous spectacle of starvation and rags, the childrens' things have to go to the pawnshop; and it is fortunate if one or two of the family does not die before the husband is released. The misery which crime brings upon the innocent is the saddest of its features, and whatever society can do consistently with its own welfare to shorten or mitigate that misery, ought, in the interests of our common humanity, to be done.

One word with reference to offences which do not come within the cognisance of the criminal law. I do not know if there are any statistics to show that, in schools, in

workshops, in the army, or, indeed, in any industry or institution where bodies of people are massed together under one common head—there are more cases of insubordination and more offences against discipline when the temperature is high than in ordinary circumstances. But, whether such a statistical record exists or not, there can be little doubt that cases of refractory conduct prevail most largely in the warm season. It would therefore be well if this fact were borne in mind by all persons whose duty it is to enforce discipline and require obedience. Considering that there are certain cosmical influences at work, which make it not difficult for the ordinary human being to submit to discipline, it might not be inexpedient, in certain cases, to take these unusual conditions into account and not to enforce in their full rigour all the penalties involved in a breach of rules. It is a universal experience that many things which can ordinarily be done without fatigue or trouble, become, at times, a burden and a source of irritation. Some physical disturbance is at the root of this change, and a similar disturbance is also at the root of the defective standard of conduct which a high temperature almost invariably succeeds in producing among some sections of the community.

#### CHAPTER IV.

##### DESTITUTION AND CRIME.

Under this heading I shall discuss some of the more important social factors which either directly or indirectly tend to produce crime. It will be impossible to discuss them all. The action of society upon the individual is so complex, its effects are so varied, in many instances so impalpable, that we must content ourselves with a survey of those social phenomena which are most generally credited with leading up to acts of delinquency.

It is very commonly believed that destitution is a powerful factor in the production of crime; we shall therefore start upon this inquiry by considering the extent to which destitution is responsible for offences against person and property. A definition of what is meant by destitution will assist in clearing the ground. It is a definition which is not at all difficult to formulate; one destitute person is remarkably like another, and what applies to one applies with a considerable degree of accuracy to all. We shall, therefore, define a destitute person as a person who is without house or home, who has no work, who is able and willing to work but can get none, and has nothing but starvation staring him in the face. Is any serious amount of crime due to the desperation of people in a position such as this? In order to answer this question it is necessary, in the first place, to ask what kind of crime such persons will be most likely to commit. It is most improbable that they will be crimes against the person, such as homicide or assault; it will not be drunkenness, because, on the assumption of their destitution, they will



possess no money to spend. In short, the offences a person in a state of destitution is most likely to commit are begging and theft. What proportion of the total volume of crime is due to these two offense? This is the first question we shall have to answer. The second is, to what extent are begging and theft the results of destitution? An adequate elucidation of these two points will supply a satisfactory explanation of the part played by destitution in the production of crime.

The total number of cases tried in England and Wales either summarily or on indictment during the year 1887-88 amounted to 726,698. Out of this total eight per cent. were cases of offences against property excluding cases of malicious damage, and seven per cent. consisted of offences against the Vagrancy Acts. Putting these two classes of offences together we arrive at the result that out of a total number of crimes of all kinds committed in England and Wales, 15 per cent. may conceivably be due to destitution. This is a very serious percentage, and if it actually represented the number of persons who commit crime from sheer want of the elementary necessities of life, the confession would have to be made that the economic condition of the country was deplorable. But is it a fact that destitution in the sense we have been using the word is the cause of all these offences? This is the next question we have to solve, and the answer springing from it will reveal the true position of the case.

Let us deal first with offences against property. As has just been pointed out these constitute eight per cent. of the annual amount of crime. But according to inquiries which I have made, one half of the annual number of offenders against property, so far from being in a state of destitution, were actually at work, and earning wages at the time of their arrest. Nor is this surprising. The daily newspapers have only to be consulted to confirm it. In a very great number of instances the records of criminal proceedings testify to the fact that the person charged is in some way or other defrauding his employer, and when these cases are deducted from the total of offences against property, it considerably lessens the percentage of persons driven by destitution into the ranks of crime. Add to these the great bulk of juvenile offenders convicted of theft, and that peculiar class of people who steal, not because they are in distress, but merely from a thievish disposition, and it will be manifest that half the cases of theft in England and Wales are not due to the pressure of absolute want.

But what shall be said of the other half which still represents four per cent. of the annual amount of crime. According to the calculations just referred to, the offenders constituting this percentage were not in work when the crimes charged against them were committed. Was it destitution arising from want of employment which led them to break the law? At first sight one may easily be inclined to say that it is. These people, it will be argued, have no work and no money. What are they to do but beg or steal? Before jumping at this conclusion it must not be forgotten that there is such a person as the habitual criminal. The habitual criminal, as he will very soon tell you if you possess

his confidence absolutely, declines to work. He never has worked, he does not want work; he prefers living by his wits. With the recollection of imprisonment fresh upon him an offender of this description may in rare instances take employment for a short period, but the regularity of life which work entails is more than he can bear, and the old occupation of thieving is again resorted to. To live by plundering the community is the trade of the habitual criminal; it is the only business he truly cares for, and it is wonderful how long and how often he will succeed in eluding the suspicion and vigilance of the police. Of course, offenders of this class, when arrested, say they are out of work, and will very readily make an unwary person believe that it is destitution which drives them to desperation. But as was truly remarked a short time ago by a judge in one of the London courts, nearly all of these very men are able to pay high fees to experienced counsel to defend them. After these observations, it will be seen that the habitual criminal, the man who lives by burglary, housebreaking, shoplifting, and theft of every description, is not to be classed among the destitute. Criminals of this character constitute at least two per cent. of the delinquents annually brought before the courts.

Respecting the two per cent. of offenders which remain to be accounted for, it will not be far from the mark to say that destitution is the immediate cause of their wrongdoing. These offenders are composed of homeless boys, of old men unable to work, of habitual drunkards who cannot get a steady job, or keep it when they get it, of vagrants who divide their time between begging and petty theft, and of workmen on the tramp, who have become terribly reduced, and will rather steal than enter a workhouse. The percentage of these offenders varies in different parts of the country. In the north of England, for instance, there are comparatively few homeless boys who find their way before the magistrates on charges of theft; in London, on the other hand, the number is considerable, and ranges according to the season of the year, or the state of trade, to between 1 and 3 per cent. of the criminal population. Why does London enjoy such an evil pre-eminence in this matter? In my opinion it often arises from the fact that house-accommodation is so expensive in the metropolis. In London, it is a habit with many parents, owing to the want of room at home, to make growing lads shift for themselves at a very early age. These boys earn just enough to enable them to secure a bare existence; out of their scanty wages it is impossible to hire a room for themselves; they have to be contented with the common lodging-house. In such places these boys have to associate with all sorts of broken-down, worthless characters, and in numbers of instances they come by degrees to adopt the habits and modes of life of the class among which their lot is cast. At the very time parental control is most required it is almost entirely withdrawn; the lad is left to his own devices; and, in too many cases, descends into the ranks of crime. The first step in his downward career begins with the loss of employment; this sometimes happens through no fault of his own, and is simply the result of a temporary slackness of trade; but in most instances a job is lost for want of punctuality or some other boyish irregularity which can only be properly corrected at

home. To lose work is to be deprived of the means of subsistence; the only openings left are the workhouse or crime. It is the latter alternative which is generally chosen, and thus, the lad is launched on the troubled sea of crime.

It must not be understood that all London boys drift into crime after the manner I have just described. In some instances these unfortunates have lived all their life in criminal neighbourhoods, and merely follow the footsteps of the people around them. What, for instance, is to be expected from children living in streets such as Mr. Charles Booth describes in his work on "Life and Labour in East London?" One of these streets, which he calls St. Hubert Street, swarms with children, and in hardly any case does the family occupy more than one room. The general character of the street is thus depicted. "An awful place; the worst street in the district. The inhabitants are mostly of the lowest class, and seem to lack all idea of cleanliness or decency .... The children are rarely brought up to any kind of work, but loaf about, and, no doubt, form the nucleus for future generations of thieves and other bad characters." In this street alone there are between 160 and 170 children; these children do not require to go to lodging-houses to be contaminated; they breathe a polluted moral atmosphere from birth upwards, and it is more than probable that a considerable proportion of them will help to recruit the army of crime. It is not destitution which will force them into this course, but their upbringing and surroundings.

In addition to homeless boys who steal from destitution, there are, as I have said, a number of decrepit old men who do the same. There is a period in a workman's life when he becomes too feeble to do an average day's work. When this period arrives employers of labour often discharge him in order to make way for younger and more vigorous men. If his home, as sometimes happens, is broken up by the death of his wife, his existence becomes a very lonely and precarious one. An odd job now and again is all he can get to do, and even these jobs are often hard to find. His sons and daughters are too heavily encumbered with large families to be capable of rendering any effective assistance, and the Union looms gloomily in the distance as the only prospect before the worn-out worker. But it sometimes happens that he will not face that prospect. He will rather steal and run the risk of imprisonment. And so it comes to pass that for a year or two before finally reconciling himself to the Union, the aged workman will lead a wandering, criminal life on a petty scale; he becomes an item in the statistics of offenders against property.

Habitual drunkards form another class who sometimes steal from destitution. The well-known irregularity of these men's habits prevents them, in a multitude of cases, from getting work, and unfortunately, they cannot keep it when they do get it. Employers cannot depend on them; as soon as they earn a few shillings they disappear from the workshop till the money is spent on drink. It is at such times that they are arrested for being drunk and disorderly. As they can never pay a fine they have to go to

prison, but long before their sentence has expired they have lost their job, and must look out for something else. If such men do not find work many of them are not ashamed to steal, and it is only when trade is at flood-tide that they can be sure of employment, no matter how irregular their habits may be. At other times they are the first to be discharged and the last to be engaged. It is not really destitution, but intemperance which turns them into thieves. That they are destitute when arrested is perfectly true, but we must go behind the immediate fact of their destitution in order to arrive at the true causes of their crimes. When this is done it is found that the stress of economic conditions has very little to do with making these unhappy beings what they are; on the contrary, it is in periods of prosperity that they sink to the lowest depths.

Summing up the results of this inquiry into the relations between destitution and offences against property, we arrive as nearly as possible at the following figures, so far as England and Wales are concerned:—

Proportion of offences against property to total offences:

Thus divided:

Proportion of offenders in work when arrested:

Proportion of offenders, habitual thieves:

Proportion of offenders, homeless lads and old men:

Proportion of offenders, drunkards, tramps:

We shall now proceed to an examination of offences against the Vagrancy Acts presumably arising from destitution. It has already been pointed out that seven per cent. of the annual amount of crime committed in England and Wales consists of offences against the Vagrancy Acts, and it now remains for us to inquire whether these offences are the result of destitution, or what part destitution plays in producing them.

Out of the 52,136 offenders against the Vagrancy Acts in the year 1888, less than one half (45 per cent.) were charged with begging; the other offences consisted principally in prostitution, in having implements of housebreaking, in frequenting

places of public resort to commit felony, in being found on enclosed premises for unlawful purposes. In all these cases, with the exception of prostitution, it is not probable that destitution had much, if anything, to do with inducing the offenders to violate the law. Men who live the life of incorrigible rogues, who prowl about enclosed premises, who lead a mysterious existence, without doing any work, are not to be classed among the destitute; as a general rule, such persons are habitual thieves and vagabonds, who persist in the life they have adopted merely because it suits them best. One of the great difficulties in dealing with persons of this stamp is their hatred of a well-ordered existence; in a vast number of cases the life they live is the only kind of life they thoroughly enjoy; it is a profound mistake to imagine that they are pining for what are usually regarded as the decencies and comforts of human beings. Nothing is further from their thoughts. Let us alone and mind your own business is the secret sentiment and often the open avowal of most of these people. "We should be miserable living according to your ideas; let us live according to our own." It is very common for benevolent people to assume that the objects of their compassion and solicitude are, in reality, as wretched as they imagine them to be. Living themselves in ease, and it may be affluence, and surrounded by all the amenities of existence, it is difficult for them to realise that multitudes can enjoy a rude kind of happiness in the absence of all this. Such, however, is the fact. The vagabond class is not more miserable than any other; it is, of course, not without its sorrows, vicissitudes, and troubles, but what section of the community is free from these ills? This class has even a philosophy adapted to its circumstances, the fundamental articles of which have been once for all summed up in the lines of Burns:—

"Life is all a variorum;  
We regard not how it goes,  
Let them cant about decorum  
Who have characters to lose."

What has just been said respecting the loafing, thieving vagabond applies in a very great measure to the ordinary beggar. The habitual beggar is a person who will not work. He hates anything in the shape of regular occupation, and will rather put up with severe hardships than settle down to the ordinary life of a working-man. It would be easy to adduce instances to demonstrate the accuracy of what is here stated. It would be easy to mention cases by the hundred, in which men addicted to begging have been thoroughly fitted out and started in life, but all to no purpose. Once a man fairly takes to begging, as a means of livelihood, it is almost hopeless attempting to cure him. After a time he loses the capacity for labour; his faculties, for want of exercise, become blunted and powerless, and he remains a beggar to the end of his days. It sometimes happens that the beggar who has taken to mendicancy as a profession is obliged to go to the workhouse as a kind of temporary refuge. This is not so frequent considering the

sort of life a vagrant has to lead; but when it does occur, the labour-master of the Union very often finds it next to impossible to get him to perform the task every able-bodied person is expected to complete when taking shelter in a Casual Ward. As a result the habitual beggar has sometimes to appear before the magistrates as a refractory pauper, but a short sentence of imprisonment, which usually follows, has lost all its terrors for him; he prefers enduring it to doing the task allotted to him at the workhouse.

From this it will be seen that habits of indolence, and not the stress of destitution, are responsible for a great deal of the begging which goes on in England; but these habits are not answerable for the whole of it. When times are bad begging has a decided tendency to increase, and this arises from the fact that a considerable proportion of the community possess wonderfully few resources within themselves. Even in depressed times it is astonishing how well men who can turn their hand, as it is called, can manage to live. Men of this stamp are not beaten and rendered helpless by the misfortune of losing their usual employment; they are capable of devising fresh methods of earning a livelihood; they are persistent, persevering, energetic; they are not content to stand by with their hands in their pockets and their back at the wall; at times they even create an occupation, and devise new wants for the community. Such men exist in large numbers among the working population, and are able to tide over periods of slackness and depression in a truly admirable way. But there are others who are utterly lost the moment trade ceases to flourish. As soon as they lose the job they have been accustomed to work at they at once sink into a condition of complete helplessness; knowing not which way to move or what steps to take; in a very short time they are to be found soliciting alms in the streets. It is a very serious matter when such persons are reduced to these straits. With the advent of better times it is often very difficult to enrol them once again in the ranks of industry. Bad habits have been acquired, self-respect has broken down, the mind has become accustomed to a lower plane of existence; the danger has arisen that persons who were to begin with only beggars by accident may end by becoming beggars from choice. This is what actually does happen in some instances, and especially where the level of life and comfort has at all times been low. The transition from the one state to the other is not a very pronounced one, and the step into the position of a habitual beggar is not hard to take after a certain number of lessons in the mendicant's art have once been learnt. In one sense it is the pressure of want which has made these people beggars, in another sense it is their own apathy and feebleness of resource.

It is not easy to estimate the number of persons who become habitual mendicants in consequence of slackness of work and the temporary loss of employment. As a matter of fact the whole body of statistical information bearing upon vagrancy is rather unreliable in character, and it is difficult to see how it can be anything else. In almost all cases of begging the initiative is taken by the police; it very seldom happens that a

private citizen gives a beggar in charge. The regular and systematic enforcement of the Vagrancy Acts by the public authorities is impeded by a variety of causes, each of which makes it difficult to grasp accurately the proportions of the begging population. In the first place no two policemen enforce the law with the same stringency; one is inclined to be lax and lenient, while another will not allow a single case to escape. In some districts chief constables do not care to bring too many begging cases before the local magistrates; in other districts chief constables are zealous for the rooting out of vagrancy. In some counties the magistrates themselves are not so anxious to convict for vagrancy as they are in others; where the latter tendency prevails, the police take their cue from the magistrates and comparatively few offences against the Vagrancy Acts are brought up for trial. Again, there are times when the public have fits of indulgence towards beggars, which are counterbalanced at other periods by a corresponding access of severity; these oscillations of public sentiment are immediately felt by the executive authorities. The conduct of policemen and magistrates towards the begging fraternity is largely shaped by the dominant public mood, and the statistics of vagrancy move up and down in sympathy with it. Thus it comes to pass that the variations which take place in the annual statistics of vagrancy do not necessarily correspond with the growth or diminution of the number of persons following this mode of life; the actual number of such persons in the population may in reality be varying very little or, perhaps, remaining stationary, whilst official statistics are pointing to the conclusion that important changes are going on. In short, the statistics of vagrancy are more useful as affording a clue to the state of public sentiment with respect to this offence than as offering an accurate test of the extent to which vagrancy prevails.

After this explanation it will be seen how difficult it is, in the first place, to estimate the exact numbers of the vagrant population; and, in the next place, the exact proportion of beggars who have been driven into the ranks of vagrancy, as a result of bad trade and inability to obtain work. My own impression is, that the number of persons who are forced to beg for want of work is not large, and they consist, for the most part, of men beyond middle life or verging upon old age. There are two causes at present in operation in England which often press hard upon such men. The first of these causes is one which was felt more severely twenty or thirty years ago than at the present moment—I mean the introduction of machinery into industries formerly carried on to a large extent by hand. One of the most conspicuous characteristics of the present century is the ever-increasing extent to which inventions of all kinds have invaded almost every department of industry. As far as the young are concerned, those inventions have been on the whole a benefit, and what used to be hard work has become, as Professor Alfred Marshall recently said, merely looking on. But the case stands differently with workmen who are surprised by some new invention at a period of life when the power of adaptability to a fresh set of industrial circumstances is almost entirely gone. One of the first consequences of a new invention may be, and often is, that work which had hitherto

been performed by men can now be done by women and boys; or an occupation which had formerly taken years to learn can now be mastered in a few weeks. In other cases the new machine is able to do the work of twenty, fifty, or a hundred men; the article produced is so immensely cheapened that the old handicraftsman is driven out of the field; if he is a man entering into years, and therefore unable to turn his hand to something else, the bread is practically taken out of his mouth, and the machine, which is undoubtedly a benefit to the community as a whole, means starvation to him as an individual. When such circumstances occur, and positive proof in abundance can be adduced to show that they do take place, the position of the aged worker becomes a very hard and embarrassing one. He finds it a very uphill task to change the whole course of his industrial activities at a period of life when nature has lost much of her elasticity; the new means he has had to adopt in order to earn a livelihood are irksome to him; the diminished sum he is now able to earn per week depresses his spirits and deprives him of certain little comforts he had long been accustomed to enjoy; but in spite of these unforeseen and unexpected hardships it is marvellous to see how nobly working-men, as a rule, struggle on to the end, like a bird with a broken wing. There are, however, cases in which the struggle is given up. It would be impossible to enumerate all the causes which lead to such a deplorable result; sometimes these causes are personal, sometimes they are social, while in many instances they are a combination of both. But, whatever such circumstances may be in origin, the effects of them are generally the same; the worker who is incapable of adjusting himself to his new industrial surroundings has few alternatives before him. These alternatives, unless he is supported by his family or relations, resolve themselves into the Union, beggary, or theft. Many choose the Union and, with all its drawbacks, it is undoubtedly the wisest choice; but others have such a horror of the restraints imposed upon the inmates of a workhouse that they enter upon the perilous and precarious career of the beggar or petty thief. The men who make such a choice as this are not, as may easily be surmised, the pick of their class. They consist, to a good extent, of persons who have been somewhat unsteady in their habits; they are not downright drunkards, and they have never allowed drink to interfere with their regular occupation; but it has been their immemorial custom to go in for a good deal of drinking on Saturday nights; on Bank holidays, and other festive occasions. Sensible workmen do not care to amuse themselves after this fashion; it is rather too like a savage orgie for most tastes; at the same time it is the only form of amusement which certain sections of the populace truly and heartily enjoy, and, on the whole, it is perhaps better that this rude form of merry-making should remain, than that the multitude should be deprived of every outlet for the pent-up exuberance of their spirits. My own impression is, that the rough and boisterous element which shows itself so conspicuously when the labouring population is at play will never be eradicated so long as men and women have to spend so much of their time within the four walls of workshops and factories, where so much restraint and suppression of the individual is imperative, if the industrial machine is to go on. It is not at all unnatural that the severe



regularity and monotony of an existence chiefly spent in this manner should be occasionally interspersed with outbursts of somewhat boisterous revelry, and the persons who indulge in it are not to be set down off-hand as worthless characters, because they sometimes step beyond due and proper bounds. At the same time it must be admitted that it is generally from the ranks of this class that the supreme aversion to the workhouse proceeds, and that the disposition to live by begging, rather than enter it, most largely prevails. If it happens, therefore, that a man who has lived the life we have just described is thrown out of employment, by the introduction of machinery, at a period when he is too old to turn his hand to something else, he not unfrequently ends by becoming a beggar, and this continues to be his occupation to the last.

The second cause which leads a certain number of elderly men to adopt a life of vagrancy is to be attributed to the action of Trades-Unions. After a workman reaches a certain period of life he is no longer able to do a full day's work. As soon as this period of life arrives, and sometimes even before it does arrive, the artisan finds it becoming increasingly difficult to obtain employment. The rate of wages in his trade is fixed by Trades-Union rules; every man, no matter what his qualifications may be, has to receive so much an hour, or the full Trade-Union wage for the district; no one is allowed to take a job at a lower figure. No doubt Trades-Unionists find that this regulation works well as far as it relates to the young and the able-bodied, and as these always compose the great majority in every trade society, it is a regulation which is not likely to be rescinded or modified. Nevertheless, it is a rule which often operates very unjustly in the case of men who are getting old. These men may have been steady and industrious workmen all their lives, they may still be able to do a fair amount of honest work; but, as soon as that amount of work falls below the daily average of the trade, such men have to go; they are henceforth practically debarred from earning an honest livelihood at what has hitherto been the occupation of their working life. Work may be abundant in the district, but it is useless for grey-haired men to apply; they cannot do the amount required, and as they are not permitted to work at a lower rate of wages than their fellows, the means of getting a living are arbitrarily taken out of their hands. As a consequence of these Trades-Union enactments, cases are not infrequent in which workmen who have just passed middle life, or have sustained injuries, drift insensibly into vagrant habits. These habits are acquired almost without their knowing it. In the vague hope of perhaps finding something to do a man will wander from town to town existing as best he can; after the hope of employment has died away he still continues to wander, and thus forms an additional unit in the permanent army of beggars and vagrants. Trade-Unionists would undoubtedly remedy a great wrong if some effective means were devised by them to meet cases of this character. It should be remembered by those most opposed to any modifications of the present system that they may one day be its victims. The hindrances in the way of putting an end to the injustice inherent in the present arrangements are not incapable of being overcome. It is surely possible to devise a rule

which, while leaving intact the essential features of the present system, will render it more flexible—a rule to enable the maimed and the aged who cannot do a full day's work to make, through the Union if need be, some special arrangement with the employers. Such a rule, if properly safe-guarded to prevent abuse, would be of inestimable benefit to many a working man.

If the step here suggested were adopted by the Trade Societies, it would, according to calculations which I have made, reduce the begging population by about two per cent. This percentage, in my opinion, represents the number of vagrants who are able and willing to do a certain amount of work, but cannot get it to do. It is a percentage which at any rate does not err on the side of being too low; when trade is at its ordinary level it is perhaps a little too high. In any case this proportion may be taken as a tolerably accurate estimate of the numbers of the vagrant class which will not enter the Unions when out of employment, and are consequently forced by the pressure of want to resort to a life of beggary.

The proportion here indicated of the number of vagrants who are willing to work coincides in a remarkable manner with certain statistics recently collected by H. Monod of the Ministry of the Interior in France.<sup>[19]</sup> According to M. Monod a benevolently disposed French citizen wished to know the amount of truth contained in the complaints of sturdy beggars, that they were willing to work if they could get anything to do or anyone to employ them. This gentleman entered into negotiations with some merchants and manufacturers, and induced them to offer work at the rate of four francs a day to every person presenting himself furnished with a letter of recommendation from him. In eight months 727 sturdy beggars came under his notice, all complaining that they had no work. Each of them was asked to come the following day to receive a letter which would enable him to get employment at four francs a day in an industrial establishment. More than one half (415) never came for the letter; a good many others (138) returned for the letter but never presented it. Others who did present their letter worked half a day, demanded two francs and were seen no more. A few worked a whole day and then disappeared. In short, out of the whole 727 only 18 were found at work at the end of the third day. As a result of this experiment M. Monod concludes that not more than one able-bodied beggar in 40 is inclined to work even if he is offered a fair remuneration for his services.

If further proof were wanted that vagrancy, as far, at least, as England and Wales are concerned, is very seldom produced by destitution, it will be found in the following facts. A comparison between the number of male and female vagrants arrested in 1888 under the provisions of the Vagrancy Acts shows that there were nearly four times more male vagrants proceeded against before the magistrates than female. The exact numbers are males, 40,672; females, 11,464. Although the numbers charged vary from year to year, the proportion between males and females always remains very much the same,

and it may therefore be considered as established that men are from three to four times more addicted to vagrancy than women. If the charges of prostitution were excluded (they amounted to 6,486 in 1888), it will be found that the proportion of male vagrants to female is as eight to one. Looking at this matter *à priori*, we should expect these figures to be reversed. In the first place women form a considerably larger proportion of the community than men, and in the second place there are not nearly so many openings for females in our present industrial system. Forming a judgment upon these two sets of facts alone, one would almost inevitably come to the conclusion that women would be found in much larger numbers among the vagrant class than men. There are fewer careers open to them in the industrial world; they are less fitted to move about from place to place in search of work; the pay they receive in manufacturing and other establishments is, as a rule, very poor; but in spite of all these economic disadvantages only one woman becomes a beggar to every four men, or, if we exclude fallen women, to every eight men. What does this condition of things serve to show? It is an incontestable proof that at least three-fourths or, perhaps, seven-eighths of the begging carried on by men is without economic excuse. If women who are so heavily handicapped in the race of life can run it to such a large extent without resorting to vagrancy, so can men. That men fall so far behind women in this respect is to be attributed, as we have seen, not to their want of power, but to their want of will. They possess far more opportunities of earning a livelihood than their sisters, but, notwithstanding this advantage, they figure far more prominently in the vagrant list. The only possible explanation of this state of things is that vagrancy is, to a very large extent, entirely unconnected with economic conditions; the position of trade either for good or evil is a very secondary factor in producing this disease in the body politic; its extirpation would not be effected by the advent of an economic millennium; its roots are, as a rule, in the disposition of the individual, and not to any serious degree in the industrial constitution of society; hence, the only way to stamp it out is by adopting vigorous and effective methods of repression.

The British Isles are in a position to adopt these measures with boldness and confidence, for the Poor Law system provides for all genuine cases of destitution, and in striking at begging with a heavy hand, the authorities are at the same time doing much to suppress other kinds of crime. It has to be remembered that the vagrant is a dangerous person in more ways than one. The life he leads, his habit of going from house to house, affords him ample opportunities of noticing where a robbery may be successfully committed. If he does not make use of the opportunities himself, he is not at all unwilling to let others who will into his secret for a small consideration. In low lodging-houses and public-houses of a similar type beggars and thieves are accustomed to meet, to fraternise, to exchange notes; the beggar is able to give the burglar a hint, and many a case of house-breaking is the outcome of these sinister confabulations. Little do many people imagine when they are doing a good deed, as they believe, to some worthless,

wandering reprobate, that he is at the same moment looking around, so as to be able to tell a companion how best the house may be robbed. It is very seldom thieves break into houses without having received information beforehand respecting them, and the source of that information is in many instances the vagrant, who has been knocking at the door for alms a short time before.

One of the principal reasons which makes beggary such a profitable occupation, and renders it so hard to repress, is the persistent belief among great numbers of people that beggars are working men in distress. That, of course, is the beggar's tale, but it is a baseless fabrication. It is no more the practice of working-men to go about begging than it is the practice of the middle-class, but until this elementary fact can be laid hold of by the public all statutory enactments for the suppression of mendicity will be but partial in their operation. Speaking from considerable personal experience, as well as from statistical facts, one is able to affirm that the great mass of the working population of these islands have nothing whatever in common with the indolent vagrant; and it is a libel on the working-classes to assume that a man is a workman to-day and a beggar to-morrow. As a matter of fact, beggars are recruited from all ranks of the community, when they are not actually born to the trade. Of course, the greatest number is drawn from the working population; it is they who form the immense bulk of the nation, and it is only reasonable to suppose that they will contribute to the begging fraternity in proportion to their numbers. But, just as the proportion of thieves drawn from the working-classes is not greater than the proportion drawn from the well-to-do classes, so is it likewise with beggars. The other classes, in proportion to their numbers, contribute just about as many beggars to the community as the working population, and such beggars are generally the most hardened and villainous specimens of their tribe. With the beggar sprung from the working population one is sometimes able to do something, but a beggar who has descended from the higher walks of life is one of the most hopeless, as well as one of the most corrupt creatures it is possible to conceive. If the public would only allow themselves to realise that these are the facts respecting vagrancy, and if they would exercise their knowledge in consistently refusing help to professional wanderers, the plague of beggars would soon disappear, to the immense relief and benefit of everybody, not excluding the beggars themselves.

A persistent refusal to assist beggars, while perfectly justifiable in these islands, is a method which can hardly be adopted in countries where there is no efficient and comprehensive Poor Law. In such countries, for instance, as Austria and Germany, where there is no proper provision on the part of the State for the feeble, the helpless, the aged, the maimed, begging, on the part of these unfortunates, becomes, in many cases, an absolute necessity. Recent statistics,<sup>[20]</sup> respecting the working of additions to the Austrian vagrancy laws passed in 1885, would seem to show that numbers of the genuine labouring population have been in the habit of resorting to begging when going

from place to place in search of employment. To meet these cases the Austrian Government, in the year just mentioned, secured the passing of a law for the establishment of what are called Naturalverpflegstationen, or refuges for workmen on the tramp. These shelters or refuges are strictly confined to the use of genuine labourers; the poor of the surrounding neighbourhood are not allowed to enter them; nor is any one afforded shelter who cannot show that he has been at work within the previous three months, or who applies twice for admission in the course of that time. A man must also produce his papers and be willing to perform a certain amount of work; in return for this he is allowed to remain at the shelter for eighteen hours, but not more, and is informed on his departure where the next station is situated. He is also told if there is any probability of getting employment in the district and is given the names of employers in want of men. These institutions are a combination, of the casual ward and the labour bureau, differing, however, from the casual ward in rejecting all mere wanderers and accepting genuine workmen alone.

It is only in some parts of the Austrian Empire that this system has as yet been put into operation, for the act is of a permissive character and is mainly worked by the local authorities. In those districts of lower Austria where it has been tried, it has so far produced most satisfactory results; begging has decreased according to the statistics for 1888, more than 60 per cent. in the course of three years, while in other parts of Austria, where these institutions are not yet adopted, it has only decreased 25 per cent. The system has as yet been in operation for too short a period to enable an opinion to be formed of its eventual success, but so far it promises well and is an interesting experiment which deserves to be watched. In any case the experience derived from the working of this law shows that in Austria, at least, the workman in search of employment has up till recently been too often confounded with the habitual beggar, a confusion highly detrimental to the real interests of the State. One of the main objects of every well ordered Poor Law system should be to create as wide a gulf as possible between the begging class and the working-class; it should do everything possible to prevent anything like a solidarity of interests between these two sections of the community; it should dissociate the worker from the vagrant in every conceivable manner, so that the working population cannot possibly fail to see that the State draws a sharp line of distinction between them and the refuse of the land. It was a wise remark of Goethe's that, if you want to improve men you must begin by assuming that they are a little better than what they seem; and it is a principle which is applicable to communities and classes as well as to individuals.

Before dismissing the question of the relations between vagrancy and destitution there is one more point which still requires to be considered. According to English law, prostitution is set down as a form of vagrancy, and the number of persons convicted of this offence is to be found included in the statistics of vagrancy. We shall, therefore,

consider prostitution in this connection as a form of vagrancy, and proceed to examine the extent to which it is produced by destitution. If this grave social disorder were entirely due to a want of the elementary needs of life on the part of the unhappy creatures who practice it, we should find an utter absence of it in America and Australia. In these two important portions of the globe, woman's work is at a premium; it is one of the easiest things imaginable for females to get employment; no one willing to work need remain idle a single day, and the bitter cry of householders, in those quarters of the world, is that domestic servants are not to be had. But, in spite of the favourable position in which women stand, as far as work is concerned in America and Australia, what do we find? Do we find that there is no such thing as a fallen class in Melbourne and New York? On the contrary, it is often a subject of bitter complaint by American and Australian citizens that their large towns are just as bad, as far as sexual morality goes, as the cities of the old world. The higher economic position of women does not seem to touch the evil either in the Antipodes or beyond the Atlantic. It exists among communities where destitution is an almost unmeaning word; it exists in lands where no woman need be idle, and where she is highly paid for her services. In the face of such facts it is impossible to believe that destitution is the only motive which impels a certain class of women to wander the streets.

What is true with respect to destitution is that it compels women to remain in the deplorable life they have adopted, but it seldom or never drives them to take to it. Almost all the best authorities are agreed upon this point. No one has examined this social sin in all its bearings with such patience and exhaustiveness as Parent Duchatelet, and his deliberate opinion, after years of investigation, is that its origin lies in the character of the individual, in vanity, in slothfulness, in sex. It does not, however, follow that a person possessing these characteristics in an abnormal degree is bound to fall. If such a person is protected by parental care, no evil results need necessarily ensue. It is when low instincts are combined with a bad home that the worst is to be feared. This fact was clearly and emphatically brought to light by the parliamentary inquiry which took place in France a few years ago. M. Th. Roussel, one of the highest authorities on the committee, the man, in fact, from whom the inquiry derived its name, thus sums up some of its results: "However large a part in the production of prostitution must be allowed to the love of pleasure and of finery, to a dislike of work and to debased instincts, the cause which, according to the facts cited, appears everywhere as the most powerful and the most general, is the want of a home, the want of maternal care." Here are some of the facts on which M. Roussel bases his general statement. "At Bordeaux, out of 600 'filles inscrites' 98 were minors. Of the latter, 44 appear to have fallen through their own fault alone. The remaining 54 grew up under abnormal, domestic conditions; 14 were orphans, without father or mother, 7 had only one parent, 32 had been abandoned or perverted by their parents."

In England it would be impossible to conduct a parliamentary inquiry on the lines of the "Enquête Roussel," but it is very probable if such an inquiry were instituted it would reveal a condition of things very similar to what exists in France. The scattered and fragmentary information we do possess points to that conclusion, and the conclusion, it must be admitted, is not at all a hopeful or comforting one. Supposing that all the homeless and deserted female children we have now in our midst were immediately placed under the protection of the State (as a matter of fact, most of them are), it does not follow that they will grow up to lead regular lives. According to the thirty-second report of the Inspector of Reformatory and Industrial Schools, the authorities are unable to account satisfactorily for the character of more than four fifths of the inmates of girls' industrial schools who have left these institutions on an average for two or three years. That is to say, it is probable that about twenty out of every hundred girls go to the bad within two or three years of leaving an industrial school. The proportion of girls discharged from reformatory schools, whose character is bad within two years of their discharge, is still larger than in the case of industrial schools. This is only what might be expected, for it is the worst cases that are now sent to reformatory schools. "Since the passing of the Elementary Education Act," said Miss Nicoll of the Girls' Reformatory, Hampstead, at the Fourth Conference of the National Association of certified Reformatory and Industrial Schools, "a great change has gradually been made in the character and age of the inmates of our reformatories on admission. The School Boards in the country, and more especially the School Board of London, by enforcing compulsory attendance of all the children of the poor between the ages of five and thirteen, have swept into what are termed Truant Schools all the neglected and uncontrollable children who were formerly sent to certified industrial schools—these latter being now retained in a great measure for children who, besides being neglected and beyond the control of their parents, have either taken their first steps in a course of crime, or have, by association with vicious companions, become familiar with it. The industrial schools have thus intercepted the very class from which our numbers were usually drawn, leaving, as a rule, for reformatories, girls about fifteen, who, though nominally under fifteen, are sometimes a good deal older when admitted. Young persons, as these are termed in the Summary Jurisdiction Acts of 1879, are of a much more hardened character than before, and in addition to having been guilty of acts of petty larceny, have frequently been prostitutes for some time anterior to their admission. This being so, it can hardly be wondered at if the success of reformatories is not so marked as it was when they were first instituted."

Seeing that reformatories for girls, on account of the more hardened character of their inmates on admission, are not so successful as industrial schools, it is certainly within the mark to say that at least one-fourth of the cases discharged from these institutions become failures in the space of two years. If the proportion is so high at the end of two years, what will it amount to at the end of five? It is then that the young

person enters upon what is *par excellence* the criminal age, and when that age is reached, I fear that the proportion of failures increases considerably. In any case we have sufficient data to show that the protection of the State, when extended, as it is in the United Kingdom, to helpless and homeless girls, does not in many instances suffice to keep them on the road of virtue. Deep-seated instincts manage to assert themselves in spite of the most careful training, the most vigilant precautions, and until the moral development of the population, as a whole, reaches a higher level, it will be vain to hope too much from the labours of State institutions, however excellent these institutions may be.

It has, however, to be remembered that the fallen class is not by any means recruited exclusively from the ranks of the helpless and the homeless. On the contrary, according to the evidence of the Roussel commission, nearly one half of the minors (44 out of 98) found in the "maisons de tolerance" of Bordeaux had no domestic or economic impediments to encounter. External circumstances, as far as could be seen, had nothing to do with the unhappy position in which they stood, and the life they adopted appears to have been entirely of their own choosing. It is true the Bordeaux statistics only cover a small area, and are not to be looked upon as in themselves exhaustive, but when these statistics confirm, as they do, the careful observations of all unbiassed investigators, we cannot be far wrong in coming to the conclusion that in France, at least, fifty per cent. of the cases of prostitution are not originally due to the pressure of want. Since the introduction of Truant and Industrial Schools in this country for homeless and neglected girls, it is certain that the proportion of those who fall from sheer destitution must be extremely small. On the Continent, where such institutions do not exist on such an extensive scale, the proportion may be somewhat larger, but in the United Kingdom it cannot, according to the most liberal computation, exceed ten per cent. of the cases brought before the magistrates. Many experienced observers will not allow that it reaches such a high percentage.

We are now in a position to tabulate the results of our inquiries as to the part played by destitution in producing prostitution and vagrancy. The following table represents the proportion of persons charged under the provisions of the Vagrancy Acts in the year 1888:—

Percentage of beggars,

Percentage of prostitutes,

Percentage of other offenders,



Percentage of beggars destitute from misadventure,

Percentage of prostitutes destitute from misadventure,

Percentage of other offenders destitute from misadventure,

It has already been pointed out that persons charged with offences against the Vagrancy Acts constitute on an average 7 per cent. of the total annual criminal population. According to the statistics we have just tabulated, 5 per cent. of these offences are not due to the pressure of destitution, and only 2 per cent. are to be attributed to that cause.

Let us now collect the whole of the figures set forth in this chapter, so that we may be in a position to give an answer to the question with which we set out, namely, to what extent are theft and vagrancy the product of destitution?

Proportion of offences against Property and the Vagrancy Acts to total number of offences tried in 1888,

Proportion of offenders against property destitute,

Proportion of offenders against Vagrancy Acts destitute,

Adding together the two classes of offenders against Property and the Vagrancy Acts who, according to our calculations, are destitute when arrested, we arrive at the fact that they form four per cent. of the total criminal population. As has already been pointed out, beggars and thieves are almost the only two sections of the criminal community likely to be driven to the commission of lawless acts by the pressure of absolute want. It very seldom happens that murders, for instance, are perpetrated from this cause; in fact, not one murder in ten is even committed for the purpose of theft. The vast majority of the remaining offences against the criminal law are only connected in a remote degree with the economic condition of the population, and in hardly any instance can it be said of them, that they are the outcome of destitution. In order, however, to err on the safe side, let us assume that one per cent. of offenders, other than vagrants and thieves, are

to be ranked among the destitute. What is the final result at which we then arrive with respect to the percentage of persons forced by the action of destitution into the army of crime? In the case of vagrants and thieves it has just been seen that the proportion amounted to four per cent.; adding one per cent. to this proportion, brings up the total of offenders who probably fall into crime through the pressure of absolute want to five per cent. of the annual criminal population tried before the courts.

These figures are important; they demonstrate the fact that although there was not a single destitute person in the whole of England and Wales, the annual amount of crime would not be thereby appreciably diminished. At the present day it is a very common practice to pick out a case of undoubted hardship here and there, and to assume that such a case is typical of the whole criminal population. It is, of course, well to point out such cases, and to emphasise them as much as possible till we reach such a pitch of excellence in our administration of the law as will render all unmerited hardship exceedingly rare. As it is, such cases are becoming less frequent year by year, and it is an entire mistake to suppose, as is too often done, that a serious amount of the crime perpetrated in England is committed by men and women who are willing to work but cannot get it to do. An opinion of that kind has an alarming tendency to encourage crime; it creates a false sentiment of compassion for the utterly worthless; it prevents them from being dealt with according to their deserts, and worst of all, it is apt to make the working population imagine that there is a community of interest between them and the criminal classes which does not in reality exist. From the point of view of public policy nothing can be more pernicious than to propagate such an idea; and no artisan who values his own dignity should ever allow any man, whether on platforms or in newspapers, to identify him in any way whatever with the common criminal.

Before finally leaving the question of the relations between destitution and crime, we shall now briefly inquire whether anything further can be accomplished in the matter of raising our legal and poor law administration to such a pitch of excellence, that not even five per cent. of our incriminated population can, with justice, bring forward any economic pretext whatever for violating the law. As far as legal administration is concerned, it must be remembered that mistakes will sometimes occur, no matter how numerous the precautions may be with which justice is surrounded.

To be certain of justice in all circumstances you must have not only an infallible law, but also an infallible judge and an infallible method of criminal administration. It is a truism to say that this is an impossibility, and every now and again society will have to submit to be shocked by the revelation of a palpable miscarriage of justice. At the same time it is important to take every possible precaution against the occurrence of such distressing accidents. This can only be effected by placing the administration of the law in all its departments, from the policeman to the Home Secretary, in the hands of thoroughly competent officials who have not only their heart, but what is equally

important, their head in the work. When this is done, and if these officials are not embarrassed by public clamour in the performance of their duties (honest criticism will do them good), all will have been accomplished which it is possible to get in the way of effective and enlightened administration of the law.

In the next place it may be possible to mitigate the operation of our present poor law system in all cases of destitution through misadventure. Some prominent politicians—and I believe among them Mr. Morley—appear to be in favour of this course; and at a recent meeting of the British Association, Professor Alfred Marshall was inclined to the belief that a much larger discrimination might be allowed than now exists in the administration of out-door relief in cases of actual want; and also that separate and graduated workhouses might be established for the deserving poor. It will be admitted on all hands that proposals of this character land us on very delicate ground, and require the most mature consideration. Even now the inmate of a workhouse is often better supplied with food, clothing, and shelter than the poor labourer, who has to pay taxes to support him. If the condition of that inmate is made still more comfortable, will it be possible to prevent hundreds and thousands of the very poor, who now keep outside these institutions, from immediately crowding into them as soon as the slightest economic difficulties arise? Almost all philanthropic schemes, and especially all such schemes when supported by the public purse, have a tendency to be administered with more and more laxity as time goes on; and a scheme of this kind, if carried into law, would require to be managed with the utmost circumspection in order to avoid pauperising great masses of the community.

A scheme of this character will, however, have to be tried if the manifesto of the Executive Council of the Dockers' Union, issued in September last, is to be acted upon by Trade-Unionists in general. According to the doctrine laid down in this manifesto, the idea of a Trade-Union, as a free and open combination, which every workman may enter, provided he pays his subscription and conforms to the rules, is an idea which must for the future be abandoned. Henceforth, a Trade-Union is to be a close corporation to be worked for the benefit of persons who have succeeded in getting inside it. The Dockers' Union, to do them justice, see that this policy is bound to increase the numbers of the destitute, but they propose to remedy this condition of things by establishing "in each municipality factories and workshops where all those who cannot get work under ordinary conditions shall have an opportunity afforded them by the community." If these State establishments are to be started for the unemployed, the workers in them must work at something, and it will have to be something which the unskilled labourer will not require a great deal of time to learn. What would the dockers say if one of these establishments was instituted by the municipality for the loading and unloading of ships? Hardly a Trade-Union Congress meets in which the complaint is not made that prison labour interferes with free labour; but what sort of outcry would

there be if State labour, on an extensive scale, were to enter into serious competition with the individual workman?

These schemes for the establishment of State institutions offering work to the indigent will never solve the problem of want, and all attempts that have hitherto been made in that direction have either ended in failure or met with small success.

The latest of these schemes is a village settlement, which the authorities in New Zealand started some time ago to meet the case of the unemployed. The Government, in the first place, spent £16,000 in making roads and other conveniences for the settlers, and afterwards advanced £21,000 for building houses, buying implements, and so on. According to recent advices from New Zealand, only £2000 of this advance has been paid back, and it is the general feeling of the colony that the project has proved a failure. These, and other experiments of a similar character, compel us to recognise the disagreeable fact that a certain proportion of people who are in the habit of falling out of work are, as a class, extremely difficult to put properly on their legs. Failure, for some reason or another, always dogs their steps, and the more Society does for them, the less they will be disposed to do anything for themselves.

When such persons are sent to prison on charges of begging, or petty theft, it very often happens that they are assisted on their release by a Discharged Prisoners' Aid Society. Tools are given them, work is found for them, yet they do not thrive. Not infrequently the job is given up on some frivolous pretext; or if it is a temporary one, little or no effort is made till it actually comes to an end to look out for another. It is little wonder that men who live in such a fashion should occasionally be destitute; the only wonder is that they manage to pass through life at all. Those men hang upon the skirts of labour and seek shelter under its banner, but it is only for short and irregular intervals that they march in the ranks of the actual workers. The real working man knows such people well, and heartily despises them.

Would it be a right thing to increase the burdens of the taxpayer by opening State workshops, even if such a plan were feasible, for men of the stamp we have just been describing? Decidedly it would not. Yet these men form a fair proportion of the persons whom we have classed as driven to crime by economic distress. As far, then, as the criminal population is concerned, no necessity exists for the organisation of State factories; and so far as destitution is a factor in the production of crime, it can be grappled with by other agencies. In fact, if a graduated system of Unions, with a kind of casual ward, somewhat after the German Naturalverpflegstationen, could be worked and if Trade Societies adopted, under proper precautions, the principle of allowing debilitated members of their trade the opportunity of doing something at a somewhat reduced rate, it would be impossible for any well-intentioned man to say that he was driven to crime from sheer want. It is worth while, on the part of the nation, to make

some small sacrifice to attain an object so supremely important as this. It is very probable that hardly any sacrifice will be needed. In any case it would get rid of the uncomfortable feeling entertained by many that there are occasions when human beings are punished who ought to be fed. It would completely alienate all sympathy from crime; it would then be known that criminal offenders deserved the punishment they received, and justice would be able to deal with them with a firm and even hand.

## CHAPTER V. POVERTY AND CRIME.

Having analysed the part played by destitution in the production of crime, the cognate question of the extent to which poverty is responsible for it will now be considered. If actual destitution does not count for very much in producing criminals, it may be that poverty makes up the difference, and that the great bulk of delinquency, if not the whole of it, arises from the combined operation of these two economic factors. We have examined one of them, let us now go on to the other. As this examination will have to be conducted from several different points of view which, for the sake of clearness, it will be expedient to consider one by one, I shall begin by inquiring what light international statistics are capable of throwing on the relations between poverty and crime. At the outset of this inquiry we are at once met by the old difficulty respecting the value of international criminal statistics. The imperfection of those statistics is a matter it is always important to bear in mind, but in spite of this circumstance the light which they shed on the problem of poverty and crime is not to be rejected as worthless.

It has been pointed out in the preceding chapter that the offences people, in a state of destitution, are most likely to commit are beggary and theft. In the case of persons who are in a state of poverty, but not destitute, it may be said that the offence they are most likely to commit is theft in one or other of its forms. What then are the international statistics of theft, and what is the relative wealth of the several countries from which these statistics are drawn? An answer to these two questions will throw a flood of light upon the nature of the relations between poverty and crime. If these statistics show that in those countries where there is most poverty there is also most theft, the elucidation of such a fact will at once raise a strong presumption that the connection between poverty and offences against property is one of cause and effect. If, on the other hand, international statistics are not at all conclusive upon this important point, it will show that there are other factors at work besides poverty in the production of offences against property. With these preliminary remarks I shall now append a table of the number of persons tried for theft of all kinds in some of the most important countries of Europe

within the last few years. In no two of these countries is theft classified in the same manner, but in all of them it is equally recognised as a crime; if, therefore, all offences against property, of whatever kind, are put together under the common heading of "theft," and if the number of cases of thefts (as thus understood) tried in the various countries of Europe are carefully tabulated, we possess, in such a table, a criterion wherewith to judge, in a rough way, the respective position of those countries in the matter of offences against property.

The appended table is extracted from a larger one, the work of Sig. L. Bodio, Director-General of Statistics for the kingdom of Italy. The calculations for every country, except Spain, are based on the census of 1880 or 1881; the calculations for Spain are based on the census of 1877. In all the countries except Germany and Spain the calculations are based on an average of five years; for Germany and Spain the average is only two years.

Italy,	1880-84	Annual trials for theft per 100,000 inhabitants
France,	1879-83	Annual trials for theft per 100,000 inhabitants
Belgium,	1876-80	Annual trials for theft per 100,000 inhabitants
Germany,	1882-83	Annual trials for theft per 100,000 inhabitants
England,	1880-84	Annual trials for theft per 100,000 inhabitants
Scotland,	1880-84	Annual trials for theft per 100,000 inhabitants
Ireland,	1880-84	Annual trials for theft per 100,000 inhabitants
Hungary,	1876-80	Annual trials for theft per 100,000 inhabitants
Spain,	1883-84	Annual trials for theft per 100,000 inhabitants

To what conclusions do the statistics contained in this table point? It is useless burdening this chapter with additional figures to prove that England and France are the two wealthiest countries in Europe. The wealth of England, for instance, is perhaps six times the wealth of Italy; but, notwithstanding this fact, more thefts are annually

committed in England than in Italy. The wealth of France is enormously superior to the wealth of Ireland, both in quantity and distribution, but the population of France commits more offences against property than the Irish. Spain is one of the poorest countries in Europe, Scotland is one of the richest, but side by side with this inequality of wealth we see that the Scotch commit, per hundred thousand of the population, almost four times as many thefts as the Spaniards. With the exception of Italy it is the poorest countries of Europe that are the least dishonest, and, according to our table, even the Italians are not so much addicted to offences against property as the inhabitants of England.

Perhaps the most instructive figures in these international statistics are those relating to England and Ireland. The criminal statistics of the two countries are drawn up on very much the same principles; the ordinary criminal law is very much the same, and there is very much the same feeling among the population with respect to ordinary crime; in fact, with the exception of agrarian offences, the administration of the law in Ireland is as effective as it is in England. On almost every point the similarity of the criminal law and its administration in the two countries almost amounts to identity, and a comparison of their criminal statistics, in so far as they relate to ordinary offences against property, reaches a high level of exactitude. What does such a comparison reveal? It shows that the Irish, with all their poverty, are not half so much addicted to offences against property as the English with all their wealth, and it serves to confirm the idea that the connection between poverty and theft is not so close as is generally imagined.

International statistics then, as far as they go, point to the conclusion that it is the growth of wealth, rather than the reverse, which has a tendency to augment the number of offences against property, and national statistics, as far as England is concerned, exhibit a similar result. It is perfectly certain, for instance, that the mass of the population possessed a greater amount of money, and were earning on the whole higher wages between 1870-74 than between 1884-88. According to the evidence given before the late Lord Iddesleigh's Commission on the depression of trade, the prosperity of the country in the five years ended 1874 was something phenomenal. This was the opinion of almost every class in the community. Chambers of commerce, leading manufactures, workmen in the various departments of industry, all told the same tale of exceptional commercial prosperity. During this period it was easy for any person with a pair of hands to get as much as he could do; workmen were at a premium and wages had risen all round.

But, notwithstanding this state of unwonted prosperity, we shall find on turning to the statistics of offences against property that a larger number of persons were convicted of such offences in the five years ended 1874 than in the five years ended 1888. It hardly needs to be stated that the five years ended 1888 were years of considerable depression,

some of them were years in which there was a good deal of distress, and in none of them was the bulk of the population as well off as in the preceding period. It is, therefore, plain that an increase in the wealth of a country is not necessarily followed by a decrease in the amount of crimes against property; that, in fact, the growth of national and individual wealth, unless it is accompanied by a corresponding development of ethical ideals, is apt to foster criminal instincts instead of repressing them.

If we look at crime in general, instead of that particular form of it which consists in offences against property, it will likewise become apparent that it is not so closely connected with poverty as is generally believed. The accuracy of Indian criminal statistics is a matter that has already been pointed out. When these statistics are placed side by side with our own what do we find? According to the returns for the two countries in the year 1888, it comes out that in England one person was proceeded against criminally to every forty-two of the population, while in India only one person was proceeded against to every 195. In other words, official statistics show that the people of England are between four and five times more addicted to crime than the people of India. On the supposition that poverty is the parent of crime, the population of India should be one of the most lawless in the world, for it is undoubtedly one of the very poorest. The reverse, however, is the case, and India is justly celebrated for the singularly law-abiding character of its inhabitants. In reply to this it may be said that India differs so widely from England in race, manners, religion and social organisation, that all these divergencies must be taken into account when comparing the position of the two countries with respect to crime. A contention of this kind is in perfect harmony with what is here advanced. It is, in fact, a part of our case that crime is either produced or checked by a great many causes besides economic conditions. The comparison we are now making between the criminal statistics of England and India is intended to show that economic conditions alone will not satisfactorily explain the genesis of crime. If such were the case India would have a blacker criminal record than England, for it has a lower material standard of life; but as India is able to exhibit a fairer record, in spite of its economic disadvantages, we are compelled to come to the conclusion that poverty is not the only factor in the production of crime.

A further illustration of the same fact will be found on examining the Prison Statistics of the United States. According to an instructive paper recently read by Mr. Roland P. Falkner before the American Statistical Association, the foreign born population in America is, on the whole, less inclined to commit crime than the native born American. In some of the States—Maine, New Hampshire, Vermont, and California—"the foreign born," says Mr. Falkner, "make a worse showing than the native. In a great number of cases, notably Massachusetts, Pennsylvania, and Tennessee, we notice hardly any difference. Elsewhere, the showing is decidedly in favour of the foreign born, and



nowhere more strongly than in Wisconsin and Minnesota." It is perfectly certain that the foreign born population of the United States is not, as a rule, so well-off economically as the native born citizen. The vast proportion of the emigrant population is composed of poor people seeking to better their condition, and it is well known that a large percentage of the hard, manual work done in America is performed by those men. The economic condition of the average native born American is superior to the economic condition of the average emigrant; but the native American, notwithstanding his economic superiority, cuts a worse figure in the statistics of crime. This is a state of things the Americans themselves are just beginning to perceive, and it cannot fail to make them uneasy as to the efficacy of some of their erratic methods of punishing crime. It has, until recently, been the habit of American statisticians to compare the foreign born population with the whole of the native population with respect to crime. The outcome of this method of comparison was taken all round favourable to the born Americans, and for many years people satisfied themselves with the belief that a high percentage of crime in the United States was due to the foreign element in the community. It is now seen that this method of calculation is defective and false. A comparatively small number of foreigners emigrate to the United States under eighteen years of age; in order, therefore, to make the comparison between natives and foreigners accurate, it must be made with foreigners over eighteen and Americans over eighteen, for it is after persons pass that age that they are most prone to commit crime. The result of this new and more correct method of comparison has been to show that the native American element, that is to say, the element best situated economically, is also the element which perpetrates most crimes. Such a result is only another illustration of the truth that an advanced state of economic well-being is not necessarily accompanied by greater immunity from crime.

A further illustration of this significant truth is to be witnessed in the Antipodes. In no quarter of the world is there such wide-spread prosperity as exists in the colony of Victoria. All writers and travellers are unanimous upon this point. Nowhere in the world is there less economic excuse for the perpetration of crime. Work of one kind or another can almost always be had in that favoured portion of the globe.

Even in the worst of times, if men are willing to go "up country," as it is called, occupation of some sort is certain to be found, and trade depression never reaches the acute point which it sometimes does at home.

Nevertheless, on examining the criminal statistics of the colony of Victoria, what do we find? According to the returns for 1887, one arrest on a charge of crime was made in every 30 of the population, and on looking down the list of offences for which these arrests were made, it will be seen that Victoria, notwithstanding her widely-diffused material well-being, is just as much addicted to crimes against person and property as some of the poor and squalid States of Europe. It may be said in extenuation of this

condition of things, that Victoria contains a larger grown-up population, and therefore a larger percentage of persons in a position to commit crime than is to be found in older countries. This is, to a certain extent, true, but the difference is not so great as might at first sight be supposed. Assuming that the criminal age lies between 15 and 60, we find that in the seven Australasian colonies 563 persons out of every 1,000 are alive between these two ages. In Great Britain and Ireland 559 persons per 1,000 are alive between 15 and 60. According to these figures the difference between the population within the criminal age in the colony, as compared with the mother country, is very small, and is quite insufficient to account for the relatively high percentage of crime exhibited by the Victorian criminal statistics.

All these considerations force us back to the conclusion that an abundant measure of material well-being has a much smaller influence in diminishing crime than is usually supposed, and compels us to admit that much crime would still exist even if the world were turned into a paradise of material prosperity tomorrow.

In further confirmation of this conclusion let us glance for a moment at another aspect of the relations between poverty and crime. It is generally calculated that the working class population of England and Wales form from 90 to 95 per cent. of the total population of the country. According to the investigations of Mr. Charles Booth, as contained in his work on East London, the working classes constitute about 92 per cent. in the districts he had under examination, the remaining 8 per cent. being made up of the lower and upper middle classes. Let us therefore assume that 10 per cent. of the population consists of the middle and upper classes, and that the other 90 per cent. of the community is composed of working people. Many statisticians will not admit that the middle and upper classes form 10 per cent. of the nation, and assert that 5 per cent. is nearer the mark. This is also my own view, but for the purposes of this inquiry we shall assume that it is 10 per cent.

How large a proportion of the criminal population is made up of the middle and upper classes? An answer to this question would at once show the exact relation between poverty and crime. If it could be shown that the well-to-do classes, in proportion to their numbers, are just as much addicted to the commission of criminal acts as the poorer people, it would demonstrate that crime prevailed to an equal extent among all sections of the community, and was not the work of one class alone. Unfortunately, such statistics are not to be had. But, as the facts are not to be got at directly, this does not mean to say that it is impossible to catch a glimpse of what they are. This may be done in the following manner:—According to the report of the Prison Commissioners, between 5 and 6 per cent. of the persons committed to gaol during the year ended March, 1890 (omitting court-martial cases), were debtors and civil process cases. Now, it may be taken as certain that in a very small proportion of these cases were the prisoners working people. Nearly all these offenders are to be considered as

belonging to the well-to-do classes. Yet we see that they form 5 per cent. of the criminal population, and it has to be remembered that the fraudulent debtor is just as much a criminal, nay, even a worse criminal in many instances than the thief who snatches a purse. In addition to this 5 per cent. there is at least 3 per cent. of the ordinary criminal population belonging to the higher ranks of life. At the lowest estimate we have 6 per cent. of the criminal population springing from the midst of the well-to-do, and if all cases of drunkenness and assault were punished with imprisonment instead of a fine, it would be found that the well-to-do showed just as badly in the statistics of crime as their poorer neighbours.

