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SOCIAL ASPECTS OF CRIME IN ENGLAND BETWEEN THE WARS

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SOCIAL ASPECTS OF CRIME IN ENGLAND BETWEEN THE WARS

by

Dr. HERMANN MANNHEIM

Lecturer in Criminology at the London School of Economics and Political Science, sometime Leon Fellow of the University of London

London

GEORGE ALLEN & UNWIN LTD

FIRST PUBLISHED IN 1940

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PRINTED IN GREAT BRITAIN
in 12-Point Perpetua Type
BY UNWIN BROTHERS LIMITED
WOKING

AUTHOR'S PREFACE

THE writing and publication of this book have been made possible through the generosity of the Leon Bequest Committee of the University of London.[1] To all its members, and in particular to the former chairman, Col. S. J. Worsley, D.S.O., M.C., Academic Registrar and at that time acting Principal of the University of London, to the present chairman, Professor A. M. Carr-Saunders, Director of the London School of Economics and Political Science, to Sir William H. Beveridge, K.C.B., Master of University College, Oxford, and to Professor Harold J. Laski the most sincere thanks of the author are due. The publication has further been aided by a grant from the Publication Fund of the University of London for which the author is very grateful.

A considerable part of the material upon which this book is based could have been neither collected nor published without the facilities generously extended to the author by various departments of the Home Office, especially the Prison Commission for England and Wales and the Statistical Branch. The same applies to the former Chief Magistrate of the Metropolitan Police Courts and other Metropolitan Magistrates as well as to the Borstal Association and Aylesbury Association. To all these authorities, and in particular to Sir Alexander Maxwell, K.C.B., Permanent Under Secretary of State, Home Office, to Mr. Harold Scott, C.B., Chairman of the Prison Commission, to Mr. Alexander Paterson, M.C., Prison Commissioner, and to Mr. T. Paterson Owens, J.P., Chief Inspector, Children's Branch, Home Office, the author wishes to express his gratitude.

When engaged in the preparation of the book the author had to

[1] The author held the Leon Fellowship for the session 1936–37; for the subsequent session a special grant was made for the continuation and, if possible, conclusion of the work. Finally, a substantial amount was provided by the Committee towards the cost of publication.

make himself familiar not only with the crime situation and the penal system of this country, but also with its whole social structure and the administration of the social services. To achieve this aim—if only in a very modest way—it became necessary to make numerous contacts with workers of every description in these fields. Whilst it is impossible to mention all of them by name, the author would like to place on record his appreciation of their unfailing kindness. Magistrates and clerks of various Courts, Prison and Borstal Governors and officials, probation officers, headmasters of Approved Schools and elementary schools, Police officers and officials of the London County Council, club leaders and wardens of settlements, secretaries of various associations, managers and detectives of departmental stores, and many others have freely given of their time to make the author acquainted with the details of their daily work and have granted him liberal access to their material. This is equally true of the Directors of the Institute for the Scientific Treatment of Delinquency, especially of the Chairman of the Council, Dr. E. T. Jensen, and of the General Secretary, Miss I. M. James.

It is difficult for the author to express adequately his indebtedness for the assistance received from many of his colleagues and students at the London School of Economics and Political Science. It seems impossible, however, to pass in silence the persistent help and encouragement extended to him by the Director of the School and by Professors Laski, Chorley, and Ginsberg, as well as by Mr. C. M. Lloyd. Cordial acknowledgments are also due to the Howard League for Penal Reform, and in particular to Miss Margery Fry, J.P., LL.D., to the Hon. Secretary, Miss Cicely M. Craven, J.P., M.A., and to the Assistant Secretary, Miss I. H. Reekie; moreover, to Mr. A. Lieck, J.P., Professor A. Plant, Professor H. Lauterpacht, Sir John Cumming, K.C.I.E., and to the late Professor Sir Maurice Sheldon Amos.

The splendid opportunities for research offered by the Library of the British Museum, the Howard Library, and the British Library of Political and Economic Science have been of invaluable help; to their librarians and staffs the author owes a great debt of gratitude.

Mr. Arthur Carr has been kind enough to undertake the tire-

some task of reading the manuscript and to suggest numerous improvements in style. His patience and understanding have been of the greatest value to the author.

The Controller of H.M. Stationery Office has given permission to quote from numerous Command Papers, and the managers of *The Times*, the *Evening Standard* and the *New Statesman and Nation* have done the same with respect to extracts from Court Reports and other material. Mr. A. Royds, now Education Officer at Rochdale, has consented to the inclusion of some extracts from his unpublished Report on Juvenile Delinquency at Oldham. In addition, permission to quote has been obtained from the following publishers: The Cambridge University Press, The Oxford University Press, P. S. King & Son, Ltd., Longmans, Green & Co., Ltd., Methuen & Co., Ltd., Sir Isaac Pitman & Sons, Ltd., Faber & Faber, Ltd., J. M. Dent & Sons, Ltd., Victor Gollancz, Ltd., Putnam & Co., Ltd., Constable & Co., Ltd. To all these firms as well as to the authors concerned cordial acknowledgments must be given.

Messrs. George Allen & Unwin Ltd. deserve every credit for having undertaken the publication of a book of this type in spite of the difficulties of the present time.

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CHAPTER ONE

INTRODUCTION

THE mere fact of the publication of this book as well as its special structure would seem to demand some little explanation. Surely, it may appear somewhat presumptuous for a criminologist who is not a native of this country to deal with one of the most complex chapters in recent English social history and to undertake to tell a story of which he has witnessed only the latest events. The more his work proceeded, the more did the author himself become convinced that his venture was foredoomed to failure, and it was mainly due to the constant encouragement which he received from the many quarters mentioned in the Preface that he did not abandon his attempt. The book in its present form, it is true, bears only a slight resemblance to that which the author had originally in mind, thus presenting one more proof of the truth of the old dictum *Habent sua fata libelli*. Structure and contents cannot have remained untouched by the fact that the investigation had to be spread over nearly four years and that its final completion was, more than once, interrupted by unforeseen circumstances which were entirely beyond the author's control. The first research programme which was submitted to the Leon Bequest Committee in 1936 was based upon the belief that there existed a noticeable gap in criminological and penological research which might profitably be filled—a gap concerning the history of crime, its causes and treatment in England during the previous twenty-five years or so. That is not to say that in the author's view research into problems of this kind had been generally neglected in this country. On the contrary, they have formed the object of continuous effort by English scholars for more than a century and a half. It was only recently that our attention was once more drawn to this fact in a useful and learned article by two American criminologists.[1] From John

[1] Yale Levin and Alfred Lindesmith, "English Ecology and Criminology," *Journal of Criminal Law and Criminology*, vol. xxvii, no. 6, March–April 1937.

Howard and the brothers Fielding to Colquhoun, Bentham and Whately, from Mary Carpenter, M. Davenport Hill and Henry Mayhew to Luke Owen Pike, W. D. Morrison and Charles E. B. Russell—from the Reports on Criminal Commitments and Convictions of 1827–28 to the Gladstone Report of 1895 and the Report on Capital Punishment of 1930, hardly a single decade passed without witnessing an English contribution of outstanding importance to contemporary criminological and penological thought. Considering the lack of adequate scientific method possessed by those official investigators and private scholars, the average quality of their work must be regarded as of surprisingly high standard.[1] Moreover, it is an interesting fact that information concerning the social causes of crime in the England of the Industrial Revolution can be gathered not only from Opposition quarters[2] but at least as well from highly official enquiries. In the course of time, it is true, these sources have become more and more scanty until, finally, the War of 1914–18 almost entirely dried them up. In all probability, this lack of activity was not due to mere chance nor can it sufficiently be explained as a natural consequence of that state of mental exhaustion which follows an upheaval of such dimensions. Rather may it be ascribed to the fact that the time had not yet arrived for a systematic and scientific account of the post-War state of crime which would have been detached enough to be impartial. Such detachment was needed both for an evaluation of the criminological implications of the War and early post-War period as well as for an examination of the practical working of the new penal machinery built up by those great Reform Acts passed just prior to the War: The Probation of Offenders Act of 1907, the Prevention of Crime Act of 1908 and the Children Act of the same year, the Criminal Justice Administration Act of 1914—to mention only those with a direct bearing upon the Penal System—had more or less to remain scraps of paper during the actual fighting.

[1] As far as the special problem of Juvenile Delinquency is concerned, the author may be permitted to refer to his survey of previous investigations on the subject, written for the forthcoming Home Office Report.

[2] This is the view expressed by the well-known Dutch criminologist, W. A. Bonger, *Introduction to Criminology* (English translation, 1936), p. 42.

In 1936, after seventeen years of peace, however, it appeared possible to attempt at least a preliminary survey of certain sections of the whole field. American "Crime Surveys," beginning with the pioneer Cleveland Survey of 1922,[1] "individual case studies," initiated by Dr. William Healy, and "follow-up studies," the domain of the Gluecks, had shown the way. If they should not yet have succeeded in bringing about any substantial improvement in the American crime rate, surely this is not the fault of the workers engaged in those model investigations.

> "The surveys," writes Mr. Bettman,[2] "have opened the eyes of the people in this country to the complex nature of the crime problem and to the possibilities of an intelligent and scientific approach to the study of that problem. They have forged some technique for that study . . . and they have formulated or furnished the basis for the formulation of many conclusions which can be accepted as parts of a comprehensive program of reforms."

The same applies to the individual case and follow-up studies.

However excellent these American surveys are as representing an ideal, it was clear that, for our present purposes, they could not simply be copied. Considerations of a technical as well as of a psychological nature would have prevented such an imitation, considerations which have proved decisive for the *scope* and *method* of the present investigation. Evidence of this will be found in the following summary of the *sources* and *material* at our disposal.

I. *Technical* difficulties necessarily arose, in the first place, from the fact that the author had to work single-handed where the American crime surveys employed whole armies of field-workers, statisticians, and other research assistants. This made it imperative to restrict the scope of the present investigation so as to adapt it to the proper dimensions of a one-man job with a more or less fixed time limit. Consequently, many items which should ordinarily

[1] Criminal Justice in Cleveland, conducted by the Cleveland Foundation and published by that Foundation, 1922. A detailed analysis of these Criminal Justice Surveys up to 1931 is given by Mr. Alfred Bettman in the *Report of the National Commission on Law Observance and Enforcement* (Wickersham Commission), Report No. 4: "On Prosecution," Washington, 1931, pp. 39–223. [2] Op cit., p. 185.

have been included in a crime survey had to be dropped from the very beginning, as, in particular, the survey of criminal administration in the Courts, the work of the Police and the functioning of the various categories of penal institutions and of probation. To leave out these aspects for the time being seemed all the more appropriate as in the course of the last thirteen years many of them have been made the subject of important official and private publications, as in particular the Reports on

The Treatment of Young Offenders, 1927.
Police Powers and Procedure, 1929.
Capital Punishment, 1930.
Persistent Offenders, 1932.
Sterilisation, 1934.
Imprisonment by Courts of Summary Jurisdiction in Default of Payment of Fines, etc., 1934.
Employment of Prisoners, Part I, 1933; Part II, 1935.
Social Services in Courts on Summary Jurisdiction, 1936.[1]
Coroners, 1936.
Courts of Summary Jurisdiction in the Metropolitan Area, 1937.
Corporal Punishment, 1938.

In addition, there are the five Reports of the Children's Branch, Home Office (1923, 1924, 1925, 1928, 1938) and the Annual Reports of the Commissioners of Prisons for England and Wales.

Though many of these Reports give an exhaustive and first-rate account of those special sections with which they are concerned, together they do not, and are not intended to, cover the whole penal system of the country. The most conspicuous gaps left refer to the actual working of the Courts and the Prison and Borstal Institutions. It is to some of these sections that recent efforts of private investigators have been directed: before 1936, only two books of this kind had appeared, *English Prisons To-day*, edited by Stephen Hobhouse and A. Fenner Brockway (1922), and S. Barman, *The English Borstal System* (1934), while Sir Evelyn Ruggles-Brise's

[1] This Report, which deals particularly with the Probation System, finds an excellent supplement in the *Handbook of Probation*, edited by Mrs. L. le Mesurier under the auspices of the National Association of Probation Officers, 1935.

The English Prison System (1921) and Mr. L. W. Fox's *The Modern English Prison* (1934), useful and illuminating as they are, belong to the category of semi-official publications. After 1936, however, admirable private accounts of the present English prison system have been given by Mr. Leo Page[1] and Mr. John A. F. Watson.[2] Recent memoirs by ex-prisoners endowed with special gifts of observation and expression have, more vividly than ever before, aroused the interest of the general public in prison problems. Moreover, the work of the Juvenile Courts has been reviewed in Miss Winifred A. Elkin's stimulating book on the subject.[3] All these researches represent the most valuable preparatory material for comprehensive surveys of the future. Much supplementary work will, of course, still be needed, particularly in view of the changes effected by the present War.

Entirely different is the position in the field of post-War *criminological* research into the *criminal types* and the *causes of crime*. Here, with very few exceptions, there has as yet been no concerted effort to study those causal factors the knowledge of which is an almost indispensable preliminary requirement for the building up of any efficient penal system. Since the publication of Dr. Charles Goring's painstaking Report on *The English Convict*, which appeared shortly before the Great War, only one criminological work of outstanding importance has been published, Professor Cyril Burt's *The Young Delinquent* (first edition 1925), in addition to which a few books of a more popular character, as Mrs. L. le Mesurier's *Boys in Trouble* and the writings of Sir William Clarke Hall and Roy Calvert, deserve mentioning. Of post-War official Reports only the following are essentially devoted to criminological problems: the Reports on

Sexual Offences against Young Persons,[4] 1925.
Persistent Offenders, 1932.
Psychological Treatment of Crime, 1939.
Abortion, 1939.

[1] *Crime and the Community* (1938).
[2] *Meet the Prisoner* (1939).
[3] *English Juvenile Courts* (1938).
[4] This Report is concerned with questions of Court procedure, too. These and problems of treatment occupy, in fact, much more space than those sections referring to the offender, his mental condition and social status, etc. Similar considerations apply to the Report on Street Offences, 1928.

There are, in addition, several short Reports by local authorities on Juvenile Delinquency, some of them unpublished.[1]

It was this apparent lack of systematic research into the causal factors of crime, and particularly into its social aspects,[2] that induced the author to concentrate upon them. Investigations of this kind can, as a rule, be based either on statistical or on individual case material. As far as the latter is concerned, it was the author's plan to delve into those huge accumulations of case records collected by Prison and Borstal authorities, Probation Officers, Approved Schools, and others, for the purpose of giving a comprehensive account of the principal causative factors of crime and delinquency for the period under investigation. At the time when the plan for this book was conceived no attempt had yet been made to unearth the treasures that might have been hidden in these mountains. There was, however, one obvious difficulty, arising from the fact that it became necessary to go back to a time when the understanding of the technique of recording case histories was not yet sufficiently developed. Consequently, after having worked his way through a few thousand records of probation cases it became clear to the author that this material was neither uniform nor detailed enough for scientific purposes.[3] Moreover, in the meantime the welcome news had become known that not only the Borstal authorities were engaged in carrying out very extensive investigations into cases of boys passing through the collecting centre at H.M. Prison Wormwood Scrubs, but also that the Home Office intended to conduct a full enquiry into the causes of juvenile delinquency mainly based upon Juvenile Court cases. The fact that the enquiry is being based upon current records specially collected for this purpose shows

[1] Outstanding among them are the Reports of the London County Council, Education Officer, of 1937, and of the City of Birmingham Education Committee of 1938, and the unpublished *Report on an Enquiry into the Relationship of Juvenile Delinquency and Environment in an Industrial Town*, by Mr. Albert Royds, M.Ed., B.Sc., describing conditions in Oldham.

[2] Research into the mental aspects of crime was carried out up to the present War at Wormwood Scrubs Prison (see the Report on *The Psychological Treatment of Crime*, by Dr. W. Norwood East and Dr. W. H. de B. Hubert, 1939) and at the Institute for the Scientific Treatment of Delinquency.

[3] See also Dr. M. Fortes, *Sociological Review*, vol. xxv (1933), p. 154.

that here, too, it has not been regarded as practicable to use the material already available.

With the greatest reluctance the author had therefore to reshape his programme in several directions: The chapter on Juvenile Delinquency had to be completely revised to avoid any overlapping with the pending official investigations as well as useless repetitions of general statements on the subject. In its present form this chapter contains mainly the results of an examination of approximately one thousand records of the Borstal and Aylesbury Associations, thus dealing with young men and women of 16 to 21 or 23 years—age groups not covered by the Home Office Enquiry which concerns itself only with boys of Juvenile Court age. Nor will there be much overlapping between this chapter and the investigations into Borstal cases carried out by the Prison Commission as the latter are limited to cases of boys examined at Wormwood Scrubs within the last five years or so, irrespective of whether they may have later been committed to Borstal Institutions or not, whilst no cases of girls are considered. The author's material, though in no way comparable with the much more scientific and detailed data specially collected for these official enquiries, proved nevertheless more suitable than the contemporary probation records.

Hitherto unpublished material has further been used for the chapter on Recidivism, which is based on After-Trial Calendars.

For other chapters the author had chiefly to rely upon the existing statistical material—a fact which made it indispensable to undertake a critical account of the structure and value of English Criminal Statistics. In view of the dominating position which the latter still hold in criminological research as well as in public discussions on problems of crime, it seems essential that the many pitfalls and limitations of such statistics should be as clearly and as widely understood as possible. Even at the risk of repeating things which are only too well known to the initiated, all these aspects had to be fully discussed. Readers who are more interested in ready-made conclusions than in a critical examination of the methods and implements used to produce them may perhaps be well advised to skip the chapters on Criminal Statistics altogether. The others, how-

ever, have a right to be told in advance how far they should place their trust in material of this kind.

As statistics alone are bare and apt to be misleading, they had to be supplemented, not only with the case records referred to above, but also with the whole wealth of literature dealing with recent English social history in general. Among the published sources of information almost the most valuable for the work in hand proved the Reports of Royal Commissions, Departmental Committees, etc., with their Minutes of Evidence. This does not mean that the author has been entirely unware of the well-known weaknesses of such enquiries—weaknesses that have been so scholarly exposed in recent years.[1] Nevertheless, for those who know how to interpret the Reports and, in particular, the oral evidence on which they so greatly rely, they will always remain "valuable sources of socio-economic information."[2] Surely, many statements in *Minutes of Evidence* cannot be accepted on their face value, but it is usually possible to arrive at a fairly accurate estimate of their true worth by studying the course of the proceedings as a whole, the attitude of the chairman and his method of putting questions.

II. *Psychological* difficulties arose from the peculiar position which old-world criminology occupies within the fraternity of the social sciences. The high walls which still surround the territory of crime and render any research into it so difficult are well known to every student. It is a field of science that has, rather paradoxically, been made at once the popular playground of public discussion and a sphere of taboo, of mystery and prohibitions to the serious worker. This apparent inconsistency is easy to understand. The stronger the stigma attached to certain human actions by State and society, the more do they arouse popular interest. Impartial research, however, is not likely to prosper in such a highly emotional atmosphere. To

[1] See in particular H. McDowell Clokie and J. W. Robinson, *Royal Commissions of Inquiry* (1937), p. 178 et seq.; S. and B. Webb, *Methods of Social Study* (1932), p. 142 et seq.; Professor M. Greenwood, "On the Value of Royal Commissions in Sociological Research," *Journal of the Royal Statistical Society*, vol. 100, part iii (1937), p. 396 et seq.; Sir Arnold Wilson, *Spectator*, November 3, 1939.

[2] Clokie and Robinson, op. cit., p. 10.

use an appropriate analogy: investigations into the psychology of unemployment have only become possible since the social stigma attached to the dole has lost something of its sting. In the well-known Austrian investigations at Marienthal, less than ten years ago, none of the research workers was allowed to introduce himself to the unemployed in his real capacity, because otherwise "an atmosphere of general distrust would have been established."[1] The fact that this distrust was not experienced in the course of the corresponding English field work undertaken under the auspices of the Pilgrim Trust,[2] proves that in this country the idea of unemployment has already been better neutralized than it was in Austria. In the field of criminology this neutralizing process is still in its beginnings, and it may even be doubtful whether public opinion will ever reach a stage where complete de-stigmatization of crime would appear tolerable.[3] The consequences which such an attitude must have for criminological field work, particularly if carried out "in the open," i.e. with the criminal at large outside the penal institution, are obvious. At present it prevents, or at least renders difficult, not only the fullest desirable use of case histories with all their intimate details, but also the following up of individual offenders over a considerable period of years, which is indispensable for a correct evaluation of the practical working of a penal system. It is one of the many advantages of the recent progress of the idea of Probation that it promises to open up many invaluable sources of information which have been hitherto inaccessible.

Nor are the described handicaps the only ones from which criminological research has to suffer. There is also the great restriction in the use of the experimental method. In the field of penology the latter is by no means excluded; on the contrary, experiments in treatment form an important part of the practical work. To the criminologist, however, this is but rarely permissible: to expose human beings artificially to crime-producing conditions in order to study their reactions would be rightly regarded just as

[1] Marie Jahoda, *Sociological Review*, January 1938, p. 64.

[2] *Men without Work* (1938), p. 3.

[3] See the discussion of this problem in the author's book, *The Dilemma of Penal Reform* (London, George Allen and Unwin Ltd., 1939), chapters iv, v.

objectionable as the methods of the *agent provocateur*.[1] The place of the experiment has therefore largely been filled by a theoretical makeshift known as the control group method, which—though certainly indispensable—has nevertheless become responsible for many misleading statements in recent criminological researches.[2] Owing to the special course which the present investigation has taken, it became unnecessary to use a control group or to discuss the whole control group problem. The use of this method is indispensable whenever we have to deal with a group of offenders not yet selected according to certain criminological characteristics and who can therefore easily be matched with an equally unselected section of the general population. Borstal boys and girls do not constitute such an unselected group, and it might have been very misleading to compare them, for instance, with members of average youth organizations.

As far as "control groups" are used in this book, they are mainly in the nature of foreign Criminal Statistics and similar comparative material. To follow up the development of crime in a country without gleaning any sidelights from foreign countries may occasionally result in erroneous interpretations. How can we decide, for instance, whether the amount of crime of a certain type in England is abnormal without knowing at least some of the corresponding data for foreign countries? There is no absolute point of saturation for crime which might be regarded as its "normal" capacity. Population Statistics can state, from a comparison between births and deaths, that the population is decreasing in a manner dangerous to the future of the nation. Export and Import Statistics can show up similar weak points in the nation's trade. Criminal Statistics—even if followed up over a period of years—are not too informative if treated on a purely national basis. The ups and downs of their figures are certainly interesting in connection with other contemporary tendencies. Such comparisons within the country itself, however, cannot supply us with a firm basis of judgement. That there are now three thousand convictions for a certain offence instead of

[1] There may exist, however, a limited scope for the experimental method even in criminological research. See *Sociological Review*, 1940, p. 116.

[2] The author hopes to give in another place his reasons for this view.

only one thousand some years ago may be a matter for anxiety. Such fluctuations in themselves do not show, however, whether the former level was abnormally low or whether the present one is too high. On the other hand, the pitfalls of International Criminal Statistics are too notorious to inspire much confidence in comparisons between countries whose systems of law and legal administration, whose social and political structures are not intimately known. It is for this reason that the author had to limit the use of foreign figures to countries with which he believes himself sufficiently conversant.

Some possible criticisms of a more general character may be anticipated. In the first place, many things in this book may have been seen too much "through the eyes of a foreigner," which may mean that they have been perceived in a wrong perspective. Moreover, the author has himself been deeply enough engaged in the practical administration of criminal justice to know that there are many aspects of it which the outsider cannot notice at all. On the other hand, he has become so thoroughly detached and cut off from daily routine work as to be able to recognize how much those engaged in it may miss or misjudge. Considerations of this kind may perhaps apply not only to the relation between theory and practice, but also to the observations of a foreign student. It is Mr. Hilaire Belloc who has expounded the problem very clearly:[1]

> "There are two obstacles to the description of any people in any age. The first is the difficulty of presenting what is obvious from the outside but not perceived from the inside: what is obvious to the foreign onlooker but unappreciated by the native. The second is the difficulty of presenting what is obvious from the inside but not perceived from the outside: what the native takes for granted and what is yet to the alien so novel and unsuspected as to be nearly incredible. Nations have qualities which are glaring to the foreigner, but which they themselves never suspect; they are also so familiar with things of their own as to think these universal and obvious, and thus not worth describing; so that the foreigner never hears of them. . . ."

[1] Hilaire Belloc, *An Essay on the Nature of Contemporary England*, London, Constable & Co., 1937, p. vii.

To many readers the picture drawn in some chapters of this book may appear somewhat gloomy and one-sided. It may therefore be permitted to point out that whoever may be concerned with problems of crime and its causes will, from the very nature of his subject, be bound to place the destructive forces of the period in the foreground without being able to devote an equally generous space to the positive values. The description of these other factors he has regretfully to leave to the general historian and sociologist. When dealing with juvenile delinquency, for instance, he has to devote his attention more to the handicaps from which the youth of the country is suffering than to the efforts of the social services which come to its aid. In this connection a special word of caution should perhaps be addressed to those who may try tendenciously to apply to the purpose of international comparisons some of the material collected in this book. The very fact that it has become possible at all to denounce certain social phenomena as the principal causative factors of crime in England is due to the comparative frankness with which problems of this kind can be discussed in a free country. As Sir Arthur Salter has just said: "Democracies expose their sores, but autocracies whiten their sepulchres."[1] In spite of the psychological difficulties which—as indicated above—are generally connected with criminological research, the latter still stands a better chance in countries where it is not subordinated to the commands of political slogans. Professor MacMurray's dictum, "A society which can develop a scientific psychology is a society which has overcome its fear of examining its own motives"[2] is equally true of research into the character and causes of crime. The close connection which exists between the political atmosphere of a country and its criminological ideas is striking enough. It is not a matter of chance that the totalitarian States—with the possible exception of Russia, where the future trends are not yet clearly visible—are largely dominated by biological and hereditarian theories of crime, while the democracies are strong enough to face a more sociological interpretation. Apart from political reasons, the fact were inexplicable that just Germany, in spite of her first-hand post-War experiences

[1] *Security. Can We Retrieve It?* (1939), p. 377.
[2] *The Boundaries of Science* (1939), p. 62.

of the unique power of social factors, should have become the domain of the narrowest biological conception of the crime problem.

Nobody knows better than the author that many aspects of great importance are omitted or only slightly touched upon in this book. It was with special regret that he had to abstain from a discussion of the criminological implications of the housing problem to which he had already devoted some preparatory work. Feeling as he did that its complexity would have rendered the collecting and sifting of the material a particularly lengthy task, he decided to leave such an investigation to a more favourable date. Moreover, the results of a fairly comprehensive investigation into recidivism, based upon After-Trial Calendars of the Criminal Courts, could not be fully included owing to lack of space. Even with such limitations it has proved a rather formidable task to survey the criminological development in the whole of England over nearly a quarter of a century. Would it not, perhaps, have been better to restrict the investigation to the last few years or to a much smaller area? Is it not inevitable that *qui trop embrasse mal étreint*? This the author has been asking himself continually, only to become more and more convinced that his original scheme was right. As to the period under investigation, it would not have been advisable to deal exclusively with the state of affairs immediately preceding the present War, which can be understood only in the light of the first World War and its aftermath. It is a commonplace that the adult criminal of to-day is the juvenile delinquent of ten or twenty years ago, and that it is impossible to do him justice without understanding the social conditions of his youth. *Mutatis mutandis* the same is true of the regional scope. To select a special district or town would be useful only after certain general aspects have been clearly established for the whole country. It is to be hoped that in the future it may become possible to carry out some more detailed researches for smaller areas.

Other critics may find the numerous and lengthy quotations somewhat disturbing. They seemed indispensable, however, because the author desired to support his statements as firmly as possible with documentary evidence and to demand of the reader as little as possible to be taken on trust. On the other hand, purely

theoretical discussions, perfectly in place in a textbook, had to be strictly avoided or, at least, cut down to the utmost minimum. It is one of the chief objects of this book to demonstrate, by taking certain selected problems, how much, or how little, information can be derived from the statistical and other Bluebook material as well as from certain collections of available case histories.

From these premises, the plan of the book emerges as follows: the critical examination of the structure and interpretation of English Criminal Statistics is followed by a rapid survey of the principal criminological features of the period between the two Wars, while its most significant aspects are dealt with in a number of separate chapters. Four of these chapters are devoted to problems of work and leisure (Unemployment and Strikes, Business Administration, Alcoholism, and Gambling), four others to those of certain specific sections of the population (Juvenile Delinquency, Female Delinquency and Prostitution, Recidivism).

In a book of this character the author might be expected to give, at the end, a summary of his conclusions with some hints for the future, and it was originally intended to make at least an attempt to meet this obligation. For two reasons, however, the author has now thought it advisable to leave this final chapter at present unwritten. In the first place, the book has already become unduly lengthy. