

chap. ii, sec. xiv.—⁽¹¹⁾ Hallam's *State of Europe during the Middle Ages*, vol. iii, chap. ix, London, 1834.—⁽¹²⁾ Michaud's *History of the Crusades*, translated by W. Robson, London, 1852, vol. iii, p. 57; *Die Kreuzzüge und die Kultur ihrer Zeit von Otto Henne am Rhyn*, Dritte Auflage, Leipzig, 1903, p. 510.

Recidivism regarded from the Environmental and Psycho-pathological Standpoints. By J. F. SUTHERLAND, M.D., F.R.S.E., Deputy Commissioner in Lunacy for Scotland.

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Introduction.

RECIDIVISM is the French coined term most appropriate to express the persistent, reiterated lapses of the same individual, in that small section of habituals found in every country, both

among criminals engaged in serious crimes against the person and property, and among petty offenders, whose delinquencies or misdemeanours are drunkenness, public disorder, prostitution, and vagrancy. The former are aggressive, noxious, anti-social, and, to a slight extent, industrious and productive; the latter, as a rule, are passive, idle, debauched, parasitic, and unproductive. The two types are quite distinct, and there is little or no intermingling; that is to say, the recidivist engaging in the major crimes in the criminal calendar does not forsake the ranks of that class to become a recruit in the ranks of the minor and petty offender class, and *vice-versâ*.

Whatever the causes of its existence and vitality, within or without the individual, recidivists of both types live, move, and have their being, in spite of, and in antagonism to, the laws made by society, for the protection of the person and property of the individual, and of the commonwealth as a whole.

The laws of progressive countries are, fortunately, not like those of the Medes and Persians—unchangeable—and therefore liable to be broken suddenly. And thus it comes about that persons who, in one age and generation, were denounced, subjected to every humiliation, and confined as felons, in another were hailed as heroes, martyrs, and altruists, and that those who to-day, in exalted stations under the ægis of the law, are carrying on, in the name of *haute finance*, etc., with the aid of wealth, gigantic frauds against the weak and trusting members of society, may to-morrow find themselves carrying on their schemes under laws calculated to check this refined and subtle development of that human, or rather, inhuman, acquisitiveness and avarice, which, like a demon, spreads its dusky wings over mankind, and enveloped in the legal mesh, just as surely as the vulgar thief is now.

Recidivism cannot but have for psychologists and alienists a special interest. The propositions put forward by the Italian school of Criminal Anthropology, with Lombroso at its head, quickened that interest for some years, as well as criticism, often unmeasured, until that inevitable reaction set in, which, as a rule, happens when extreme claims, based on slender data, are put forward, and cannot, upon further investigation, be maintained. What applied to, and might be true of, a few, was claimed as covering the many. Absolute certainty in methods of observation and of results was claimed, when these, in the

most favourable light, could only be considered of relative and uncertain value.

For some reason or other the problem of recidivism has all but eluded the grasp of legislators, jurists, sociologists, penologists, and psychologists, only indifferent success, up till now, attending their separate and combined efforts, and what little success could be shown followed experiment after experiment, made in a haphazard way, without any real guiding principle. The beneficial changes, slowly and constantly evolving in wisely-governed communities, which have arrested the growth of recidivism, or prevented that growth beyond the growth which could only be justified by the increment of population—the latter not much to boast of—have taken place by an adjustment of the laws referable to land and property more in harmony with the views of the many. The government of the people by the people, and not by the few, has brought about a better state of society, better laws, better conditions of living and labour, a fairer distribution of the wealth accruing from labour, the extension of liberty, the spread of education, and equal opportunities for all to rise in the social scale ; and, last of all, a better understanding of penological principles. Under favourable conditions, such as these, it will be possible to discover the large number of reformable recidivists at present in a rebellious mood. A residuum will always remain requiring to be suitably dealt with, and treated as pathological entities of various types and degrees. It is coming to be recognised in Great Britain, the United States, and on the Continent—and this is the view of the writer—that in the study of habitual criminals much may be done for them, and through them, for society, on the following lines : *first* in importance, by a study of the post-natal environment in its numerous and far-reaching aspects from childhood to adolescence ; *second*, by a study of heredity, including ante-natal environment, which might reveal degeneracy, mental and physical defects of such a nature as to make the proper exercise of the will in conduct and duty a very doubtful one ; and *third*, by means of criminal anthropometry, in order to view him in contrast with the entire population, and with the classes from which the different type of recidivists chiefly come.

The central and local administrative authorities throughout the country have, at different times and in various directions, at great cost, attempted to combat and solve this problem,

hitherto baffling and insoluble, by experiments of a juridical, penological, and social nature, but the criminal, irrepressible Frankenstein rearing its hydra-head, and stalking through the land with limbs of brass, as well as the weak-minded and obsessed petty delinquent recidivist, remain with us. But the psycho-pathological and environmental lines of inquiry, especially the former, have yet to be tried in earnest by competent investigators.

It is becoming abundantly clear that the line of investigation in the future which promises to all nations good results is that which recognises the two principal causes of criminality, the sociological one *external* to the recidivist—namely, environment, and the economic conditions bringing it about and perpetuating it, the other *internal* and hereditary—to be estimated by the psychological and the psycho-pathological method. With some knowledge of recidivists gained in a wide field of observation, and likewise of the penal system of this and other countries which prevailed for a time and passed away, this is the confident belief of the writer. Racial differences are not of much moment, except in regard to the drink habit so prevalent among the Celtic, Teutonic, and Slavonic peoples in Northern France, the United States, Northern Germany, Russia, Denmark, Sweden, Belgium, the Netherlands, and Great Britain and Ireland, and the habit of carrying lethal weapons practised by the Celtiberian peoples of Spain, Portugal, the Balkan States, Italy, and along the littoral of the Mediterranean.

Statistics of Crime and Petty Offences in Scotland and England for 1903.

It has been the custom of not a few who speak and write with some authority on criminal matters to decry the presentation of vast masses of figures as not only puzzling, but of little value. The puzzling nature of them to many is admitted, but not the lack of value. National, as well as international, statistics have a relative, if not an absolute, value, even when the methods of compilation and classification of crimes are neither uniform, nor the best, nor, indeed, what one would expect them to be. Before a nation attempts to grapple by newer methods—or, indeed, by any method—with the problem of crimes and minor offences in their various noxious and per-

sistent forms—it very properly demands that a rough estimate should be made of habitual criminals and delinquents who have failed to benefit by past methods. If any investigation of masses of figures revealed, on analysis, only a few recidivists—whether felons of the *hostes humani generis* type, or delinquents of the drunkard, vagrant, tramp class—then it may safely be assumed that society, sociologists, and penologists would not trouble much about *une quantité négligeable*, but would be inclined to allow them to fulfil speedily their destiny in their own way, thereby giving testimony to a full belief in the doctrine of the survival of the fittest. Some would revert to Sparta's methods. But the humanitarian, the political, judicial, and penal reformer, and the psychological observer have to be reckoned with in every civilised land, and the question which cannot thus be disposed of is not allowed to rest or slumber. Like the problem of poverty and the unemployed, while the aggregate is small, not much is heard of either, but let it grow in dimensions and obtrude itself on a nation's notice, then legislators make an effort to ascertain the causes and to remove them.

Two statistical tables (I and II), with graphic representations (*cercles concentriques*) of each class of crimes and minor offences (misdemeanours) in Scotland and England for 1903, are submitted.

Scotland.—The total apprehensions in Column 1, namely, 166,180, or 1 to 27 of the population, have at first sight an alarmist look, and would suggest that things—social and ethical—are not well either in Scotland or England, in which the liberty of the subject secured under many Magna Chartas is the palladium of the people. But this immense total, it should be borne in mind, only furnishes 36,710 individual prisoners. It will be observed that the totals in the five different columns steadily diminish until the noxious, aggressive, and anti-social recidivists in Class 1 number approximately 1700, or 1 to 2690 of the population, and the parasitic and passive recidivist in Class 2 (*a*), 3000, or 1 to 1500, every one of whom, unlike the worst type of recidivist who escapes justice three out of four times, are accounted for by the police.

Both kinds number 4700, or 1 to 1000 of the population. 0.38 per 1000 of the population waging an aggressive war against society does not look bad, although the annual cost of

the 1700 for maintenance, supervision, and the machinery of the law, in addition to the loss to the nation when they are at liberty, falls little short of a million sterling annually!

Among the 4700 recidivists there are, from calculations I made in 1895, 2500 who are weakminded and mentally unstable. That would mean .5 per 1000 of population—a ratio somewhat similar to that given for England some years later by Mr. C. S. Loch, C.B.

The recidivists in Scotland, it is true, do not increase beyond

SCOTLAND, 1903.

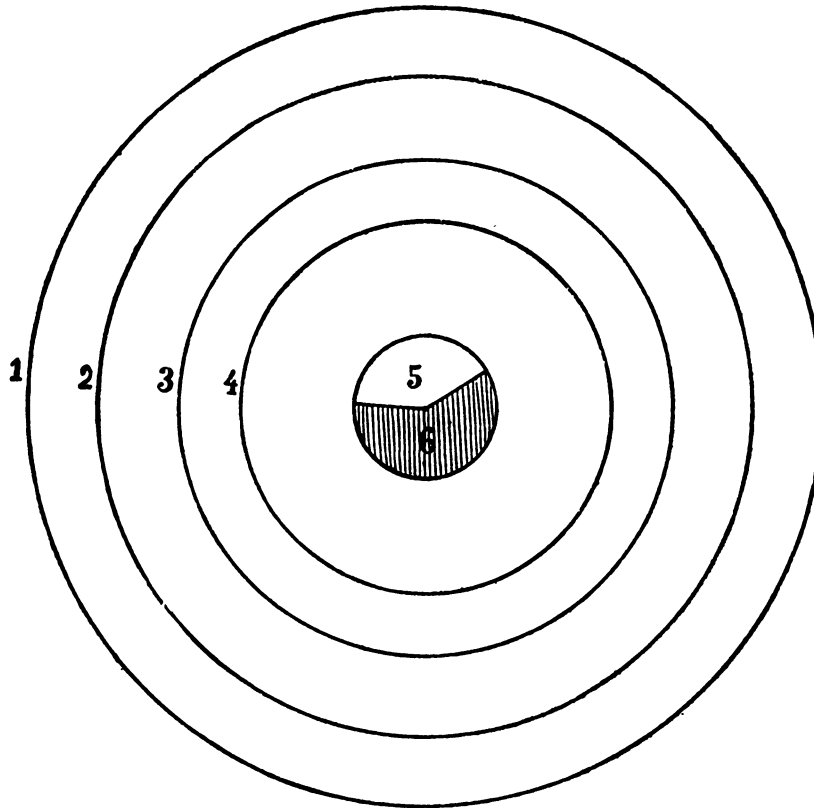
Population, 4,580,000. *Apprehensions and Prosecutions for Crimes*, 25,680; *for Offences*, 140,500. *Total*, 166,180.

	Sex-ratio.	Crimes known to police.	1. Apprehensions.	2. Convictions.	3. Imprisonments.	4. Number of individuals imprisoned.	5. Number of recidivists free and unconfined.
<i>Class I.—Crimes.</i>							
A. Homicides,* grave assaults, cruelty to children	11 to 1	4,590	4,762	3,975	1,976	—	—
B. Rape, unnatural sexual crimes, libidinous practices	—	362	310	—	233	—	—
C. Malicious injury to property †	14 to 1	4,221	4,627	3,627	—	—	—
D. Crimes against property with violence, robbery, housebreaking, burglary	16 to 1	4,736	1,568	1,282	1,219	—	—
E. Crimes against property without violence, theft, reset, fraud, forgery, etc.	3 to 1	21,152	13,834	10,928	6,498	—	—
F. Other crimes.	2 to 1	—	473	—	—	—	—
Total of Class I.	5 to 1	—	25,574	20,329	10,921	8,340	(b) 1,700
<i>Class II.—Petty Offences.</i>							
A. Breach of peace and drunkenness	3 to 1	—	95,681	70,096	36,108	—	2,000
B. Prostitution	—	—	2,886	2,714	2,006	—	—
C. Vagrancy, begging	7.5 to 1	—	4,037	3,757	2,561	—	1,000
D. Other petty offences	6 to 1	—	38,002	38,200	8,220	—	—
Total of Class II	3 to 1	—	140,606	92,166	48,956	29,370	(a) 3,000
Grand total of I and II	3.5 to 1	—	166,180	112,700	60,076	37,710	4,700

* Homicides apprehended, 62.

† Arson (fire-raising), 38; known to police, 54.

FIG. 1.



1. From circumference to centre = apprehensions.
2. " " " = convictions.
3. " " " = imprisonments.
4. " " " = number of individuals imprisoned
5. Habitual criminal recidivists.
6. Habitual petty offender recidivists.

the figure justified by growth of population, and that is not much to boast of; neither do they diminish. The gaps made in their ranks by the ravages of debauchery, disease, and premature death, and by the wearing down of prolonged, penal sequestration are soon filled up, and will continue to be filled up so long as that pernicious moral environment possible in the slums of cities and towns is allowed to continue. It will be noted that all those coming under the cognisance of the police are divided into *two* classes: the authors of crimes, and the authors of petty offences (misdemeanours), the apprehensions of the former

numbering 25,570, being 15 *per cent.* of all crimes and offences, and 1 to 180 of the population, of the latter 140,600, being 85 *per cent.*, and 1 to 39 of the population. Of the 25,570 apprehended in Class 1, 20,330 are convicted after trial on indictment, and 10,920, representing 8340 individuals, or 1 to 550 of the population, go to gaol; and among those and their comrades at large are to be found 1700 noxious and hitherto incorrigible recidivists. In the case of larceny (thefts), reset, fraud, and forgery, the sex ratio is 3 to 1, not a few women and girls in the latter class being degenerate and weak-minded, pilfering, both when sober and partially under the influence of alcohol, when they become reckless and unconcerned. The sense of shame and remorse is a *minus* quantity. No less than 25 *per cent.* of the authors of crimes in this category escape apprehension, "slimness" and cunning being exercised by the smart ones.

In regard to crimes of blood and violence, murder, culpable homicide, assaults on wives, cruelty to children, etc., the authors betray a coarse, callous, and cruel nature, but not, except in rare instances, calculation or deliberation in their execution. Speaking for Scotland, the mental attributes of hatred, malice, and revenge in evidence in this class of crime suggested by the foregoing sentence requires modification, for it is within the mark to say that 70 *per cent.* of such crimes are committed by persons more or less in a state of alcoholic intoxication, and therefore more or less irresponsible, or by persons degraded by chronic alcoholism.

Jurists working upon precedents and judicial dicta generations, if not centuries old, declare that intoxication, which, in the view of the writer is temporary insanity pure and simple, is no excuse for the gravest of all crimes—homicide. There can be no freedom of will in such a state. Others, again, having better conceptions of what the intoxicated state means in relation to crime and responsibility, advocate that at least he should be punished and sequestered, if not for the resultant crime, for imbibing too freely of a toxic agent, which he knew, or ought to know, in himself, and by its action upon others, would deprive him of inhibition, and of clear judgment as to conduct. There is something, indeed, much, to be said for this view in any rational system of jurisprudence. But even here the question is begged so far as chronic drunkards are

concerned, and it has yet to be determined by alienists in what cases the alcoholic habit is a vice, and in what cases an evidence of a neurasthenic or defective organisation, or the outcome of a pathological state, both of mind and body, induced by long indulgence to excess. In many of the latter class no doubt there was a stage in the life of the drinker when responsibility might be assumed, but it is by no means an easy task for the alienist or physician to fix the stage when responsibility ceased and irresponsibility began. For some murders committed in passion or frenzy to avenge a wrong—real or imaginary—it is possible to plead justification and extenuation; but for the foul, cold-blooded, deliberate homicides of notorious criminals and prisoners, who, for lust or gain, have put out of existence wives, helpless children, and others, no shadow of an excuse can be offered, in view of the fact that without resorting to such extremes the former passion could be gratified to the full sexual pitch, and the latter realised with the risk of loss of liberty to himself rather than the loss of life to another. And the term “instinctive criminal” should not be set up as a shield to protect such inhuman monsters from the justice, not the *lex talionis*, of laws, both divine and human. For such elimination or perpetual sequestration is called for in the interests of society. Such criminals—moral monsters if you like—are not one in a million, and fortunately, being so rare, it is indefensible to erect them into a class and write as if they were in evidence on all sides, and a standing menace to life and property.

The number of recidivists in this class of law-breakers is few. It could not be otherwise, seeing their acts of violence are the outcome of passion, hatred, and malice gratified with, or without, the aid of an intoxicant, and in their graver forms are seldom repeated, punishment having a salutary effect.

With regard to the perpetrators of crimes against chastity, *viz.*, rape, incest, unnatural crimes, etc., it has to be said that in no class of crime is the psycho-pathological element so apparent. Krafft-Ebing has for all time shown how many of these abnormal acts are due to sexual perversion and obsessions. The abnormality and unnaturalness of them all is self-evident to every unprejudiced physiological being. The numbers known to the police in the nature of things are few, and nearly all committed by males. But, for obvious reasons, all such crimes do not

come to light, and females take part in them, it is true, to a less extent, the sexual function being a less impelling one in them. Not only do these crimes, one and all, suggest to the normal individual a psycho-pathological and pathological side, but the repetition of them in spite of severe punishment confirms this view. The recidivists known to the police are few—fewer than they really are.

Of crimes entitled “Malicious Injury to Property,” arson is the most serious, and suggests obsession when deliberately done. Malice is at the root of it, and the male sex are mainly engaged in it. Recidivism is rare.

Coming to Class II—“Petty Offences” (misdemeanours)—no less than 140,600 apprehensions, being 85 *per cent.* of all crimes and offences, were made by an unnecessarily vigilant police, who seem to pounce automatically upon any staggering object on city streets.

The zeal and activity hitherto displayed by the guardians of public order is in this matter being somewhat curbed by the timely action of the Secretary of State. The ratio of such apprehensions is 1 to 33 of the population. Of this enormous total drunkenness and breach of the peace (95,680), prostitution (2,886), account for 98,567, or to 1 to 46 of the population. The great majority of the authors of these offences are in no sense criminal or recidivist, being males who get drunk on pay and *fête* days, work hard during the week, and maintain a home.

The phase of prostitution, which has for its votaries the *demi-monde*, is synonymous with drunkenness, dress, and indolence, these having, perhaps, as much, or more, to do with it than lust. The ranks of prostitution are not recruited, except to a very small extent, by the progeny; rather from those who up to adolescence have lived respectable lives upon small earnings. There is to be found among drunkards and prostitutes 2000 habituals, four fifths of whom are women—not many, considering the total apprehensions and the number of individuals (30,000) which they represent. But the 2000 are parasitic, lazy, debauched recidivists, for a proper estimate of whose moral and mental qualities, and of their future destiny, the psycho-pathological tape is required. They are, without a moral crutch, unable to guide and support themselves, and, like jetsam and flotsam, drift through society, not realising that they are social pests.

The great majority of petty offenders are (casuals) engaged in honest, often profitable, labour, the rewards of which are on occasions put to the worst use—to the detriment of themselves, their homes, dependents, and society. And such, getting into the hands of the authorities three or four times a year, cannot by any stretch of the imagination be reckoned “habitual drunkards” or recidivists, requiring prolonged seclusion in some other place than an 800 cubic feet cell, in which twenty-three out of every twenty-four hours are, as a rule, spent.

In this class, also, are to be found the vagrant and beggar, and they are responsible for 4037 apprehensions—a total far short of the breaches of the vagrancy laws. A timid, superstitious, and hospitable public will lodge them in outhouses, and support them rather than report them to the police, and have them put behind bars and bolts, or in labour colonies, or workhouses. The brief term in gaol does no good to the nomad or “knight of the road.” Very different treatment is required. The ablution on reception is not considered a boon. On discharge they are again enveloped in filthy rags, and thus the cycle goes on. This class being migratory, and not long amenable to one jurisdiction, contributes few recidivists—fewer than they really are. They are in the proportion of eight males to one female. The hardships are too great for the latter sex, except for the hardiest. In a legal sense the attachment of sex may be said not to exist, and, in any sense, the progeny is few, what there is being in infancy decimated by hardships, exposure, and disease. They manifest a conservative element, when, with the approach of winter, the majority seek for months the shelter of the workhouse, and with the advent of spring resume the lines of march. Others seek out the “dosser” houses and night shelters of each town on the line of march.

For a proper understanding of many of the tribe of the wandering foot and weary breast, also, the psycho-pathological tape is required, and a different destiny than the gaol which society has erected for them and for other delinquents and *déséquilibrés* with mental warp, as a fortress of despair, not a house of hope. With truer conceptions of psychology, ethics, and social pathology there is no reason why in coming years the incorrigible, lazy tramp suffering from the *cacoethes ambulandi*, or what German writers designate “vagabund-wahnsinn,” whose mode of life is a puzzle to ordinary observers,

and to the officials of workhouses and night shelters, suggest to the normal man one of great discomfort, misery, and misdirected energy, because twenty miles of the road daily is not accomplished without loss of energy—perhaps having regard to the relative diets little less than is expanded by the honest labourer in his eight hours' day—should not find his place in the ranks of the large army of mental degenerates, and thereby of lunacy. But a life of *ennui*, footsoreness, and an outhouse with or without a pallet of straw, or the side of a brick kiln, no more disturbs him than the embedded grime on his skin, and the pediculi and acari which thrive undisturbed on his body. The application of the æsthesiometer reveals that the sensory nerve endings are not responsive to the usual stimuli.

In England there were 36,800 apprehensions of tramps, making up a *corps d'armée* of ragged regiments roaming at large over the whole country, with a full knowledge of the roads and the shelters, and billeting themselves *volens nolens* on a hospitable or terrified public, who are thus largely responsible for the existence and continuance of this parasitic army, constantly on the move in singles or in couples.

There is no need, it is assumed, to make anything but a casual reference to that large mass of offences (38,000) against education acts, road acts, bye-laws and regulations of police acts, game laws, sanitary laws, etc. They are of little significance in a criminal or delinquent sense. They are bound to exist in all self-governing and progressive communities striving to attain to a more ideal and perfect state, when the humblest, poorest, and least intelligent in the community will be educated up to a full observance of such statutes.

England.—Having dealt at some considerable length with the delinquent statistics of Scotland, there is no call to write much about those of England. Whatever differences there are in the whole, and in sections, is not due to any racial difference, or to any difference in the laws governing serious crime—these being the same in both countries, and enforced with swift, unerring, and impartial certainty—but rather to a difference in the laws appertaining to petty offenders, and the method, or lack of method, of their application.

The grand total of apprehensions—745,000, or 1 to 44 of population—like the Scottish one, dissolves through convictions (1 to 104), imprisonments (1 to 146), and number of individuals

(1 to 200) engaged both in crimes and offences, to 167,900 individuals, of whom 33,000 recidivists, 13,000 of the noxious, anti-social recidivists of the burglarious, fraudulent, and larcenous type being in Class I (or 1 to 2500 of population), and 20,000 in Class II (or 1 to 1630 of the drunken, prostitute, and vagrant order), who are parasitic and passive, and only in small measure anti-social, if, under the present *régime*, they are to be allowed to live at all, and be at large when unoffending.

Both types of recidivist combined are in the proportion of 1 to 1000 of the population.

ENGLAND, 1903.

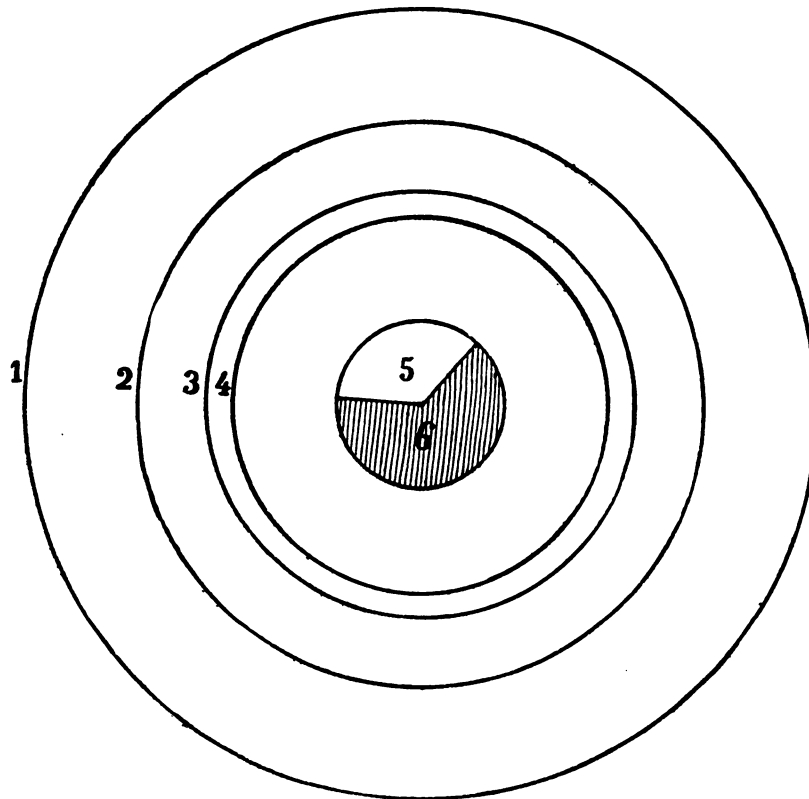
Population, 32,716,710. Apprehensions and Prosecutions for Crimes, 99,750; for Petty Offences, 635,225. Total, 734,975.

	Sex rates.	Crimes known to police.	1. Apprehensions.	2. Convictions.	3. Imprisonments.	4. Number of individuals imprisoned.	5. Number of recidivists free and unconfined.
<i>Class I.—Crimes.</i>							
A. Homicides,* grave assaults, cruelty to children	4·5 to 1	18,254	18,050	—	—	—	—
B. Rape, unnatural sexual crimes	—	1,401	1,391	—	—	—	—
C. Malicious injury to property †	8 to 1	16,176	16,073	—	—	—	—
D. Crimes against property <i>with</i> violence, robbery, housebreaking, burglary	30 to 1	9,920	3,734	—	—	—	—
E. Crimes against property <i>without</i> violence, theft, reset, fraud, forgery	4·5 to 1	69,145	57,636	—	—	—	—
F. Other crimes	1·5 to 1	3,054	3,099	—	—	—	—
Total of Class I	—	—	99,983	—	—	—	(b) 13,000
<i>Class II.—Petty offences.</i>							
A. Breach of peace and drunkenness	3 to 1	—	282,320	—	—	—	—
B. Prostitution	—	—	11,530	—	—	—	—
C. Vagrancy, begging, etc.	9 to 1	—	33,680	—	—	—	—
D. Other trivial offences	10 to 1	—	308,695	—	—	—	—
Total of Class II	5 to 1	—	636,225	—	—	—	(a) 20,000
Grand total of I and II	5 to 1	—	736,208	314,060	223,910	167,900	33,000

* Homicides, 388; made known to police, 436.

† Arson (fire-raising), 213; made known to police, 272.

FIG. 2.



1. From circumference to centre = apprehensions.
2. " " " = convictions.
3. " " " = imprisonments.
4. " " " = number of individuals imprisoned.
5. Habitual criminal (recidivists).
6. Habitual petty offenders.

Of the 745,400, there were apprehended, for homicides, assaults, wounding, sexual crimes, crimes against property, *with* or *without* violence, 99,980, or 13·4 *per cent.* of the whole, and 1 to 327 of the population. Crimes against property totalled 61,370, being 61 *per cent.* of all serious crime, and equivalent to 1 to 533 of the population. Sexual crimes amount to 1·4 *per cent.* of grave crime.

The petty offences (not the offenders) in Class II number 635,225, or 85 *per cent.* of all crimes and offences, and are in the proportion of 1 to 51 of the population. Of those in this

class calling for notice it has to be observed that drunkenness, disorder, prostitution, vagrancy, and begging account for 327,530, the apprehensions for the first there being 293,850, or 1 to 111 of population, and the fourth 33,680, or 1 to 1000 (*circa*).

The other petty offences, numbering 308,695, or nearly 50 *per cent.* of all minor offences, are no evidence, either in their numbers or in their nature, of delinquent tendencies, but rather the measure of imperfection of a large section of society not educated to, or not in a position to adapt themselves to, a variety of recent laws, passed with the object of attaining to a more perfect social and civil state.

To a proper understanding both of criminals and offenders, and especially the *habitués* among them, certain civil and social conditions require to be stated, and among these obviously are sex, age, and usual place of abode, housing, training in childhood and youth, education, occupation, civil condition, single or married, widower or widow, living in family or separated, and the probable cause, habits, and frequency of conviction. All these are embraced in the great environmental factor *external* to the criminal, to be discussed later, alongside of other factors in criminality *inherent* in the criminal himself, and evidenced by a physical and mental make-up of such a kind as to suggest that judgment as to a true sense of right and wrong is so warped, that freedom of will to choose between right and wrong does not, in many instances, in reality exist. The presence of congenital mental defect or mental warp, it may be of small degree, is often sufficient to make the acquisition of the most elementary knowledge all but impossible, and, if that be so, what is to be expected in regard to the moral sense?

(1) *Sex and Age.*

In official statistics this alone of all the points is stated with that fulness which makes the figures valuable, and refers to crimes and offences *en masse*, and also in detail at certain well-defined and critical age periods in life. In this way the proneness of sex to different crimes and offences at certain age periods is made known, and it is significant, from the sex point of view, that in regard to crimes of blood and violence, sexual crimes, crimes against property *with* violence, and the offence

of vagrancy, females play a small part. On the other hand, for crimes against property *without* violence, and for the minor offences of drunkenness, breach of the peace, and prostitution, they are strongly in evidence. In Scotland and England, for these important age periods, the relative percentage of crimes and offences was in 1903 as follows :

Percentage of Criminals and Petty Offenders of Both Sexes at certain Age Periods.

	Scotland.			England.		
	Under 16.	16-21 years.	50 years and over.	Under 16.	16-21 years.	50 years and over.
<i>Crimes.</i>						
Homicides, assaults	0·2	1·8	10·6	0·7	10·8	10
Rape, unnatural crimes, etc.	2·5	25	12	4	21	14
Crimes against property, with violence	20	30	1·6	2	28	5
Crimes against property, without violence	27	17	7	18	19	7·4
<i>Petty offences.</i>						
Drunkenness, breach of peace	1·2	10	12·4	—	—	—
Prostitution, etc.	—	—	—	—	—	—
Vagrancy	2·4	9·5	22·2	—	—	—

Instructive also are the following figures for England, as to the relative proportion of the sexes at all age periods :

England.	Under 12.	Under 16.	16-21 years.	21-30 years.	30-40 years.	40-50 years.	50-60 years.	Above 60.	All ages.
Indictable crimes against property without violence, theft, reset, fraud, etc.	—	100·17	100·8	100·11	100·14	100·20	100·20	—	100·12
Larcenies and petty thefts tried in courts of summary jurisdiction	100·6	100·14	100·19	100·20	100·31	100·40	100·40	—	100·25

In Scotland the sex ratio at three well-defined age periods is as follows :

	Under 16 years.	16-21 years.	Above 20 years.
Crimes against property without violence	100'17	100'22	100'50
Petty offences of drunkenness, breach of peace, and prostitution	100'10	100'36	100'55

Sex ratio in relation to frequency of conviction or recidivism is a matter of some moment, and in Scotland is as follows :

Offences and crimes.	3 times.	4-10 times.	11-20 times.	21-50 times.	51-100 times.	101 and upwards.
(a) Drunkenness, breach of peace, and prostitution	100'50	100'70	100'7	100'90	100'180	100'330
(b) Crimes against property, with violence	—	100'6	100'2	100'27	—	—
(c) Crimes against property, without violence	—	100'26	100'40	100'50	100'130	—

It is strikingly borne out by this last set of figures that as frequency of conviction advances, the female sex advance with it, until ultimately it exceeds the male sex in a remarkable manner.

It is significant that in England, of those convicted of indictable crimes, 18'5 *per cent.* were under sixteen years of age ; at one time it was higher, but a judicious use of reformatory and industrial schools, and of the lash (birch) in lieu of the prison, has reduced the number. It is still, it will be admitted, a high figure, and one calling for searching inquiry in order to determine how far it is due to their organisation and how far to the lack of opportunity for doing good, and to the lack of education, training, and a trade. These juvenile felons and delinquents have not attained adolescence, and the inhibitory power of the brain has not been properly developed.

Education.

In England, of 188,678 persons imprisoned, 19 *per cent.* could neither read nor write (a fact at the first glance not credit-

able to a country with the freest institutions, and in the enjoyment of free and compulsory elementary education); 78 *per cent.* could "read and write imperfectly," 24 *per cent.* "could read and write well," and "0.08 had a superior education." These startling figures would seem to justify Victor Hugo's estimate of the part illiteracy plays in crime. But any deduction from those figures must be qualified by the statement that a great many, from mental incapacity and weak-mindedness from birth and in early life, were incapable of receiving that elementary instruction which would raise them in the social scale above the lower labouring classes. Not a few who do possess sufficient mental capacity are in this position from parental neglect and bad upbringing. These percentages, it should be explained, are given for all sorts and conditions of prisoners *en masse*. It would be much more helpful to those on the outlook for preventive measures if the state of education was given for prisoners in each of the different classes of criminals and offenders, and likewise an estimate of their moral and mental capacity. It is well known, however, that crimes against the person show a lower level of intelligence than crimes against property. But the psychological and psychopathological tape, although of profound value, has hitherto not been applied. The scale of intelligence and capacity might profitably be arranged somewhat as follows :

- (1) Mentally defective—the simplest facts understood, but an incapacity to perceive or reason about the relationship between facts.
- (2) Slow, dull capacity for perceiving relationships between facts in limited fields with long and continuous effort.
- (3) Slow, very slow in thought generally, but with time understanding is reached.
- (4) Slow, intelligent, sure of knowledge when once acquired.
- (5) Intelligent, capable of understanding with much effort.
- (6) Very able.

This line of inquiry, conducted by competent psychologists, would settle why illiteracy, and a state not far removed from it, is so prevalent among criminals and offenders in England and Scotland.

Occupation.

To be of value, this, like education, should be given for

criminals and offenders in each class, and not *en masse* as is done at present. The state of education reached and ascertained practically decides what the vocation in life will be. In England, of 188,680 prisoners, 38 *per cent.* were styled "labourers," 25 *per cent.* "trades and handicrafts," 3.7 *per cent.* "prostitutes," and 1.8 *per cent.* "domestic servants." And of the occupations of 268 convicts in Scotland in 1905, 110, or 48 *per cent.*, had former sentences of penal servitude, that for "labourers" amounting to 56 *per cent.*, "handicrafts and trades," 30 *per cent.*; "professional," 2 *per cent.*; and miscellaneous, 11 *per cent.* Of the 268, 19 *per cent.* were guilty of homicides and grave assaults, 40 *per cent.* of housebreaking, burglary, and garrotte robberies, 30 *per cent.* of theft, reset, and fraud, and 9 *per cent.* of rape and unnatural sexual crimes.

From a return prepared for me, with the authority of the Prison Commissioners, in 1905, of 370 male convicts and long term prisoners in Scotland, 199 of whom were convicted of housebreaking and burglary with violence, no less than 67 *per cent.* of the 199 were in the social scale "labourers" by occupation, or something very much akin to it, and 31 *per cent.* had learned handicrafts. The latter figure—a large one for this class—is not surprising, although disappointing, as among them there are to be found skilled workmen capable of earning more than a competency, or living wage, by honest industry. Of 110 convicted of theft, reset, fraud, etc., 47 *per cent.* were "labourers," and 41 *per cent.* "skilled workmen," and 6 *per cent.* professional men. Of 55 convicted of homicides and assaults, 54 *per cent.* were "labourers," and 27 *per cent.* "tradesmen," and of 14 convicted of sexual crimes, 80 *per cent.* belonged to the labouring classes, and 21 *per cent.* had acquired the ordinary trades. In all the four classes of crime 60 *per cent.* were of the labouring classes, and 33 *per cent.* had learned trades. Some trades yield a larger proportion than others, but unless one knew the number of each in the general population no good purpose would be served by further analysis. It is clear that the great majority committing the four kinds of crimes come from the labouring and least educated class, and that many of them are illiterate. It should not be forgotten that the "labouring" class form the largest section of the population. Between occupation and education, as between illiteracy and crimes and offences, there

is, however, a close intimacy. The obvious moral, in spite of Lombroso's contention to the contrary, is that ignorance is a danger to the State.

No information whatever is vouchsafed in judicial statistics, or blue books, as to the nature of the home (if any), the early training of criminals and offenders and their civil condition as to marriage, etc., as to habits, temperament, mental capacity, etc.—information absolutely essential to a right understanding and proper treatment of criminality and delinquency of the recidivist order. It is evident that our criminal statistics, to be of use and helpful to reformers, require re-casting.

Interchange of Crimes, and of Crimes and Offences, and of Criminals and Offenders.

The writer has been at some pains to find out how far this takes place, and the answer must be only to a slight and negligible extent. The types of felons engaging in the different crimes in Class I (Tables I and II) differ from each other in regard to the dominant mental characteristics—revenge, malice, lust, acquisitiveness, and avarice—governing each to such an extent that there is little or no interchange save between those who attack property *with* and *without* violence, in which it is considerable.

The large number of petty offenders (misdemeanants) in Class II commingle freely during the year and through life their offences of drunkenness, breach of peace, and prostitution, and, to a much less extent, vagrancy and begging. But few of them pass into the category of major criminals, and these few are the drunkards and riotous, whose frequent deeds of violence, disorder, and cruelty more often than not, by the merest accident, resulting in slight bodily injury to their victims, end in their being charged with homicide and indictable assaults. It could not be otherwise.

An intoxicated person, in a state of frenzy, is a constant and potential danger in a community. Reckless and unmeasured violence are the characteristics of the individual thus temporarily insane. Indeed, there is not, within the whole range of lunacy, a more complete picture of insanity than that presented by an intoxicated person, every sense being disordered.

Prostitutes frequently vary their mode of living and

offending with drunkenness, and less often with theft, their victims, as a rule, intoxicated or apparently so, being persons of the opposite sex. A minority of vagrants and tramps are apprehended for drunkenness, breach of peace, assaults, fire-raising, and malicious injury to property, but the great majority are comparatively harmless, homeless, aimless, wandering tramps and beggars.

(To be continued.)

Notes on the Management and Treatment of the Epileptic Insane, with a Special Reference to the NaCl-free (or "Hypo-chlorisation") Diet. By G. FOSTER BARHAM, B.A., M.B., B.C.Cantab., Assistant Medical Officer, London County Asylum, Claybury.

IN the light of our present knowledge as to the causes of epilepsy, it almost might be said that, pending further discoveries, the last word has been spoken on the subject of its treatment; it is hoped, nevertheless, that some useful purpose may be served by recording a few observations on certain methods of treatment and their practical application under the conditions existing in a large asylum for the care of the insane.

In the treatment of epilepsy there are two well-recognised indications: (1) the diminution, or suppression, of the paroxysms; (2) the modification, or, so far as possible, the elimination of exciting causes.

Since Toulouse and Richet (1) published, in 1900, the encouraging results they obtained by combining a NaCl-free diet with the administration of bromides, many observers have recorded their experiences of this method, and the consensus of opinion is that it is of considerable value. The substitution of sodium bromide for sodium chloride in the preparation of food is not easily carried out in asylums where means for specialisation in the kitchens and bake-houses are not provided for. Moreover, the substitution for the ordinary mixed diet of a diet of milk and vegetables, as has been recommended by Zickelbach (2) and others, at once meets with administrative difficulties when dealing with large numbers of epileptic