

CLASSICS TO GO

**CRIME AND
ITS CAUSES**

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William Douglas Morrison

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.

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,^[1] 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.^[2]

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.^[3]

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,^[4] 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,^[5] 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.^[6]

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	774,667.
Total of the 5 years,	1873 to 1877,	866,041.
Total of the 5 years,	1884 to 1888,	898,486.

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.^[7] 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