In making this statement with respect to fines, I do not wish it to be understood that all cases of drunkenness and assault should be followed by imprisonment. On the contrary, it is a great mistake to send anyone to gaol if it can possibly be avoided, and imprisonment should never be resorted to so long as any other form of punishment will serve the purpose. What is here stated is merely meant to bring out the fact that the proportion of well-to-do among the prison population does not accurately represent the proportion of offences committed by that class; and it does not represent it for the simple reason that the well-to-do have facilities for escaping imprisonment which the ill-to-do have not. When a man with a certain command of means is involved in criminal proceedings, he has always the assistance of experienced counsel to defend him, he is always able to secure the attendance of witnesses,<sup>[21]</sup> if he has any, and should the offence be of a nature that a fine will condone, he is always able to escape imprisonment by paying it. It very often happens that poor people are unable to secure these advantages in a court of justice, and prison statistics of the different classes, even if we had them, would, for the reasons we have just mentioned, always give the working classes more than their fair share of offenders.

It has always to be borne in mind in making calculations respecting the proportion of criminal offenders among the various sections of the community that there is a population of habitual criminals which forms a class by itself. Habitual criminals are not to be confounded with the working or any other class; they are a set of persons who make crime the object and business of their lives; to commit crime is their trade; they deliberately scoff at honest ways of earning a living, and must accordingly be looked upon as a class of a separate and distinct character from the rest of the community. According to police estimates this class consists of between 50,000 and 60,000 persons in England and Wales. Notwithstanding the smallness of its numbers, this criminal population contributes a proportion amounting to fully 12 per cent. to the local and convict prisons of England. As this percentage of the prison population is recruited from wholly criminal ground, it is important to place it in a distinct and separate category when forming an estimate of the criminal tendencies of the several branches of the population. This is what has been done in the subjoined table. This table will

accordingly show, first the proportion of the poorer class to the total population, and next their proportion to the prison population. It will do the same for the well-to-do class, and will finally give the percentage of the criminal class in the local and convict prisons:—

Proportion of working class to total population

Proportion, of prisoners from this class

Proportion of well-to-do to population

Proportion of prisoners from this class

Numbers of criminal class, say 60,000

Proportion of prisoners from this class

According to these figures, the well-to-do contribute less than their proper proportion to the prison population. This arises, as has already been stated, from the fact that this class has so many more facilities for escaping the penalty of imprisonment; the difference would be adjusted if the cases tried before the criminal courts were taken as a standard. An examination of these cases would undoubtedly show that each class was represented in proportion to its numbers.

According to Garofalo, one of the most learned of Italian jurists, the poor people in Italy commit fewer offences against property, in proportion to their numbers, than the well-to-do, while in Prussia persons engaged in the liberal professions contribute twice their proper share to the criminal population. A somewhat similar state of things exists in France; there the number of persons engaged in the liberal professions forms four per cent. of the population; but, according to the investigations of Ferri, in his striking little book, "*Socialismo e Criminalita*," the liberal professions were responsible for no less than seven per cent. of the murders perpetrated in France in 1879.

What is the period of the year we should expect most crime to be committed if poverty is at the root of it? In this country, at least, it is very well known that the labouring classes are apt to suffer most in the depth of winter, and the depth of winter may be said to correspond with the months of December, January, and February. It is

in these months that all outdoor occupations come to a comparative standstill; it is then that the poorest section of the population—the men without a trade, the men who live by mere manual labour—are reduced to the greatest straits. In the winter months some of these men have to pass through a period of real hardship; the state of the weather often puts an absolute stop to all outdoor occupations, and when this is the case, it takes an outdoor labourer all his might to provide the barest necessities for his home. In addition to this difficulty, which lies in the nature of his calling, a labourer finds the expense of living a good deal higher in the depth of winter. He has to burn more fuel, he has to supply his children with warmer clothing, in a variety of ways his expenses increase, notwithstanding the most rigid economy. Winter is not only a harder season for the outdoor labourer, it is a time of greater economic trial for the whole working-class population. This, I think, is a statement which will be universally admitted.

On the assumption that poverty is the principal source of crime we ought to have a much larger prison population in the depth of winter than at any other period of the year. The prison statistics for December, January, and February—the three most inclement months, the three months when expenses are greatest and work scarcest—should be the highest in the whole year. As a matter of fact, it is during these three months that there are fewest people in prison. According to an excellent return, issued for the first time by the Prison Commissioners in their thirteenth report, it appears that there was a considerably smaller number of prisoners in the local prisons of England and Wales in the winter months—December, January and February, 1889-90—than at any other season of the year.<sup>[22]</sup> And this is not an isolated fact. A glance at the criminal returns for a series of years will at once show that crime is highest in summer and autumn—a time when occupation of all kinds, and especially occupation for the poorest members of the community, is most easily obtained—and lowest in winter and spring, when economic conditions are most adverse.<sup>[23]</sup>

All these facts, instead of pointing to poverty as the main cause of crime, point the other way. It is a curious sign of the times that this statement should meet with so much incredulity. It has been reserved for this generation to propagate the absurdity that the want of money is the root of all evil; all the wisest teachers of mankind have hitherto been disposed to think differently, and criminal statistics are far from demonstrating that they are wrong. In the laudable efforts which are now being made, and which ought to be made to heighten the material well-being of the community, it is a mistake to assume, as is too often done, that mere material prosperity, even if spread over the whole population, will ever succeed in banishing crime. A mere increase of material prosperity generates as many evils as it destroys; it may diminish offences against property, but it augments offences against the person, and multiplies drunkenness to an alarming extent. While it is an undoubted fact that material wretchedness has a debasing effect both morally and physically, it is also equally true that the same results are sometimes found

to flow from an increase of economic well-being. An interesting proof of this is to be found in the recent investigations of M. Chopinet, a French military surgeon, respecting the stature of the population in the central Pyrenees. M. Chopinet, after a careful examination of the conscript registers from 1873 to 1888, arrives at the following conclusions as to what determines the physical condition of the population. After discussing the cosmical influences and the evil effects of poverty and bad hygienic arrangements on the people, he proceeds to point out that moral corruption arising from material prosperity is also a powerful factor in producing physical degeneracy. He singles out one canton—the canton of Luchon—as being the victim of its own prosperity. In this canton, he says, that the old simplicity of life has departed, in consequence of its prodigious prosperity. "Vices formerly unknown have penetrated into the country; the frequenting of public houses and the habit of keeping late hours have taken the place of the open air sports which used to be the favoured method of enjoyment. Illegitimate births, formerly very rare, have multiplied, syphilis even has spread among the young. Food of a less substantial character has superseded the diet of former times, and, in short, alcoholism, precocious debauchery, and syphilis have come like so many plagues to arrest the development of the youth and seriously debilitate the population."[\[24\]](#)

Facts such as these should serve to remind us that the growth of wealth may be accompanied, and is accompanied, by degeneracy of the worst character unless there is a corresponding growth of the moral sentiments of the community. "The perfection of man," says M. de Laveleye, "consists in the full development of all his forces, physical as well as intellectual, and of all his sentiments; in the feeling of affection for the family and humanity; in a feeling for the beautiful in nature and art." It is in proportion as men strive after this ideal that crime will decay, and material prosperity only becomes a good when it is used as a means to this supreme end. Otherwise, the mere growth of wealth, be it ever so widely diffused, will deprave the world instead of elevating it. The mere possession of wealth is not a moralising agent; as Professor Marshall[\[25\]](#) truly tells us, "Money is general purchasing power, and is sought as a means to all kinds of ends, high as well as low, spiritual as well as material." According to this definition, money may as readily become a source of mischief as an instrument for good; its wider diffusion among the community has, therefore, a mixed effect, and it works for evil or for good, according to the character of the individual. It is only when the character is disciplined by the habitual exercise of self-restraint, and ennobled by a generous devotion to the higher aims of life, that money becomes a real blessing to its possessor. If, on the other hand, money has merely the effect of making the well-to-do rich, and the poor well-to-do, it will never diminish crime; it will merely cause crime to modify its present forms. Such, at least, is the conclusion to which a consideration of the contents of this chapter would seem to lead.

## CHAPTER VI.

### CRIME IN RELATION TO SEX AND AGE.

In the present chapter we shall proceed to discuss the effect exercised by two characteristics of a distinctly personal nature in the production of crime, namely, age and sex.

As sex is the most fundamental of all human distinctions we shall begin by considering the part it plays among criminal phenomena. According to the judicial statistics of all civilised peoples, women are less addicted to crime than men, and boys are more addicted to crime than girls. Among most European peoples between five and six males are tried for offences against the law to every one female. In the southern countries of Europe, females form a smaller proportion of the criminal population than in the northern. This circumstance may be accounted for in several ways. In the first place, it may be the case that women in the south of Europe are better morally than in the north; it may be that the social conditions of their existence shield them from crime; or it may be that the crimes men are most prone to commit in the south are of such a nature that women are more or less incapable of perpetrating them. It is perfectly well known that in the south of Europe women lead more secluded lives than is the case in the north; they are much less immersed in the whirl and movement of life; it is not surprising, therefore, to find that they are less addicted to crime. Nor is this all. The crimes committed in the South consist to a large extent of offences against the person; physical weakness in a multitude of cases prevents women from committing such crimes. In the North, on the other hand, a large proportion of crimes are in the nature of thefts and offences against property. Most of these crimes women can commit with comparative ease; the result is that they form a larger proportion of the criminal population. Assaults are offences women are less capable of committing than men; hence, if we find that the crime of a country consists largely of personal violence, we shall also find that the percentage of female criminals will be relatively small. In Italy, where offences against the person are so prevalent, females only form about nine per cent. of the criminal population; in England, where personal violence is seldom resorted to, females form between 17 and 18 per cent. of the persons proceeded against, and about 15 per cent. of the numbers convicted.

A consideration of these circumstances tends to show that although southern women commit fewer crimes in proportion to men than northern women, this fact is partly owing to the character of the crime. But it is also owing to more secluded habits of life, and to the freedom from moral contamination of a criminal nature which these habits secure.

Proceeding from quantity to quality we find that although females commit much fewer crimes in proportion than males, the offences they do commit are frequently of a more serious nature than the crimes to which men are addicted. According to the investigations of Guerry and Quetelet, women in France commit more crimes of infanticide, abortion, poisoning, and domestic theft than men. They are addicted equally with men to the perpetration of parricide, and are more frequently convicted than men for the ill-treatment of children. English criminal statistics also show that the proportion of women to men rises with the seriousness of the offence. The proportion of women to men summarily proceeded against is 17 per cent., the proportion proceeded against for murder and attempts to murder is as high as 36 per cent. Women are also more hardened criminals than men. According to the statistics of English prisons, women who have been once convicted are much more likely to be reconvicted than men,<sup>[26]</sup> and the prison returns of Continental countries tell the same tale.

The facts relating to female crime having been stated, it will now be our business to inquire why women, on the whole, commit fewer crimes than men. The most obvious answer is that they are better morally. The care and nurture of children has been their lot in life for untold centuries; the duties of maternity have perpetually kept alive a certain number of unselfish instincts; those instincts have become part and parcel of woman's natural inheritance, and, as a result of possessing them to a larger extent than man, she is less disposed to crime. It is very probable that there is an element of truth in the idea that the care of offspring has had a moralising effect upon women, and that this effect has acquired the power of a hereditary characteristic; at the same time, it must be remembered that other causes are also in operation which prevent women figuring as largely in criminal returns as men.

Among the most prominent of these causes is the want of physical power. In all crimes requiring a certain amount of brute strength, such as burglary, robbery with violence, and so on, the proportion of women to men is small. A woman very rarely possesses the animal force requisite for the perpetration of crimes accompanied with much personal violence. But where the element of personal violence does not come conspicuously to the front the proportion of female criminals to male immediately rises, and in such crimes as poisoning, child murder, abortion, domestic theft, women are more criminally disposed than men. Undoubtedly the lack of power has as much to do with keeping down female crime as the want of will. This is especially manifest in the crime of infanticide. For the perpetration of this crime women possess the power, and the vast number of women convicted of this offence in proportion to men is ample proof that they often possess the will. Of course the temptation to women to commit this kind of crime is often extreme; it is the product, in many instances, of an overwhelming sense of shame; and the perpetrators of infanticide are often far from being the most debased of their sex. Still, the prevalence of infanticide among women is an evidence that, where



the temptation is strong and the power sufficient, women are just as criminally inclined as men.

It has also to be borne in mind that women are very frequently the instigators of crime and escape punishment because they are not actually engaged in its commission. In almost all cases where robberies are committed by a pack of thieves, a part of the preparatory arrangements is entrusted to women, and women lend a helping hand in disposing of the spoil. It is the men, as a rule, who receive all the punishment, but the guilt of both sexes is very much the same. In many cases of forgery and fraudulent bankruptcy among the well-to-do classes, for which men only are punished, the guilt of women is equally great. Household extravagance, extravagance in dress, the mad ambition of many English women to live in what they call "better style" than their neighbours sends not a few men to penal servitude. The proportion of female crime in a community is also to a very considerable extent determined by the social condition of women. In all countries where social habits and customs constrain women to lead retiring and secluded lives the number of female criminals descends to a minimum. The small amount of female crime in Greece<sup>[27]</sup> is an instance of this law. On the other hand, in all countries where women are accustomed to share largely the active work of life with men, female crime has a distinct tendency to reach its maximum. An instance of this is the high percentage of female crime in Scotland. According to the Judicial Statistics for the year 1888 no less than 37 per cent. of the cases tried before the Scotch courts consisted of offences committed by women. It is true only 11 per cent. of these offences were of a serious nature—the remainder being more or less trivial, but, even after taking this circumstance into consideration, the unwelcome fact remains that Scotch women commit a higher percentage of crimes in proportion to men than the female population of any other country in Europe. The proportion of English female offenders to male is not half so high; it was only 17 per cent. in 1888, and is showing a tendency to decrease, being as high as 20 per cent. for the twenty years ended 1876. The proportion of female offenders in Scotland to the total criminal population is moving in an opposite direction. The late Professor Leone Levi, in a paper read before the Statistical Society in 1880, stated that Scotch women formed 27 per cent. of the persons tried before the criminal courts; they now form 37 per cent., a most alarming rate of increase.

It hardly admits of doubt that the high ratio of female crime in Scotland is to be attributed to the social status of women. In no other country of Europe do women perform so much heavy manual work; working in the fields and factories along with men; depending little upon men for their subsistence; in all economic matters leading what is called a more emancipated life than women do elsewhere; in short, resembling man in their social activities, they also resemble him in criminal proclivities. Scotch criminal statistics are thus a striking confirmation of the general law revealed by the

study of criminal statistics as a whole; namely, that the more women are driven to enter upon the economic struggle for life the more criminal they will become. This is not a very consoling outlook for the future of society. It is not consoling, for the simple reason that the whole drift of opinion at the present time is in the direction of opening out industrial and public life to women to the utmost extent possible. In so far as public opinion is favouring the growth of female political leagues and other female organisations of a distinctly militant character, it is undoubtedly tending on the whole to lower the moral nature of women. The combative attitude required to be maintained by all members of such organisations is injurious to the higher instincts of women, and in numbers of cases must affect their moral tone. The amount of mischief done by these public organisations for purposes of political combat is not confined to women alone. The overwhelming influence exercised by mothers on the minds of children is notorious; and that influence is not so likely to be for good where the mother's mind is contaminated by a knowledge of, and sometimes by practising, the shady tricks of electioneering.

The present tendency to create a greater number of openings in trade and industry for women is not to be dismissed as pernicious because of its evil effect in multiplying female crime. After all, an enlarged industrial career for women may be the lesser of two evils. According to the present industrial constitution of society a very large number of females must earn a living in the sweat of their brow, and until some higher social development supersedes the existing order of things it is only right that as wide a career as possible should be opened out for the activities of women who must work to live. At the same time it would be an infinitely superior state of things if society did not require women's work beyond the confines of the home and the primary school. In these two spheres there is ample occupation of the very highest character for the energies of women; in them their work is immeasurably superior to men's; and it is because the work required in the home and the school is at the present moment so improperly performed that our existing civilisation is such a hot-bed of physical degeneracy, pauperism, and crime. One thing at least is certain, that crime will never permanently decrease till the material conditions of existence are such that women will not be called upon to fight the battle of life as men are, but will be able to concentrate their influence on the nurture and education of the young, after having themselves been educated mainly with a view to that great end. European society at the present moment is moving away from this ideal of woman's functions in the world; she is getting to be regarded in the light of a mere intellectual or industrial unit; and the flower of womankind is being more and more drafted into commercial and other enterprises. Some affect to look upon this condition, of things as being in the line of progress; it may be, and to all appearance is, in the line of material necessity, but it is unquestionably opposed to the moral interests of the community. These interests demand that women should not be debased, as criminal statistics prove that they are by active participation in modern industrialism;

they demand that the all-important duties of motherhood should be in the hands of persons capable of fulfilling them worthily, and not in the hands of persons whose previous occupations have often rendered them unfit for being a centre of grace and purity in the home. It cannot be too emphatically insisted on that the home is the great school for the formation of character among the young, and it is on character that conduct depends. In proportion as this school of character is improved, in the same proportion will crime decrease. But how is it to be improved when the tendencies of industrialism are to degrade the women who stand by nature at the head of it? Indifferent mothers cannot make children good citizens; and the present course of things industrial is slowly but surely tending to debase the fountain head of the race. At the International Conference concerning the regulation of labour held recently at Berlin, M. Jules Simon, at the close of an excellent speech to the delegates, pointed out the remedy for the present condition of things. "You will pardon me," he said, "for concluding my observations with a personal remark, which is perhaps authorised by a past entirely consecrated to a defence of the cause which brings us here. The object we are aiming at is moral as well as material; it is not only in the physical interests of the human race that we are endeavouring to rescue children, youths, and women from excessive toil; we are also labouring to restore woman to the home, the child to its mother, for it is from her only that those lessons of affection and respect which make the good citizen can be learned. We wish to call a halt in the path of demoralisation down which the loosening of the family tie is leading the human mind."

Passing from the question of sex and crime we shall now consider the proportions which crime bears to age. According to the calculations of the late Mr. Clay, chaplain of Preston prison, the practice of dishonesty among persons, who afterwards find their way into prisons, begins at a very early age. In a communication addressed to Lord Shaftesbury, in 1853, he said that 58 per cent. of criminals were dishonest under 15 years of age; 14 per cent. became dishonest between 15 and 16; 8 per cent. became dishonest between 17 and 19; 20 per cent. became dishonest under 20.

I have little doubt that these proportions are still in the main correct, and that the criminal instinct begins to show itself at a very early period in life. In Staffordshire "it is an ascertained fact, that there is scarcely an habitual criminal in the county who has not been imprisoned as a child."<sup>[28]</sup> But it is after the age of twenty has been reached that the criminality of a people attains its highest point. A glance at the subjoined table will make this clear:—

Population of England and Wales in 1871—

Under 5	13.52	Under 12
5 and under 15	22.58	12 and under 15
15 and under 20	9.59	16 and under 20
20 and under 30	16.66	21 and under 30
30 and under 40	12.80	30 and under 40
40 and under 50	10.05	40 and under 50
50 and under 60	7.32	50 and under 60
60 and upwards	7.48	60 and upwards

These figures show that in proportion to the population, crime is, as we should expect, at its lowest level from infancy till the age of sixteen. From that age it goes on steadily increasing in volume till it reaches a maximum between thirty and forty. After forty has been passed the criminal population begins rapidly to descend, but never touches the same low point in old age as in early youth.

Females do not enter upon a criminal career so early in life as males; <sup>[29]</sup> in the year 1888, while 20 per cent. of the *male* population of our local prisons in England and Wales were under 21, only 12 per cent. of the *female* prison population were under that age. On the other hand, women between 21 and 50, form a larger proportion of the female prison population, than men between the same ages do of the male prison population. The criminal age among women is later in its commencement, and earlier in coming to a close than in the case of men. It is later in commencing because of the greater care and watchfulness exercised over girls than boys; but it is more persistent while it lasts, because a plunge into crime is a more irreparable thing in a woman than in a man. A woman's past has a far worse effect on her future than a man's. She incurs a far graver degree of odium from her own sex; it is much more difficult for her to get into the way of earning an honest livelihood, and a woman who has once been shut up within bolts and bars is much more likely to be irretrievably lost than a man. If it is

important to keep men as much as possible out of prison, it is doubly necessary to keep out women; but it is, at the same time, a much harder thing to accomplish. This arises from the fact that the great bulk of female offenders enter the criminal arena after the age of twenty-one, and can only be dealt with by a sentence of imprisonment. If females began crime at an earlier period of life, it would be possible to send them to Reformatories or Industrial Schools, and a fair hope of ultimately saving them would still remain; but as this is impossible with grown-up persons, prison is the only alternative, and it is after imprisonment is over that a woman begins to recognise the terrible social penalties it has involved.

The proportion of offenders under sixteen years of age to the total local prison population of England and Wales, has decreased in a remarkable way within the last twenty or thirty years. The proportion of offenders under sixteen committed to prison between 1857-66, amounted to six and three-quarters per cent. of the prison population, and if we go back behind that period it was higher still. In fact, during the first quarter of the present century, the extent and ramifications of juvenile crime had almost reduced statesmen to despair. But the spread of the Reformatory system and the introduction more recently of Industrial and Truant Schools for children who have just drifted, or are fast drifting, into criminal courses, has had a remarkable effect in diminishing the juvenile population of our prisons. At the present time the proportion of juveniles under sixteen to the rest of the local prison population is only a little over two per cent. and it is not likely that it will ever reach a higher figure. It might easily be reduced almost to zero if children destined for Reformatories were sent off to these institutions at once, instead of being detained for a month or so in prison till a suitable school is found for them. Some persons object to the idea of sending children to Reformatories at once, on the ground that to abolish the terror of imprisonment from the youthful mind would embolden the juvenile inclined to crime and lead him more readily to commit it. Others object on the ground that it is only right the child should be punished for his offence. In answer to the last objection, it may pertinently be said that a sentence of three or four years to a Reformatory is surely sufficient punishment for offences usually committed by small boys. With regard to the first objection, our own experience is that the ordinary juvenile is much more afraid of the policeman than of the prison, and that the fear of being caught would operate just as strongly upon him if he were sent straight to the Reformatory as it does now. The evils connected with the present system of sending children destined for Reformatories to prison are of two kinds. At the present time many magistrates will not send children to Reformatories who sorely need the restraints of such an institution, because they know it involves a period of preliminary imprisonment before they can get there. Secondly, it enables a lad to know what the inside of a prison really is. On these two points let me quote the words of an experienced magistrate. "I have many times," said Mr. Whitwell, at the fourth Reformatory Conference, "when having to deal with young people, felt it very desirable to send them to a Reformatory,

but have shrunk from it because we are obliged to send them to prison first. I think it should be left to the discretion of the magistrates and not made compulsory. I feel very strongly indeed that it is most desirable to keep the child from knowing what the inside of a prison is. Let them think it something awful to look forward to. *When they have been in the prison they are of opinion that it is not such a very bad place after all, and they are not afraid of going there again*; but if they are sent to a Reformatory and told that they will be sent to a prison if they do not reform, they will think it an awful place." These are wise words. It is impossible to make imprisonment such a severe discipline for children as it is for grown-up men and women, and as it is not so severe, children leave our gaols with a false impression on their minds. The terror of being imprisoned has, to a large extent, departed; they think they know the worst and cease to be much afraid of what the law can do. Hence the fact that society has less chance of reclaiming a child who has been imprisoned than it has of reclaiming one who has not undergone that form of punishment although he has committed precisely the same offence. In England, many authorities on Reformatory Schools are strongly in favour of retaining preliminary imprisonment for Reformatory children; in Scotland, experienced opinion is decisively on the other side. On this point, the Scotch are undoubtedly in the right. The working of prison systems, whether at home or abroad, teaches us that any person, be he child or man, who has once been in prison, is much more likely to come back than a person who, for a similar offence, has received punishment in a different form. The application of this principle to the case of Reformatory children decisively settles the matter in favour of sending such children to Reformatories at once. If this simple reform were effected, the child population of our prisons would almost cease to exist. In the year 1888, this population amounted to 239 for England and Wales under the age of twelve, and 4,826 under the age of sixteen, thus making a total of 5,065 or 2.9 per cent. of the whole local prison population.

In the preceding remarks on juvenile offenders under 16, it has been pointed out that the great decrease in the numbers of such offenders among the prison population is mainly owing to the development of Industrial and Reformatory Schools. In order, therefore, to form an accurate estimate of juvenile delinquency, we must look not merely at the number of juveniles in prison; attention must also be directed to the number of juveniles in Reformatory and Industrial Institutions. Although these institutions are not places of imprisonment, yet they are places of compulsory detention, and contain a very considerable proportion of juvenile delinquents. All juveniles sent to Reformatories have, indeed, been actually convicted of criminal offences, and in 1888 the number of young people in the Reformatory Schools of Great Britain (excluding Ireland) was in round numbers six thousand (5,984). These must be added to the total juvenile prison population in order to form a true conception of the extent of juvenile crime. It is almost certain that if these young people were not in Reformatories they would be in prisons, for, in almost the same proportion as the

Reformatory and Industrial School inmates have increased, the juvenile prison population has decreased.

To the population of the Reformatory Schools must also be added a large percentage of the Industrial School population. Since the year 1864, the number of boys and girls in Industrial and Truant Schools has gone on steadily increasing. In that year the inmates amounted to 1,608; twenty-four years afterwards, that is to say, in 1888, the number of children in Great Britain in Industrial and Truant Schools amounted to 21,426.<sup>[30]</sup> It is true that a considerable proportion of these children were not sent to the schools on account of having committed crime; at the same time it has to be remembered that nearly all of them were on the way to it, and would in all probability have become criminals had the State left them alone for a year or two longer. At the time of their committal the children we are now dealing with were either children who had been found begging, or who were wandering about without a settled home, or who were found destitute, or who had a parent in gaol, or who lived in the company of female criminals, prostitutes, and thieves. Such children may not actually have come within the clutches of the criminal law, but it is sufficient to look for a moment at the surroundings they had lived in to see that this was only a question of time. We must, therefore, add those children, along with the Reformatory population, to the number of juveniles in gaol if we wish to form a proper estimate of the extent of juvenile delinquency. If this is done we arrive at the conclusion that the criminal and semi-criminal juvenile population is at the present time more than 25,000 strong in England and Wales alone; if Scotland be included it is more than 30,000 strong. These figures are enough to show that it is only compulsory detention in State establishments which keeps down the numbers of juvenile offenders; and there can be little doubt, if the inmates of these institutions were let loose upon the country, juveniles would very soon constitute seven, eight, or, perhaps, ten per cent. of the prison population.

Let us now consider the case of young offenders between the ages of 16 and 21. This is the most momentous for weal or woe of all periods of life. During this stage, the transition from youth to manhood is taking place; the habits then formed acquire a more enduring character, and, in the majority of cases, determine the whole future of the individual. If youths between the ages just mentioned could by any possibility be prevented from embarking on a criminal career, the drop in the criminal population would be far-reaching in its effects. It is from the ranks of young people just entering early manhood that a large proportion of the habitual criminal population is recruited; and if this critical period of life can be tided over without repeated acts of crime, there is much less likelihood of a young man degenerating afterwards into a criminal of the professional class. It is most important that the professional criminal class should be diminished at a quicker rate than is the case at present; and, in spite of police statistics to the contrary, it is a class which has not become perceptibly smaller within the last



twenty or five and twenty years. A proof of this statement is to be seen in the fact that offences against property with violence display a tendency to increase, and it is offences of this nature which are pre-eminently the work of the habitual criminal. It is a comparatively rare thing to find a habitual criminal stop mid-way in his sinister career; the accumulated impressions resulting from a life of crime have too effectively succeeded in shaping his character and conduct, and he persists, as a rule, in leading an anti-social life so long as he has physical strength to do it.

The only hope, therefore, of diminishing the habitual criminal population, is to lessen the number of recruits; and as most of these recruits are to be found among lads of between sixteen and twenty-one, it is to these lads that serious attention must be directed. Every year a certain proportion of youths ranging between these two ages shows a pronounced disposition to enter permanently upon a criminal life by repeatedly returning to prison. The deterrent effect of short sentences has ceased to operate upon them, and all the symptoms are present that a downright career of crime has begun. In such circumstances what is to be done? A plan has been proposed by Mr. Lloyd Baker for dealing with refractory and unmanageable Reformatory children, the substance of which is to send them to another institution of a stricter character than the ordinary Reformatory School, and which for want of a better name he calls a Penal Reformatory. It is very probable that something in the nature of a Penal Reformatory is just what is wanted to prevent a youth on the downward road from finally swelling the proportions of the professional criminal population. If Great Britain ever established such institutions, she would then possess a graded set of organisations for dealing with the young, which would cover the whole period of youthful life. The Truant School would catch the child on the first symptoms of waywardness, the Industrial School would arrest him standing on the verge of crime, the Reformatory School would deal with actual offenders against the law, and the Penal Reformatory would grapple with habitual offenders under the age of manhood.<sup>[31]</sup>

After the age of manhood has been reached, and the main lines of character are formed, punitive methods of dealing with criminal offenders must assume a more prominent position, and the prison should then take the place of the Reformatory. In youth the deterrent effects of punishment are small, and the beneficial effects of reformative measures are at their maximum. In manhood, on the other hand, this condition of things is reversed, and the deterrent effects of punishment exceed the beneficial effects of reformative influences. An interesting example of the value of punishment for adults, as compared with other methods, is given by Sir John Strachey in his account of infanticide in certain parts of India. "For many years past," he says, "measures have been taken in the North-West Provinces for the prevention of this crime. For a long time, when our civilisation was less belligerent than it has since become, it was thought that the best hope of success lay in the removal of the causes which



appeared to lead to its commission, and especially in the prevention of extravagant expenditure on marriages; but although these benevolent efforts were undoubtedly useful, their practical results were not great, and it gradually became clear that it was only by a stringent and organised system of coercion that these practices would ever be eradicated. In 1870 an act of the legislature was passed which enabled the Government to deal with the subject. A system of registration of births and deaths among the suspected classes was established, with constant inspection and enumeration of children; special police-officers were entertained at the cost of the guilty communities, and no efforts were spared to convince them that the Government had firmly resolved that it would put down these practices, and would treat the people who followed them as murderers. Although the time is, I fear, distant when preventive measures will cease to be necessary, much progress has been made, and there are now thousands of girls where formerly there were none. In the Mainpuri district, where, as I have said, there was not many years ago hardly a single Chauhán girl, nearly half of the Chauhán children at the present time are girls; and it is hoped that three-fourths of the villages have abandoned the practice."<sup>[32]</sup>

These facts speak for themselves and afford an incontestable proof of the value of punishment as a remedial measure when other remedies have failed.<sup>[33]</sup> In the re-action which is now in full force, and rightly so, against the excessive punishments of past times, there is a marked tendency among some minds to go to the opposite extreme, and an attempt is being made to show that imprisonment has hardly any curative effect at all. Its evils, and from the very nature of things they are not a few, are almost exclusively elaborated and dwelt upon, little attention being paid to the vast amount of good which imprisonment alone is able to effect. It is possible that imprisonment sends a few to utter perdition at a quicker pace than they would have gone of their own accord, but on the other hand, it rescues many a man before he has irrevocably committed himself to a life of crime. If it fails the first time, it very often succeeds after the second or the third, and no one is justified in saying imprisonment is worthless as a reformatory agency till it has failed at least three times. According to the judicial statistics for England and Wales, imprisonment is successful after the third time in about 80 per cent. of the cases annually submitted to the criminal courts, and although it is a pity that the percentage is not higher, yet it cannot fairly be said that such results are an evidence of failure. The prison is unquestionably a much less effective weapon for dealing with crime among Continental peoples, and in the United States, than it has shown itself to be in Great Britain; but this failure arises in the main from the laxity and indulgence with which criminals are treated in foreign prisons. A prison to possess any reformatory value must always be made an uncomfortable place to live in; Continental peoples and the people of America have to a large extent lost sight of this fact; hence the failure of their penal systems to stop the growth of the delinquent population. If, however, imprisonment is not allowed to degenerate into mere detention, it is bound to act as a

powerful deterrent upon grown-up offenders, and it is the only menace which will effectually keep many of them within the law. The hope of reward and the fear of punishment, or, in other words, love of pleasure, and dread of pain, are the two most deeply seated instincts in the human breast; if Mr. Darwin's theory be correct, it is through the operation of these fundamental instincts that such a being as man has come into existence at all. In any case these instincts have hitherto been the chief ingredients of all human progress, the most effective spur to energy of all kinds, and when properly utilised they are the most potent of all deterrents to crime. Were it possible for the hand of social justice to descend on every criminal with infallible certainty; were it universally true that no crime could possibly escape punishment, that every offence against society would inevitably and immediately be visited on the offender, the tendency to commit crime would probably become as rare as the tendency of an ordinary human being to thrust his hand into the fire. The uncertainty of punishment is the great bulwark of crime, and crime has a marvellous knack of diminishing in proportion as this uncertainty decreases. No amelioration of the material circumstances of the community can destroy all the causes of crime, and till moral progress has reached a height hitherto attained only by the elect of the race, one of the most efficient curbs upon the criminally disposed will consist in increasing the probability of punishment.

In proportion as the probability of being punished is augmented, the severity of punishment can be safely diminished. This is one of the paramount advantages to be derived from a highly efficient police system. The barbarity of punishments in the Middle Ages is always attributed by historians to the barbarous ideas of those rude times. But this is only partially true; one important consideration is overlooked. In the Middle Ages it was extremely difficult to catch the criminal; in fact, it is only within the present century that an organised system for effecting the capture of criminals has come into existence. The result of the nebulous police system of past times was that very few offenders were brought to justice at all, and society, in order to prevent lawlessness from completely getting the upper hand, was obliged to make a terrible example of all offenders coming within its grasp. As soon, however, as it became less difficult to arrest and convict lawless persons, the old severities of the criminal code immediately began to fall into abeyance. Sentences were shortened, punishments were mitigated, the death penalty was abolished for almost all crimes except murder. But even now, the moment society sees any form of crime showing a tendency to evade the vigilance of the law, a cry is immediately raised for sterner measures of repression against the perpetrators of that particular form of crime. The Flogging Bill recently passed by Parliament is a case in point. These instances afford a fairly accurate insight into the action of society with regard to the punishment of crime. It punishes severely when the criminal is seldom caught; it punishes more lightly when he is often caught; and its punishments will become more mitigated still, as soon as the probability of capture is made more complete. A comparatively light sentence is in most cases a very

effective deterrent, when it is made almost a certainty, and all alterations in the future in criminal administration should be in the direction of making punishment more certain rather than more severe. Such efforts are sure to be rewarded by a decrease in the amount of crime.

## CHAPTER VII. THE CRIMINAL IN BODY AND MIND.

Has the criminal any bodily and mental characteristics which differentiate him from the ordinary man? Does he differ from his fellows in height and weight? Does he possess a peculiar conformation of skull and brain? Is he anomalous in face and feature, in intellect, in will, in feeling? Is he, in short, an individual separated from the rest of humanity by any set or combination of qualities which clearly mark him off as an abnormal being? As these matters are at present exciting considerable attention, let us now look at the criminal from a purely biological point of view.

A good deal of diversity of opinion exists among competent authorities respecting the stature of criminals. Lombroso says that Italian criminals are above the average height; Knecht says German criminals do not differ in this respect from other men; Marro says the stature of criminals is variable; Thomson and Wilson say that criminals are inferior in point of stature to the average man. Whatever may be the case on the Continent, there can be little doubt that as far as the United Kingdom is concerned, the height of the criminal class is lower than that of the ordinary citizen. In Scotland the average height of the ordinary population is (559) 67.30 inches; the average height of the criminal population, as given by Dr. Bruce Thomson, is (324) 66.95 inches. According to Dr. Beddoe, the average height of the London artizan population is (318) 66.72 inches; the average height of the London criminal (300) 54.70 inches; the average height of Liverpool criminals, according to Danson, is (1117) 66.39 inches. Danson's figures point to the fact that there is hardly any difference in height between the criminal classes of Liverpool and the artizan population of London. It has, however, to be borne in mind that the population of the North of England, being largely of Scandinavian descent, is taller than the population of the South of England. The height of Liverpool criminals should be compared with the average height of the Scotch, to whom they are more nearly allied by race. If this is done, it will be seen that they fall considerably short of the normal stature.

The difference between the height of the criminal population and that of the most favoured classes is more remarkable still. According to Dr. Roberts' tables, the average height of the latter is 69.06 inches; the London criminal is only 64.70 inches. There is

thus a difference of from four to five inches between the most highly favoured classes and the London criminal class. The difference between the criminal class and the merely well-to-do is not quite so great. Selecting Mr. Galton's Health Exhibition measurements as a test of the stature of the well-to-do classes, the results come out as follows:—Health Exhibition measurements, 67.9 inches; London criminals, 64.70 inches. The criminal is thus between two and three inches inferior in height to the well-to-do portion of the community. In fact, the height of the London criminal is very nearly the same as that of the East-End Jew. According to Mr. Jacobs, in a paper communicated to the Journal of the Anthropological Institute, the average stature of the East-End Jew is 64.3 inches; his co-religionist in the West-End is 67.5 inches. We may accordingly take it as the outcome of these measurements that the criminal population of Great Britain is inferior in point of stature to the ordinary population.

From stature we shall pass to weight. Lombroso and Marro say that the weight of Italian criminals is superior to the weight of the average Italian citizen. On the other hand, the weight of London criminals is almost the same as that of London artisans, but inferior to the weight of the artisan population in the large English towns taken as a whole. Average weight of London criminals (300) 136 pounds; average weight of London artisan (318) 137 pounds; average weight of artisans in large towns generally, 138 pounds. The London criminal is considerably inferior in weight to the well-to-do classes, as will be seen from Mr. Galton's Health Exhibition statistics. Average weight, Health Exhibition, 143 pounds; average weight, most favoured class (Roberts), 152 pounds. These figures show that the criminal class in London is seven pounds lighter than the well-to-do, and sixteen pounds lighter than the most favoured section of the population.

Hardly any investigations have been made in this country respecting the skulls of criminals, and the inquiries of continental investigators have so far led to very conflicting results. It is a contention of Lombroso's that the skulls of criminals exhibit a larger proportion of asymmetrical peculiarities than the skulls of other men. On this point Lombroso is supported by Manouvrier. But Topinard, an anthropologist of great eminence, is of the opposite opinion. He carefully examined the same series of skulls as been examined by Manouvrier—the skulls of murders—and he discovered no marked difference between these and other skulls. Heger, a Belgian anthropologist says that the skulls of delinquents do not differ from the skulls of the race to which the delinquent belongs. In fact, till more exactitude is introduced into the methods of skull measurement, all deduction based upon an examination of the criminal skull must be regarded as untrustworthy. A striking instance of this was witnessed at the proceedings of the Paris Congress of Criminal Anthropology held in 1889. When the skull of Charlotte Corday, who killed the revolutionist Marat, was subjected to examination, Lombroso declared that it was a truly criminal type of skull; Topinard, on the other

hand, gave it as his opinion that it was a typical female skull. On this point Topinard was supported by Benedict.<sup>[34]</sup> As long as such divergencies of view exist among anthropologists it is impossible to place much stress upon inquiries relative to the conformation of the criminal skull. Before a beginning can be made with inquiries of this character, there must be some fundamental basis of agreement among investigators as to what is to be accounted asymmetrical in skull measurements and what is not. Even then it will have to be remembered, before coming to conclusions, that no skull is perfectly symmetrical—every one showing some variation from the ideal type. When the extent of this variation has been absolutely demonstrated to be greater in the case of criminals than among other sections of the community, we shall then be approaching solid ground. At present we must wait for further light before anything can be said with certainty with respect to the criminal skull.

Just as little is known at present about the brain of criminals as about the skull. Some years ago Professor Benedict startled the world by stating that he had discovered the seat of crime in the convolutions of the brain. He found a certain number of anomalies in the convolutions of the frontal lobes, and he came to the conclusion that crime was connected with the existence of these anomalies. But he had omitted to examine the frontal convolutions of honest people. When this was done by other investigators, it was found that the brain convolutions of normal men presented just as many anomalies, some investigators (Dr. Giacomini) said even more than the brains of criminals. According to Dr. Bardeleben, there is no such thing as a normal type of brain. Weight of brain is a much simpler question than brain type, but so far it is impossible to say whether the criminal brain is heavier or lighter than the ordinary brain. The solution of this comparatively simple point is beset by a certain number of obstacles. It is not enough, Dr. Binswanger tells us, to weigh the brains of criminals and the brains of ordinary persons and then strike an average of the results. The height and weight of the persons whose brains are averaged are essential to the formation of accurate conclusions; till these important factors are taken into account, all deductions based upon weight of brain only rest upon an unsure foundation.

But supposing we had a trustworthy body of facts bearing upon the weight and structure of the criminal brain, we should still require to know much more of brain functions in general before satisfactory conclusions could be drawn from these facts. We know something, it is true, of the physiological functions at certain cerebral regions, but as yet nothing is known of the localisation of any particular mental faculty, whether criminal or otherwise. A conclusive proof that the study of the brain, as an organ of thought, is still in its infancy, is found in the fact that the fundamental question is still unsolved, whether the whole brain is to be considered one in all its parts, so far as the performance of psychic functions is concerned, or whether these functions are localised in certain definite centres. Till these fundamental difficulties are cleared away, the

presence of anomalies in certain convolutions of the brain will not prove very much one way or the other.<sup>[35]</sup>

An examination of the criminal face has so far led to no definite and assured results. In the imagination of artists the criminal is almost always credited with the possession of a retreating forehead. As a matter of fact, Dr. Marro, one of the most eminent representatives of the anthropological school, assures us that this is not the case. After comparing the foreheads of 539 delinquents with the foreheads of 100 ordinary men, he found that criminals had a smaller percentage of retreating foreheads than the average man.<sup>[36]</sup> He also found that projecting eyebrows, another trait which is supposed to be a criminal peculiarity, were almost as common among ordinary people as among offenders against the law. Projecting ears is another peculiarity which is often associated with the idea of a criminal. But Dr. Lannois states that after a careful examination of the ears of 43 young offenders, he found them as free from anomalies as the ears of other people.<sup>[37]</sup>

As it is the Italians who have studied these matters most exhaustively, it is mainly to them we must go for information. In a little book on the skeleton and the form of the nose, Dr. Salvator Ottolenghi comes to the somewhat curious result that the bones of the criminal nose offer many anomalies of a pre-human or bestial character; but the nose itself is straight and long, or, in other words, just as highly developed as the noses of ordinary men. Careful inquiries have been undertaken by criminal anthropologists into the colour of the hair, the length of the arms, the colour of the skin, tattooing, sensitiveness to pain among the criminal population, but these laborious investigations have so far led to few solid conclusions. According to Lombroso, insensibility to pain is a marked characteristic of the typical criminal.<sup>[38]</sup> "Individuals," he says, "who possess this quality consider themselves as privileged, and they despise delicate and sensitive persons. It is a pleasure to such hardened men to torment others whom they look upon as inferior beings." On this point M. Joly is at variance with Lombroso. "I asked," he says, "at the central hospital, the Santé, where all persons who become seriously ill in the prisons of the Seine are looked after, if this disvulnerability had ever been noticed. I was told that far from that, prisoners were always found very sensitive to pain ... Honest people, industrious workmen, the fathers of families treated at the Charité or the Hôtel-Dieu (Paris hospitals), undergo operations with much more fortitude than the sick prisoners of the Santé."<sup>[39]</sup> On this point, therefore, as on so many others, we are still without a sufficient body of evidence, and must, meanwhile, suspend our judgment.

Let us now consider the criminal's physiognomy. In this connection it must be borne in mind that a prolonged period of imprisonment will change the face of any man, whether he is a criminal or not. Political offenders who have undergone a sentence of penal servitude, and who may be men of the highest character, acquire the prison look

and never altogether get rid of it. If a man spends a certain number of years sharing the life, the food, the occupations of five or six hundred other men, if he mixes with them and with no one else, he will inevitably come to resemble them in face and feature. A remarkable illustration of this fact has recently been brought to light by the Photographic Society of Geneva. "From photographs of seventy-eight old couples, and of as many adult brothers and sisters, it was found that twenty-four of the former resembled each other much more strongly than as many of the latter who were thought most like one another."<sup>[40]</sup> It would, therefore, seem that the action of unconscious imitation, arising from constant contact, is capable of producing a remarkable change in the features, the acquired expression frequently tending to obliterate inherited family resemblances. According to Piderit, physiognomy is to be considered as a mimetic expression which has become habitual. The criminal type of face, so conspicuous in old offenders, is in many cases merely a prison type; it is not congenital; men who do not originally have it almost always acquire it after a prolonged period of penal servitude.

But apart from the prison type of countenance, it is highly probable that a distinct criminal type also exists. Certain professions generate distinctive castes of feature, as, for instance, the Army and the Church. This distinctiveness is not confined to features alone, it diffuses itself over the whole man; it is observable in manner, in gesture, in bearing, in demeanour, and is constantly breaking out in a variety of unexpected ways. In like manner the habitual criminal acquires the habits of his class. Crime is his profession; it is also the profession of all his associates. The constant practice of this profession results in the acquisition of a certain demeanour, a certain aspect, gait, and general appearance, in many instances too subtle to define, but, at the same time, plain and palpable to an expert.

The slang of criminals is also explicable on the same principle. Every trade and calling has its technical terms. The meaning of these terms is hidden from the rest of the world, but the origin of their existence is not difficult to explain. The jargon of the criminal arises from the same causes and is constructed on exactly the same principles as the technical words and phrases of the man of science. When a man of science is compelled to make frequent use of a phrase, he generally gets rid of it by inventing some technical word; it is precisely the same with criminals. With them technical words are used instead of phrases, and short words instead of long ones in all matters where criminal interests are intimately concerned, and on all topics which are habitually the subjects of conversation among the criminal classes. The language of the Stock Exchange with its Bulls, Bears, Contangos, and other short and comprehensive expressions for various kinds of stocks, is on all fours with the slang of criminals, and it is not necessary to resort to atavism in order to explain it. It arises to supply professional needs, and criminal argot springs up from exactly the same cause.



Summing up our inquiries respecting the criminal type we arrive, in the first place, at the general conclusion, that so far as it has a real existence it is not born with a man, but originates either in the prison, and is then merely a prison type, or in criminal habits of life, and is then a truly criminal type. As a matter of fact, the two types are in most cases blended together, the prison type with its hard, impassive rigidity of feature being superadded to the gait, gesture and demeanour of the habitual criminal. In combination these two types form a professional type and constitute what Dr. Bruce Thomson<sup>[41]</sup> has called "a physique distinctly characteristic of the criminal class." It is not, however, a type which admits of accurate description, and its practical utility is impaired by the fact that certain of its features are sometimes visible in men who have never been convicted of crime. The position of the case, with respect to the criminal type, may be best described by saying that an experienced detective officer will be sure in nine cases out of ten that he has got hold of a criminal by profession, but in the tenth case he will probably make a mistake. In other words, face, manner and demeanor are no infallible index of character or habits of life.

When crime is not an inherited taint, but merely an acquired habit, this fact has an important practical bearing upon the proper method of dealing with it. Acquired habits, we are now being taught by Professor Weismann, are incapable of being transmitted to posterity, and Mr. Galton is of the same opinion.<sup>[42]</sup> This is not the place to elaborate the theory of inheritance, as understood by those writers; its essence, however, is that we only inherit the natural faculties of our forebears, and not those faculties which they have acquired by practice and experience. The son of a rope-dancer does not inherit his father's faculties for rope-dancing, nor the son of an orator his father's ready aptitude for public speech, nor the son of a designer his father's acquired skill in the making of designs. All that the son inherits is the natural faculties of the parent, but no more. Hence it follows that the son of a thief, on the supposition that thieving comes by habit and practice, does not by natural inheritance acquire the parent's criminal propensity. As far as his natural faculties are concerned he starts life free from the vicious habits of his parent, and should he in turn become a thief, as sometimes happens, it is not because he has inherited his father's thievish habits, but because he has himself acquired them. It is imitation, not instinct, which transforms him into a thief; and if he is removed from the influence of evil example he will have almost as small a chance of falling into a criminal life as any other member of the community. It will not be quite so small, because no public institution, however well conducted, can ever exercise so moralising an effect as a good home, but it will be much smaller than if he grew up to maturity under the pernicious surroundings of a criminal home.

If we do not inherit the acquired faculties and habits of our parents, it is unfortunately too true that we inherit their diseases and the connection between disease and crime is a fact which cannot be denied. In many cases it is perfectly true that persons suffering



from disease or physical degeneracy do not become criminals, in most cases they do not; at the same time a larger proportion of such persons fall into a lawless life than is the case with people who are free from inherited infirmities. The undoubted tendency of physical infirmity is to disturb the temper, to weaken the will, and generally to disorganise the mental equilibrium. Such a tendency, when it becomes very pronounced, leads its unhappy possessor to perpetrate offenses against his fellow-men, or, in other words, to commit crime. In a recent communication to a German periodical, Herr Sichart, director of prisons in the kingdom of Wurtemberg, has shown that a very high percentage of criminals are the descendants of degenerate parents. Herr Sichart's inquiries extended over several years and included 1,714 prisoners. Of this number 16 per cent. were descended from drunken parents; 6 per cent. from families in which there was madness; 4 per cent. from families addicted to suicide; 1 per cent. from families in which there was epilepsy. In all, 27 per cent. of the offenders, examined by Herr Sichart were descended from families in which there was degeneracy. According to these figures more than one fourth of the German prison population have received a defective organisation from their ancestry, which manifests itself in a life of crime.

In France and Italy the same state of things prevails. Dr. Corre is of opinion that a very large proportion of persons convicted of bad conduct in the French military service are distinctly degenerate either in body or mind. Dr. Virgilio says that in Italy 32 per cent. of the criminal population have inherited criminal tendencies from their parents. In England there is no direct means of testing the amount of degeneracy among the criminal classes, but, in all likelihood, it is quite as great as elsewhere. According to the report of the Medical Inspector of convict prisons for 1888-9, the annual number of deaths from natural causes, among the convict population, is from 10 to 12 per 1000. Let us compare those figures with the death rate of the general population as recorded in the Registrar-General's report for 1888. The annual death rate from all causes of the general population, between the ages of 15 and 45, is about 7 per 1000. I have selected the period of life between 15 and 45 for the reason that it corresponds most closely with the average age of criminals. If deaths from accident are excluded from the mortality returns of the general population, it will be found that the rate of mortality among criminals, in convict prisons, is from one third to one half higher than the rate of mortality among the rest of the community of a similar age. If the rate of mortality of the criminal population is so high inside convict prisons, where the health of the inmates is so carefully attended to, what must it be among the criminal classes when in a state of liberty? Independently of the premature deaths brought on by irregularity of life, it is certain that a high proportion of criminals bear within them the seeds of inherited disorders, and it is these disorders which largely account for the high rate of mortality amongst them when in prison.

The high percentage of disease and degeneracy among the English criminal population may be seen in other ways. The population in the local gaols in 1888-9, between the ages of 21 and 40, constituted 54 per cent. of the total prison population, whilst the same class between the ages of 40 and 60 formed only 20 per cent. of the prison population. One half of this drop in the percentage of prisoners between 40 and 60 may be accounted for by the decreased percentage of persons between these two ages in the general population. The other half can only be accounted for by the extent to which premature decay and death rage among criminals who have passed their fortieth year. In other words, the number of criminals alive after forty is much smaller than the number of normal men alive after that age.

A direct proof of the extent of degeneracy in the shape of insanity among persons convicted of murder can be found in the Judicial Statistics. The number of persons convicted of wilful murder, not including manslaughter or non-capital homicides, from 1879 to 1888 amounted to 441. Out of this total 143 or 32 per cent. were found insane. Of the 299 condemned to death, no less than 145, or nearly one half, had their sentences commuted, many of them on the ground of mental infirmity. The whole of these figures decisively prove that between 40 and 50 per cent. of the convictions for wilful murder are cases in which the murderers were either insane or mentally infirm. Murder cases are almost the only ones respecting which the antecedents of the offender are seriously inquired into. But when this inquiry does take place the vast amount of degeneracy among criminals at once becomes apparent.

Passing from the mental condition of murderers, let us now take into consideration the mental state of criminals generally. Beginning with the senses, it may be said that very little stress can be laid on the experiments conducted by the Anthropological School as to peculiarities in the sense of smell, taste, sight, and so on, discovered among criminals. In all these inquiries it is so easy for the subject to deceive the investigator, and he has often so direct an interest in doing it that all results in this department must be accepted with the utmost caution. Wherever investigations necessitate the acceptance upon trust of statements made by criminals, their scientific value descends to the lowest level. As this must be largely the case with respect to the senses of hearing, taste, smell, etc., it is almost impossible to reach assured conclusions.

It is different in inquiries respecting the intellect. Here the investigator is able to judge for himself. According to Dr. Ogle, 86.5 per cent. of the general population were able to read and write in the years 1881-4, and as this represents an increase of 10 per cent. since the passing of the Elementary Education Act, it is probably not far from the mark to say that at the present time almost 90 per cent. of the English population can read and write. In other words, only 10 per cent. of the population is wholly ignorant. In the local prisons on the other hand, no less than 25 per cent. of the prisoners can neither read nor write, and 72 per cent. can only read or read and write imperfectly. The

vast difference in the proportion of uninstructed among the prison, as compared with the general population, is not to be explained by the defective early training of the former. This explanation only covers a portion of the ground: the other portion is covered by the fact that a certain number of criminals are almost incapable of acquiring instruction. The memory and the reasoning powers of such persons are so utterly feeble that attempts to school them is a waste of time.<sup>[43]</sup> Deficiencies in memory, imagination, reason, are three undoubted characteristics of the ordinary criminal intellect. Of course, there are very many criminals in which all these qualities are present, and whose defects lie in another direction, but taken as a whole the criminal is unquestionably less gifted intellectually than the rest of the community.

Respecting the emotions of criminals, it is much more difficult to speak, and much more easy to fall into error. The only thing that can be said of them for certain, is, that they do not, as a rule, possess the same keenness of feeling as the ordinary man. Some Italian writers make much of the religiosity of delinquents; such a sentiment may be common among offenders in Italy; it is certainly rare among the same class in Great Britain. The cellular system puts an effective stop to any thing like active hostility to religion; but it is a mistake to argue from this that the criminal is addicted to the exercise of religious sentiments. The family sentiment is also feebly developed; the exceptions to this rule form a small fraction of the criminal population.

The will in criminals, when it is not impaired by disease, is, in the main, dominated by a boundless egoism. Let us first consider those whose wills are impaired by disease. Among drunkards and the degenerate generally the power of sustained volition is often as good as gone. Nothing can be more pitiful or hopeless than the position of wretched beings in a condition such as this. Often animated by good resolutions, often anxious to do what is right, often possessing a sense of moral responsibility, these unhappy creatures plunge again and again into vice and crime. In some cases of this description the will is practically annihilated; in others it is under the dominion of momentary caprice; in others again it has no power of concentration, or it is the victim of sudden hurricanes of feeling which drive everything before them. Persons afflicted in this way, when not drunkards, are generally convicted for crimes of violence, such as assault, manslaughter, murder. They experience real sentiments of remorse, but neither remorse nor penitence enables them to grapple with their evil star. The will is stricken with disease, and the man is dashed hither and thither, a helpless wreck on the sea of life.<sup>[44]</sup>

Let us now consider the class of criminals whose wills are not diseased, but are, on the other hand, dominated by a boundless egoism. Of such criminals it may be said that there is no essential difference between them and immoral men. Egoism, selfishness, a lack of consideration for the rights and feelings of others, are the dominant principles in the life of both. The dividing line between the two types consists in this, that the egoism of the immoral man is bounded by the criminal law; but the egoism of the

criminal is bounded by no law either without him or within. It does not follow from this that the criminal is without a sense of duty or a dread of legal punishment. In most cases he possesses both in a more or less developed form. But his immense egoism so completely overpowers both his sense of duty and his fear of punishment that it demands gratification at whatever cost. He sees what he ought to do; he knows how he ought to act; he is perfectly alive to the consequences of transgression, but these motives are not strong enough to induce him to alter his ways of life.

On summing up the results of this inquiry into criminal biology we arrive at the following conclusions. In the first place, it cannot be proved that the criminal has any distinct physical conformation, whether anatomical or morphological; and, in the second place, it cannot be proved that there is any inevitable alliance between anomalies of physical structure and a criminal mode of life. But it can be shown that criminals, taken as a whole, exhibit a higher proportion of physical anomalies, and a higher percentage of physical degeneracy than the rest of the community. With respect to the mental condition of criminals, it cannot be established that it is, on the whole, a condition of insanity, or even verging on insanity. But it can be established that the bulk of the criminal classes are of a humbly developed mental organisation. Whether we call this low state of mental development, atavism, or degeneracy is, to a large extent, a matter of words; the fact of its wide-spread existence among criminals is the important point.

The results of this inquiry also show that degeneracy among criminals is sometimes inherited and sometimes acquired. It is inherited when the criminal is descended from insane, drunken, epileptic, scrofulous parents; it is often acquired when the criminal adopts and deliberately persists in a life of crime. The closeness of the connection between degeneracy and crime is, to a considerable extent, determined by social conditions. A degenerate person, who has to earn his own livelihood, is much more likely to become a criminal than another degenerate person who has not. Almost all forms of degeneracy render a man more or less unsuited for the common work of life; it is not easy for such a man to obtain employment; in certain forms of degeneracy it becomes almost impossible. A person in this unfortunate position often becomes a criminal, not because he has strong anti-social instincts, but because he cannot get work. Physically, he is unfit for work, and he takes to crime as an alternative.

Another important result is the close connection between madness and crimes of blood. We have seen that almost one third of the cases of conviction for wilful murder are cases in which the murderer is found to be insane. And this does not represent the full proportion of murderers afflicted mentally; a considerable percentage of those sentenced to death have this sentence commuted on mental grounds. In Germany, from 26 to 28 per cent. of criminals suffering from mental weakness escape the observation of the court in this important particular, and the same state of things unquestionably

exists in the United Kingdom. The actual percentage of criminals who suffer from mental disorders in the prisons of Europe is probably much greater than is generally supposed. At the present time a knowledge of insanity is no part of the ordinary medical curriculum. "With respect to this malady the great majority of medical men are themselves in the position of laymen. They have not studied it. It was not included in their examinations."<sup>[45]</sup> Till this state of things is altered we shall never exactly know the intimacy of the connection between nervous disorders and crime.

## CHAPTER VIII.

### THE PUNISHMENT OF CRIME.

In a previous chapter the deterrent action of punishment on the criminal population has been pointed out. It now remains for us to consider the nature of punishment, and the methods by which punishment should be carried out. What is punishment as applied to crime? According to Kant it is an act of retribution; it consists in inflicting upon the criminal the same injury as he has inflicted on his victim. It is an application by society of the principle of "jus talionis." Such a definition of punishment does not harmonise with the facts. We cannot punish the slanderer by slandering him in turn; and in punishing the murderer, it is impossible to torture him in the same way as he has probably tortured his victim. According to the theory of retribution, punishment becomes an end in itself; it is quite unrelated to the benefits it may confer on the person who is punished, or on the community which punishes him.

The difficulties surrounding the theory of retribution have led to other definitions of punishment. Punishment, it is said, is not inflicted on the offender as a retribution for his misdeeds, it is inflicted for the purpose of protecting society against its enemies. Such a view leaves moral considerations entirely out of account; it leaves no room for the just indignation of the public at the spectacle of crime. It is defective in other ways. For instance, a criminal has a particular animosity against some single individual; it may be he murders this person, or does him grievous bodily harm. Such an offender has no similar animosity against any one else; as far as the rest of the community is concerned he is perfectly harmless. On the supposition that punishment is only intended to protect society against the criminal, a man of this description would escape punishment altogether. Or supposing a man (and this often happens), after committing some serious crime for which he is sent to penal servitude, sincerely and bitterly repented of it, and would be, if released, a perfectly harmless member of the community, such a man, according to the theory we are now discussing, should be released at once. The certainty that the public conscience would tolerate no such step shows that punishment has a wider object than the mere attainment of social security.

Punishment is only a means say some; its real end is the reformation of the offender. The practical application of such a principle would lead to very astonishing results. It is perfectly well known that there is no more incorrigible set of offenders than habitual vagrants and drunkards. And on the other hand, the most easily reformed of all offenders is often some person who has committed a serious crime under circumstances which could not possibly recur. According to the theory that reformation is the only end of punishment, petty offenders would be shut up all their lives, while the perpetrator of a grave crime would soon be set free. An absurd result of this kind is fatal to the pretention that punishment is merely a means and not also an end.

Is it the end of punishment to act as a deterrent? We are often told from the judicial bench that a man receives a certain sentence as a warning and example to others. If such is the end of punishment it lamentably fails in its purpose, for in a number of cases it neither deters the offender nor the class from which the offender springs. It was under the influence of this idea that criminals used to be hanged in public, but experience failed to show that these ghastly exhibitions had much deterrent effect on the community. Besides, it is rather ridiculous to say, I do not punish you for the crime you have committed, I punish you as a warning to others. In these circumstances the effect of punishment is not to be upon the person punished, but upon a third party who has not fallen into crime. Unless the punishment is just in itself, society has no right to inflict it in the hope of scaring others from criminal courses. Justice administered in this spirit, turns the convicted offender into a whipping boy; the punishment ceases to be related to the offence, and is merely related to the effect it will have on a certain circle of spectators.

In our view, punishment ought to be regarded as at once an expiation and a discipline, or, in other words, an expiatory discipline. This definition includes all that is valuable in the theories just reviewed, and excludes all that is imperfect in them. The criminal is an offender against the fundamental order of society in somewhat the same way as a disobedient child is an offender against the centre of authority in the home or the school. The punishment inflicted on the child may take the form of revenge, or it may take the form of retribution, or it may take the form of deterrence, but it undoubtedly takes its highest form when it combines expiation with discipline. Punishment of this nature still remains punitive as it ought to do, but it is at the same time a kind of punishment from which something may be learned. It does not merely consist in inflicting pain, although the presence of this element is essential to its efficacy; it consists rather in inflicting pain in such a way as will tend to discipline and reform the character. Such a conception of punishment excludes the barbarous element of vengeance; it is based upon the civilised ideas of justice and humanity, or rather upon the sentiment of justice alone, for justice is never truly just except when its tendency is also to humanise.

"Sine caritate justicia

Vindicationi similis."

From the theory of punishment let us now turn to its methods. The most severe of these is the penalty of death. A great deal has been said and written both for and against the retention of this form of punishment. To set forth the arguments on both sides in a fair and adequate manner would require a volume; it must, therefore, suffice to say that in the field of controversy the contest between the opposing parties is a fairly even one. In fact, looking at the matter from a purely polemical point of view, the advocates of the death penalty have probably the best of it. It has, however, to be remembered that such questions are not solved by battalions of abstract arguments, but by the slow, silent, invisible action of public sentiment. The way in which this impalpable sentiment is moving on the question of the death penalty may be seen, first, in the manner in which crime after crime during the present century has been excluded from the supreme sentence of the law, and secondly, in the steady diminution of capital executions throughout the civilised world. If the present drift of feeling continues for another generation or two it is not at all improbable, in spite of temporary reactions here and there, that the question of capital punishment will have solved itself.

Another form of punishment is transportation. As far as Great Britain is concerned, transportation possesses only a historic interest. No one is now sent out of the country for offences against the law. Experience showed that penal colonies were a failure, and that the truly criminal could be more effectively dealt with at home. Within recent years the French have resorted to the system of transportation; but, according to several eminent French authorities, the penal settlement in New Caledonia is hardly justifying the anticipations of its founders.

Penal servitude has taken the place of transportation in Great Britain. Every person sentenced to a term of five years and over undergoes what is called penal servitude. The sentence is divided into three stages. In the first stage the offender passes nine months of his sentence in one of the local prisons in solitary confinement. In the next stage he is allowed to work in association with other prisoners; and in the last stage he is conditionally released before his sentence has actually expired. If a prisoner conducts himself well, if he shows that he is industrious, he will be released at the expiration of about three fourths of his sentence. If, on the other hand, he is idle and ill-conducted, he will have to serve the full term.

During the first nine months of his confinement the convict sentenced to penal servitude is treated in exactly the same way as a person sentenced to a month's imprisonment; the only difference being that he is provided with better food. During the period of detention in a Public Work's Prison the convict may, if well-conducted, pass through five progressive stages; each of these stages confers some privileges which the one below it does not possess. The first stage of all is called the Probation Class. In

this, as well as in every succeeding class, a man's industry is measured by a process called the Mark system. This system is somewhat similar to the method adopted for rewarding industry in our public schools. In those schools a boy's diligence is recognised by his receiving so many marks per day, and he would be an ideal pupil who received the maximum number of marks. In convict prisons, on the other hand, the maximum number of marks, which is eight per day, can easily be earned by any person willing to do an average day's work. If a convict earns the maximum number of marks per day for three months he is promoted at the end of that time out of the Probation Class into a higher stage called the Third Class. He must remain in the third class for at least a year; while in this class he is permitted to receive a visit and to write and receive a letter every six months. He is also rewarded at the rate of a penny for every 20 marks, which enables him to earn twelve shillings in the course of the year.

After the expiration of one year in the Third Class the prisoner, if he has regularly earned eight marks a day, is advanced to the Second Class. In this stage he can receive a visit and write and receive a letter every four months. He is allowed a little choice in the selection of his breakfast; the value attached to his marks is also increased, and he is able in the Second Class to earn 18 shillings a year. At the termination of a year, if a prisoner continues his habits of industry, he is promoted to the First Class. Persons whose education is defective are not permitted to enter the First Class, unless they have also made progress in schooling. In the First Class a man is allowed to receive a visit and to write and receive a letter every three months. He is also given additional privileges in the choice of food. In the First Class he can earn 30 shillings a year.

Above the First Class is a Special Class composed of men whose conduct has been specially exemplary. Men may be admitted into this class 12 months before their liberation; they may also be placed in positions of trust and responsibility in connection with the prison, and are able to earn a gratuity amounting to six pounds. Such men are, as a matter of course, liberated at the expiration of three fourths of their sentence, which means that a term of five years' penal servitude is reduced to somewhat under four years.

For female convicts all these rules are modified and mitigated. Isolation is not so strictly enforced; a female may be liberated at the expiration of two thirds of her sentence; she may also earn four pounds instead of three, which is the highest sum men can receive, except the limited number in the Special Class. Corresponding to the Special Class of male convicts, there is among the females what is called a Refuge Class. Well-conducted women undergoing their first term of penal servitude are placed in this class, and nine months before the date on which they are due for discharge on ordinary licence, that is to say, nine months before they have finished two thirds of their sentence, they are released from prison and placed in some Home for females. Two Homes which receive prisoners of this class are the Elizabeth Fry Refuge and the London Preventive and Reformatory Institution. These Homes receive ten shillings a



week for the care of each inmate confided to them by the State, and the time spent there is used as a gradual course of preparation for the re-entrance of these unfortunate people into ordinary life. According to this method females, after a prolonged period of imprisonment, are not thrown all of a sudden upon the world; they re-enter it by slow and imperceptible stages, and are thus enabled to commence life afresh under hopeful and salutary conditions.

Male convicts on their release from penal servitude are, if they desire it, assisted to obtain employment by Discharged Prisoners' Aid Societies. The way in which assistance is rendered by the Royal Society, Charing Cross, which may be considered as a type of most of these societies, is as follows:—

"The convicts on their discharge are accompanied to the office of the Society by a warder in plain clothes. They are there received by the Secretary and the member of the Committee who, according to a fixed rota, attends daily for this purpose. The first step is to give them a plentiful breakfast of white bread, bacon and hot coffee. When this is finished they are invited to come forward and state their hopes and intentions as to the future. Full particulars of the nature of the crime, the sentence, and the antecedents of the convict have been previously received from the prison, and this information is, of course, of the greatest value as a guide to dealing with the particular case. After friendly discussion with the convict at one or more interviews, and further inquiry, if need be, by the officers of the Society, the course to be taken in each case is decided upon and carried out as soon as possible, either by the officers of the Society or through other agency. In cases of emigration and other cases where it is advisable, the gratuities received from Government are supplemented by donations from the funds of the Society; and, if not already supplied by the prison authorities, a respectable suit of clothes of a character fitted for the work on which the recipient is to be employed is provided.

"The cases of men or women who elect to remain in or near the Metropolis are usually dealt with directly by members of the Committee and officers of the Society; others prefer to seek work for themselves; but, meanwhile, respectable lodgings are provided till work is obtained. Others who prefer a sea life are sent to the care of agents until ships can be found for them—a few selected cases are sent abroad." In the case of persons proceeding to seek work at a distance from London, the Royal Society communicates with Discharged Prisoners' Aid Societies in the country, and these Societies take such cases in hand.

Another admirable Society for dealing with discharged convicts is the St Giles' Mission, Brook St. Holborn. This Society provides a home for the person whose sentence has expired; it is managed by a man (Mr. Wheatley) possessed of an unsurpassed knowledge of the work; and it is year by year rendering effective service

to the convict population. Some idea of the work accomplished by Societies such as those just mentioned may be gathered from the fact that about two thirds of the discharged convicts are annually passing through their hands; the other third declining or not requiring assistance by such methods. What is wanted to perfect the working of the institutions we are now describing is increased public support; even now the Royal Society was able to state in one of its reports, "that no discharged convict, who is physically capable and willing to work, has any excuse for relapsing into crime."

This brief sketch of the manner in which a sentence of penal servitude is carried into effect will afford some idea of the nature of this method of punishment. We shall now proceed to describe another mode of dealing with offenders against the fundamental order of society. In addition to convict establishments there exists throughout the United Kingdom a large number of places of confinement called Local Prisons. In England and Wales there are about sixty Local Prisons; in Scotland there are about twenty; in Ireland there are about eighteen. In Scotland and Ireland persons sentenced to a few days' imprisonment are often confined in police cells, in England all convicted offenders serve their sentence, however short, in a regular Local Prison.

Before 1877 the Local Prisons of England and Scotland were under the control and administration of the County Magistrates, and almost every county had then its own prison. One of the chief defects of this system was the multiplication of prisons; one of its chief virtues was that local power kept alive local interest in a way which is impossible with highly centralised machinery. Where prisons are small and numerous, as was to some extent the case under the old system, it is difficult to conduct them so economically; on the other hand, the herding of great masses of criminals together in huge establishments is not without corresponding evils. It is now being pointed out by specialists on the Continent and in America that huge prisons destroy the individuality of the prisoner; his own personality is lost amid the hundreds who surround him; he sinks into the position of a mere unit, and is obliged to be treated as such by the officials in charge of him. Under such a system it becomes almost impossible to individualise prisoners; there is no time for it; as a result, the influence of reformatory agencies descends to a minimum and only the punitive side of justice comes home to the offender. At one time the value of Reformatory Schools was seriously impaired by herding too many lads together under one roof; it is now seen that the success of these institutions is marred by making them too large; it is accepted as an established maxim that the smaller the school the better the results. The same principle holds true with respect to prisons.

When the County Magistrates were deprived of their powers by the last government of Lord Beaconsfield, these powers were in England vested in the Home Secretary; in Scotland they were latterly vested in the Secretary for Scotland; in Ireland they are vested in the Chief Secretary. Under each of these Parliamentary heads there is a body

called the Prison Commissioners or Prison Board. These Commissioners are centred in London for England; in Edinburgh for Scotland; in Dublin for Ireland. Under them is a body of Prison Inspectors, and last of all there comes the actual working staff of the Local Prisons, consisting of warders, schoolmasters, clerks, governors, chaplains, and doctors.

Wherein does the Local Prison system as worked by this staff differ from the system in operation in convict prisons? Perhaps the difference will be best expressed by saying that work in association is the centre of the convict system, while work in solitude is the central idea of the Local Prison system. This definition is not absolutely correct, for convicts, as we have seen, are subjected to nine months' solitary confinement at the outset of their sentence, and in some Local Prisons a certain amount of work in common is performed, but, taken as a whole, work in common is the central principle of the one; work in solitude the central principle of the other.

Work in solitude means that the prisoner is shut up in an apartment by himself which is called his cell. Each cell is provided with an adequate supply of air and light, and is heated in the winter up to a sufficiently high temperature for health and comfort. The cell contains a bed and other personal requisites; it also contains a copy of the prison rules. Before the prisoner is finally allocated to a certain cell he is seen by all the superior officers of the prison. His state of health is inquired into, so as to determine the nature of his work, and if he is not too old to learn, and has received a sentence of sufficient length to make it worth while instructing him, his educational capabilities are specially tested. The seclusion of the cell is varied by a short service in the prison chapel every morning and an hour's exercise in the forenoon. It is further varied in the case of young boys by daily attendance at the prison school.

The cellular system is an application of the old monastic system to the treatment of criminals. The first cellular prison was built in Rome by Pope Clement XI. at the commencement of the eighteenth century; its design was taken from a monastery. The idea passed from Rome to the Puritans of Pennsylvania; and it has now taken root in all parts of the civilised world. The believers in the cellular system say that it prevents prisoners from contaminating each other; it prevents the hardened criminal from getting hold of the comparative novice; according to this system, although the offender is in a prison, the only persons he is permitted to speak to are those whose lives are free from crime. A prison system which has the negative value of hindering men from becoming worse is worthy of high consideration, and if the chief object of imprisonment is the punishment of criminals the cellular system will not be easily surpassed. On the other hand, if the purpose of imprisonment is not only to punish but also to prepare the offender for the duties of society, the system of solitary confinement will not effectually accomplish this task. On this point let me refer to the words of M. Prins, the eminent Director General of Belgian prisons: "Can we teach a man sociability," he says, "by

giving him a cell only, that is to say, the opposite of social life, by taking away from him the very appearance of moral discipline; by regulating from morning till night the smallest details of his day, all his movements and all his thoughts? Is not this to place him outside the conditions of existence, and to unteach him that liberty for which we pretend he is being prepared?... Assuredly, let us not forget that prisons contain incorrigible and corrupt recidivists, the residuum of large towns who must undoubtedly be isolated from other men; but they also contain offenders resembling in great part men of their own class living outside.... If it was a question of making these men good scholars, good workmen, good soldiers, should we accept the method of prolonged cellular isolation? And how can that which is condemned by the experience of ordinary life become useful on the day some tribunal pronounces a sentence of imprisonment? The physiological and moral inconveniences of prolonged solitude are evident in other ways; and attempts are made to combat them by great humanity in external things. So much is this the case, that for fear of being cruel to the good, the bad are also pampered by an exaggerated philanthropy which reaches absurd heights."

A compromise between the absolute seclusion of the cellular system, and the system of free association, is now being advocated by some students of prison discipline. Prisoners, it is contended, should be carefully classified according to their previous character and the nature of their offence, and also according to the disposition they manifest in prison. Prisoners sentenced to a term of imprisonment ranging from three months to two years should during the first three months remain in solitary confinement for purposes of observation as to diligence and character. At the end of that period a man, if he showed fitness for it, would be placed in association during his working hours, and in his cell during the remainder of the day. In this way his social instincts would not be so completely stifled as they are at present; he would not be so entirely left to the vacuity of his own mind; he would not be so readily led to the indulgence of disgusting vices ruinous to body and mind. In countries where prisons are on a large scale such a system as this might easily be adopted, and it would, if properly managed, be productive of beneficial results. In small prisons it would be applicable on a limited scale, the smallness of the prison population preventing proper classification.

But all prison systems, however excellent in theory, are comparatively useless unless conducted in an enlightened spirit by competent and sagacious officials. The best of systems if worked, as sometimes happens, by a mere martinet, with no horizon beyond insisting on the letter of official regulations, will be productive of no good whatever, and, on the other hand, an indifferent system will achieve excellent results with a competent person at the head of it. This was admirably pointed out by the head of the Danish Prison Department at the Stockholm Prison Congress. "Give me," he said, "the best possible regulations and a bad director, and you will have no success. But give me a good director, and, even with mediocre regulations, I will answer for it that everything

will go on marvellously." In a recent handbook on prison management by Herr Krohne, an eminent prison director in the German service, the qualifications requisite for successful prison work are clearly laid down.

The successful management of a prison, he says, "demands special knowledge and ability. This knowledge should first of all consist in a comprehensive general education, so that the head of a prison may be able to form a competent opinion in all those branches of knowledge which bear upon the punishment of crime. He thus stands on a footing of equality with his subordinates. If he is deficient in this knowledge he will not be able to carry out the sentences of the law efficiently, and the maintenance of his official authority will be encumbered with difficulties. He must also possess an understanding of the economic and social causes of crime as well as of its individual causes. An understanding of its economic and social causes supposes that he should be acquainted with the principles of sociology and political economy; an understanding of its individual causes supposes that he should know something of psychology. The historical, philosophic, and legal aspects of criminal jurisprudence as well as its formal contents ought not to be unknown ground. In the domain of prison science he should be thoroughly at home. He ought to be acquainted with the historical development of punishment by imprisonment, as well as with the nature of the various prison systems in existence among modern civilised communities. He ought to have a clear understanding of the aim and object of imprisonment, and be thoroughly cognisant of the legal and administrative arrangements by which it is effected, more especially those of his own State. He should possess a competent knowledge of all matters and regulations bearing upon prison administration, so that his own arrangements may be based upon a ripened judgment.

"This knowledge in the head of a prison should show itself in his manner of dealing with prisoners. This task demands a high degree of pedagogic skill, and a force of character which is able, easily and quickly, to bend the will of others to his own. He should also possess the power of setting every branch of the administration to rights whenever anything happens to have gone wrong. He must have a quick eye for all that is being done; he must see everything; he must hear everything; nothing should escape him; and still he ought to leave independence and initiative to every officer in his own department. He should respect and bear with the individual characteristics of every officer, especially the superior officers, so that they may be able to perform their duties with pleasure. In this way all officers will be able to do their work in his spirit rather than according to his orders. In order to succeed in this, the head of a prison should consult with the other officials on all important matters; a daily conference is best for this purpose. He should hear and weigh their opinions even when the ultimate decision rests entirely in his hands. Above all he must understand how to keep peace among the

officials, so that through their harmonious co-operation the objects of a prison may be more certainly attained.

"A good prison chief," Herr Krohne continues, "is not matured or educated, but discovered. On this account, the selection of persons ought not to be narrowed down to any definite class or profession. Experience has shown that able prison governors have been drawn from all callings; from the law, from public offices, from the army, from medicine, from the Church, from trade, from agriculture, from merchants and manufacturers. From each of these occupations a man may bring knowledge and ability which makes him suitable for the position. His preparatory studies will teach him much, but he will learn most from actual practice, and he will never finish learning, however experienced he may become. But the root of the matter which can never be taught is a heart for the miserable; a determination in spite of failures and disappointments to despair of no man and nothing."<sup>[46]</sup>

Italy up to the present time is almost the only country in which prison officers receive any preliminary training for their duties. As a result of this, it not infrequently happens, as Mr. Clay has shown, that an inexperienced person suddenly placed in absolute charge of a number of prisoners will in a few days destroy almost all the reformatory work of months and perhaps years. The late Baron von Holtzendorff was of a similar opinion, holding that one man can in a short time undo the work of ten. So much has this been felt, that Dr. von Jageman and several other eminent prison authorities on the Continent maintain that no man should be placed in charge of prisoners till he has had some previous training in the nature of his duties. It has been truly pointed out that the value of imprisonment depends to an enormous extent on the qualifications of the person placed in immediate charge of the convicted men. Others are with them occasionally, he is with them all day long, and unless he comes to his task with a full knowledge of the delicate and difficult nature of the duties he has to perform, he will probably exercise a mischievous and irritating influence on the prisoners committed to his charge. On the other hand, a well-instructed officer can work wonders in the way of good, while insisting with inflexible firmness on the rules of discipline, he is able at the same time by tact and kindness to diffuse a moralising atmosphere around him. Some men can do this by instinct, but the majority require to be taught; it is therefore most essential that every person entrusted with the control of prisoners should have some previous theoretical instruction in his duties. After all, those who can do most real good to prisoners are the warders immediately in charge of them. Visits from persons outside who take an interest in the outcast and fallen, are, according to French experience, comparatively worthless.<sup>[47]</sup> These visits are well meant, but they are not paid by the class of people to which the prisoner as a rule belongs; the gulf between the visitor and the visited is too great for the establishment of that inner sympathy on which the permanent success of moralising efforts so greatly depends, and it is easy for such a

visitor to do more harm than good. On the other hand, if you have a competent and well-instructed class of warders, if you have these men trained to regard their duties from an elevated point of view, you possess in them a body of men who are not separated from prisoners by impassable barriers; you have comparatively little in the way of social antecedents to estrange the prisoner from the person in charge of him: such being the case it is easy for the two men to understand each other, and is, therefore a relatively simple matter for the one to influence the other for good.

What is to be done with offenders when their term of punishment has expired? This is a question which modern society finds it exceedingly difficult to solve. What is the use of punishing a delinquent for offences against the law if, the moment his sentence is completed, he is sent back again into the surroundings which led to his fall. So long as his surroundings are the same, his acts will be the same, unless his mind has passed through a revolution during detention in gaol. The latter event, it must be admitted, sometimes does happen, although it is not easy in these days to get the world to believe it. And when it does happen it is marvellous to see how men, through their own unaided efforts, will redeem their character and wipe out the blot upon their life. But many offenders pass through little or no change of mind, and unless delivered from their surroundings they will continue to fall. Here, however, comes in the difficulty. Many of these people love their surroundings; they have no desire to change; a life of squalor among squalid companions is not distasteful to them; on the contrary, they will refuse to leave old haunts no matter what inducements are offered them elsewhere. It is hardly possible to do anything with these offenders, and they unfortunately constitute at least one fourth of the criminal population. Such persons return again and again to prisons; and the manager of an important Prisoners' Aid Society in a great northern city, says, that to aid them "is a mere waste of money, if not an encouragement to vice."<sup>[48]</sup> How to deal with persons of this description is a most tantalising problem. More vigorous methods of punishment are sometimes advocated as the proper manner of deterring these habitual and incorrigible offenders, but if we consider the constitution and antecedents of most of them, it becomes perfectly certain that such means will not effect the end in view. As a matter of fact, most of them are not adapted to the conditions of existence which prevail in a free society. Some of them might have passed through life fairly well in a more primitive stage of social development, as, for example, in the days of slavery or serfdom, but they are manifestly out of place in an age of unrestricted freedom, when a man may work or remain idle just as he chooses. A society based upon the principle of individual liberty is a society of which the members are supposed to be gifted with the virtues of prudence, industry, and self-control; virtues of this nature are indeed essential to the existence of such a form of society. Unfortunately, a certain portion of its members do not possess them even in an elementary degree, and no amount of seclusion in prison will ever confer these qualities upon them. Imprisonment, to be followed by liberty, however rigorous it is made, is accordingly no solution of the

difficulty; the only effective way of dealing with the incorrigible vagrant, drunkard, and thief, is by some system of permanent seclusion in a penal colony. All men are not fitted for freedom, and so long as society acts on the supposition that they are, it will never get rid of the incorrigible criminal.

It has also to be remembered that a considerable proportion of incorrigible offenders are not only mentally but also physically unfitted to earn their living in a free community. Almost always without a trade, and very often the children of diseased and degenerate parents, the only kind of work which they can turn to is rude manual labour, and this is exactly the kind of work they have not the requisite physical strength to perform. It is only in skilled trades that the physically weak have a chance at all, and if a feeble person is not a skilled artisan he will, unless possessed of superior mental gifts, find it rather a hard matter to earn a comfortable livelihood. Should it be the case that such a person is below the average in body and mind, to earn a livelihood becomes almost an impossibility. Now, this is exactly the position of many habitual criminals, and more especially of that large class of them which is being continually convicted and reconvicted of petty offences. What can be said of them, except to repeat that they are unfit to take a part in working the modern industrial machine; what can be done with them except to seclude them in such a way that they will be no longer able to injure those who can work it.

Outside the ranks of the incorrigible and incapable there exists a large class of offenders who are perfectly able to earn a honest living in the world. In many cases it happens that such men require no assistance on their liberation from prison; they can resume work immediately their sentence has expired. All that is needed is to send them back to the district they were tried in, and this is what is always done if a man cannot reach his destination by mid-day on the morning of his liberation. But in a certain number of cases discharged prisoners require more than this; they require tools, or clothes, or property redeemed from pledge, or a lodging, or to be sent a long distance home, or to be emigrated. In each and all of these cases, persons who are not incorrigible criminals are assisted to the best of their ability and the extent of their funds by Discharged Prisoners' Aid Societies. One or more of these admirable institutions is attached to every Local Prison, and every year a vast amount of quiet, conscientious work is performed. These societies are voluntary agencies formed for the relief of discharged prisoners. Their funds are derived partly from private subscriptions and donations, partly from ancient bequests, and partly from a small sum annually voted by Parliament. They are conducted on the most economic principles, the gentlemen who form the committee or who act as secretaries and treasurers being mostly magistrates and men of substance, who gladly give their time and services for nothing. The only person who has to be paid is an agent whose duty it is to see that the recommendations



of the committee with respect to assisting the discharged prisoners are carried into effect.

A glance at the work of one of these societies will be the best way of forming a conception of their usefulness as a whole. For this purpose let us select the Surrey and South London Discharged Prisoners' Aid Society. In the prison in which the work of this excellent society is conducted, 17 per cent. of the prison population applied for aid in 1887, and 10 per cent. were assisted, the 7 per cent. refused assistance were habitual offenders, and had often been previously helped. Of the number assisted, consisting of 969 persons, 54 were sent to sea, 2 were assisted to emigrate, 913 were assisted in the way of redemption of tools, purchase of stock, purchase of clothing, and so on. In 1888, 929 persons were assisted, 54 were sent to sea, 4 were helped to emigrate, and 871 aided in other ways. In 1889, assistance was rendered in 1009 cases of these 36 were sent to sea, and 973 otherwise aided. The average cost per head of sending cases to sea is three pounds, fourteen shillings; the average cost in other cases is half a guinea.

What is being done by the Surrey Society is only a sample of the assistance rendered to discharged prisoners all over England. It ought also to be stated that some of these Aid Societies undertake to look after the destitute families of persons committed to prison, and cases innumerable might be mentioned in which prisoners' wives and children have been assisted and kept out of the workhouse until the release of the breadwinner. Other societies again provide permanent homes for destitute offenders on their discharge from prison. All that is required of persons making use of those homes is, that they shall earn as much as will cover a portion of the expense of providing them with food and shelter. For this purpose work is always provided for them, or if they prefer it, they may find occupation outside and make the home a sort of temporary resting-place. It is hardly necessary to add that Prisoners' Aid Societies could effect much more if they were better supported by the public. The organisation is there; the men to work it are there; the only impediment to their labours is a lack of funds. If the possession of adequate funds enabled all the Prisoners' Aid Societies to establish Homes for discharged prisoners, those institutions might be made of the greatest service to the cause of justice generally. It would then be easy to get a return from them of the number of persons whose criminal life was due to sheer indolence, and magistrates would have far less hesitation in dealing with them than they do now. At the present time, it is sometimes difficult to know whether an offender is willing to work if he had the opportunity, but the existence of prisoners' homes would soon solve the question. Reference to a man's record in one of these institutions would at once place the magistrate in full possession of the facts, and he would be able to give judgment with a knowledge of the offender he does not now possess. In this way many cruel mistakes might be avoided; and, on the other hand, many hardened offenders dealt with in a more effective manner.

The difficulty sometimes encountered by discharged prisoners in finding employment, as well as many other evils inseparable from imprisonment, has, in recent years, led an increasing number of jurists to the conclusion that every other method of punishment should, when the case at all admits of it, be exhausted before the gaol is resorted to. "The very first principle of enlightened penology," says Mayhew, "is to endeavour to keep people out of prison as long as possible, rather than thrust them into it for the most trivial offences." In many instances it is quite sufficient punishment for a first offender in a petty case to be publicly rebuked in the police court. Such a rebuke preceded, as it generally is, by a night's confinement in the police cells, is just as effective as a deterrent and far less likely to do permanent harm than a sentence of imprisonment. It was something of this kind which Bacon had in view, when he says, respecting criminal courts: "Let there be power also to inflict a note or mark; such, I mean, as shall not extend to actual punishment, but may end either in admonition only, or in a light disgrace; punishing the offender as it were with a blush."<sup>[49]</sup> A certain amount of progress has been made of late in this direction, but there is still ample room for more. On the other hand, experience has shown that light punishments are of no avail against habitual offenders. For the last few years this system has been in operation in the borough of Liverpool, with the result that the number of known thieves apprehended for indictable crimes has almost doubled within a comparatively short period. According to the Chief Constable's Report, the numbers were, in—

<u>1885</u>	<u>1886</u>	<u>1887</u>	<u>1888</u>
377	470	533	596

These figures show that habitual criminals will not be deterred by light sentences, but rather emboldened in their sinister career.

THE END.

APPENDICES TO CRIME AND ITS CAUSES.

APPENDIX I.

Form suggested by Herr Krohne to be filled up by the police or other agency respecting prisoners for trial.

- 1. BIRTH.
  - Place? County? Country?
  - Date?
  - Legitimate? or illegitimate?
- 2. UPBRINGING.
  - By parents?
  - By others?
  - In a public institution?
- 3. SCHOOLING.
  - School attendance, regular or not?
  - Knowledge, Extent of?
  - Confirmed, or not?
  - Religious belief?
- 4. OCCUPATION.
  - What trade?
  - Served Apprenticeship, or not?
- 5. MILITARY TRAINING.
  - Whether served? and where?
- 6. IMPRISONMENTS.
  - How many?
  - In Local Prisons?
  - In Penal Servitude?
  - Other Punishments?
- 7. PARENTAGE.
  - Name? Abode? Occupation?
  - Alive or Dead?
  - Cause of death? Suicide?
  - Temperate, or not?
  - Imprisoned, or not?
  - Were Parents related?

- 8. BROTHERS AND SISTERS.
  - Name? Age? Abode?
  - Occupation?
  - How many dead? and of what diseases? Suicide?
  - Imprisoned, or not?
  - Temperate, or not?
- 9. MEANS OF LIVING.
  - With or Without?
  - Destitute?
  - A Pauper?
  - A Beggar?
- 10. INDIVIDUAL CHARACTERISTICS.
  - Character? Temperament?
  - Mental Capacity?
  - Habits? Drunken or other?
  - Indolent?
- 11. MENTAL AND BODILY STATE.
  - (a) Fits or Convulsions in Childhood, Epilepsy, St. Vitus Dance, or other nervous diseases?
  - Insanity? Scrofula? Tuberculosis?
  - (b) Mental and bodily state of near relations same as above?
- 12. MARRIED.
  - Maiden name of wife?
  - Imprisoned?
  - If Children; How many?
  - Age, and state of Health?
  - How many dead?
  - Of what Disease?
  - Any imprisoned?

## APPENDIX II.

Growth of Reformatory and Industrial School Population in England and Scotland.

Year	Reformatory Schools.	Industrial Schools (Including Truant Schools).	Day
1859	3,276		
1860	3,702		
1861	4,133		
1862	4,283		
1863	4,302		
1864	4,286	1,668	
1865	4,508	1,952	
1866	4,798	2,462	
1867	5,110	3,802	
1868	5,320	5,562	
1869	5,480	6,974	
1870	5,433	8,280	
1871	5,419	9,421	
1872	5,575	10,185	
1873	5,621	11,012	

1874	5,688	11,409
1875	5,615	11,776
1876	5,634	12,555
1877	5,935	13,494
1878	5,963	14,106
1879	5,975	14,847
1880	5,927	15,136
1881	6,738	16,955
1882	6,601	17,614
1883	6,557	18,780
1884	6,360	19,483
1885	6,241	20,250
1886	6,272	20,668
1887	6,127	20,940
1888	5,984	21,426
1889	5,940	21,059

### APPENDIX III.

Return showing the number of Prisoners committed to the Local Prisons of England and Wales in each Month of the Year ended 31st March, 1890.

Month.	Males.
1889. April	
May	
June	
July	
August	
September	
October	
November	
December	
1890. January	
February	
March	

Total

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Footnotes

[1]

See Appendix I.

[2]

In his interesting work, "Die Beziehungen zwischen Geistesstörung und Verbrechen," Dr. Sander shows that out of a hundred insane persons brought up for trial, the judges only discovered the mental state of from twenty-six to twenty-eight per cent. of them.

[3]

Before the passing of the Elementary Education Act, no one was tried for not sending his child to school; it was not a legal offence; in 1888-9 no less than 80,519 persons were tried under this Act, in England and Wales.

[4]

*Recent Economic Changes*, p. 345.

[5]

*Zeitschrift für die gesamte Strafrechtswissenschaft* ix. 472, sg.

[6]

See *Statistical Register for Victoria*, Part viii.

[7]

SERIOUS CASES REPORTED TO THE POLICE IN PROPORTION TO THE POPULATION. ANNUAL AVERAGE FOR FIVE YEARS:—

	Murder.	Attempts to Murder.	Manslaughter
1870-74	1 to 196,946	1 to 441,158	1 to 92,756
1884-88	1 to 168,897	1 to 418,923	1 to 116,463
	Shooting, Stabbing, &c.	Burglary.	Housebreaking.
1870-74	1 to 35,033	1 to 10,188	1 to 17,538
1884-88	1 to 38,007	1 to 7,892	1 to 11,911
	Robbery.	Arson.	
1870-74	1 to 43,247	1 to 54,075	
1884-88	1 to 70,767	1 to 77,018	



This table shows that since 1870-74 there has been an increase in murder, attempts to murder, burglary, and housebreaking, and a decrease in manslaughter, robbery, and arson. The decrease in shooting, stabbing, wounding, &c., is very small. (Cf. *Judicial Statistics* for 1874 and 1888, p. xvi.)

[8]

See Appendix II.

[9]

*American Prisons*, 1888.

[10]

Cf. E. Ferri. *I Nuovi Orizzonti del Diritto e della Procedura Penale*.

[11]

The various types of Jews also afford a striking instance of the effect of natural surroundings on bodily structure.

[12]

Ratzel. *Völkerkunde*, i. 20.

[13]

Darwin says that in elaborating his theory of Natural Selection he attributed too little to external surroundings. *Life and Letters*.

[14]

*Physique Sociale*, ii. 282.

[15]

*Zeitschrift für Strafrechtswissenschaft*, ii., 486.

[16]

*Gli omicidii in alcuni stati d'Europa. Appunti di statistica comparata del Dr A. Bosco*, 1889.

[17]

For the high percentage of infanticide in England see the evidence given before the House of Lords last July (1890) by Judges Day and Wills.

[18]

DISTRIBUTION OF SUICIDES IN LONDON BY MONTHS OF EQUAL LENGTH PER 10,000, 1865-84:—

January,	732.	July,	905.
February,	714.	August,	891.
March,	840.	September,	705.
April,	933.	October,	772.
May,	1003.	November,	726.
June,	1022.	December,	697.

Dr. Ogle, vol. xlix., 117. *Statistical Society's Journal*.

[19]

Cf. *L'Etat Moderne et ses Functions* par Paul Leroy Beaulieu, p. 300. See also Mr. J.C. Sherrard's letter to the *Times* of January 8th, 1891, on "Tramps."

[20]

Cf. Conrad's *Handwörterbuch der Staatswissenschaften*, i. 928.

[21]

A case was tried in London a short time ago which illustrates the difficulties in the way of poor people, so far as the attendance of witnesses is concerned. In this case the witness appeared five successive days in court waiting for the trial to come on. Not being paid by the defendant, this witness was unable to appear the sixth day. On that day the case was at last called, the prisoner had now no witness and was, of course, convicted.

[22]

See Appendix, iii.

[23]

Scotch statistics are in harmony with English. For the year ended March, 1890, the number of ordinary prisoners in custody in Scotland was lowest in December, January and February. It was highest in July, August, September. Crime was also highest when pauperism was lowest. See 12th Report of Scottish Prison Commissioners.

[24]

*Revue Scientifique*, September 13, 1890.

[25]

*Principles of Economics*, p. 81.

[26]

In 1889-90 the recommitted males were 44.3 per cent. of the total number of males committed (exclusive of debtors and naval and military offenders); the recommitted females 65.8 per cent. of the total number of females committed exclusive of debtors.

[27]

According to prison statistics of the Greek Government for 1889, out of a total prison population of 5,023 only 50 were women. See *Revista de Discipline Carcerarie*, Nov. 30th, 1890, page 667.

[28]

*Reformatory and Refuge Journal*, July, 1890.

[29]

Ages and proportion per cent. of males and females committed in 1889-90.

Ages

Males

Females

Under 12 years	0.2	0.0
12 years and under 16	3.1	1.1
16 years and under 21	17.5	10.7
21 years and under 30	28.4	31.4
30 years and under 40	23.9	28.6
40 years and under 50	14.2	17.5
50 years and under 60	6.4	6.8
60 years and above	6.2	3.8
Age not ascertained	0.1	0.1

[30]

In 1889 there is a slight decrease.

[31]

Ages at which 507 offenders first began to commit crime—

Under 10	1.5	41 to 45	2.1
11 to 15	17.0	46 to 50	2.3
16 to 20	36.1	51 to 55	2.1
21 to 25	20.1	56 to 60	.8
26 to 30	7.1	61 to 65	.8
31 to 35	5.1	66 to 70	.2
36 to 40	3.6		

Marro. *I Caratteri dei delinquenti. Studio antropologico-sociologico*, p. 356.

[32]

*India* by Sir John Strachey, pp. 292-3.

[33]

Cf. *Tarde Philosophie Penale*, p. 467.

[34]

See *Revista Internacional de Anthropologia Criminal y Ciencias Medico-Legales*, Marzo e April de 1890.

[35]

A masterly article on the "Localisation of Brain Functions" will be found in Wundt's *Philosophische Studien Sechster Band*, 1. Heft *Zur Frage der Localisation der Grosshirnfunctionen*, Von W. Wundt. Compare also *The Croonian Lectures on Cerebral Localisation*, by David Ferrier. London: 1890.

[36]

Marro, *I Caratteri dei Delinquenti*, p. 157.

[37]

*Archives d'anthropologie criminelle* Livraison, 10.

[38]

*L'Homme Criminel*, 324.

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*Daily News*, June 12, 1890.

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In Christiania the number of children who cannot learn amounts in the elementary schools to 4 per 1000. See *Reformatory and Refuge Journal* for August, 1890.

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Cf. Ribot, *Les Maladies de la Volonté*, 1887.

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*Sanity and Insanity*. C. Mercier, p. XII.

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*Lehrbuch der Gefängnishunde von K. Krohne Strafanstalts-director*, pp. 534-6.

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*Revue des Deux-Mondes*, Avril, 15, 1887.

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At a recent meeting of the Statistical Society, Mr. Murray Browne gave some interesting information respecting the work of Prisoners' Aid Societies among habitual offenders. "A question," he said, "had been addressed to all Discharged Prisoners' Aid Societies asking what was their experience with regard to prisoners who had been four times arrested but not sentenced to penal servitude, and had been arrested during a given period, say a year. How many of them has turned out (a) satisfactory, (b) unsatisfactory, (c) re-convicted? Detailed replies were received from fifteen different societies, not all working in the same way, or with the same machinery, giving a total of 253 such cases. Of these only 95 were reported as satisfactory, 55 were reported as unsatisfactory, 66 were re-convicted, 37 being unknown or unaccounted for."

[49]

*De Augmentis VIII. Aphorism 40.*

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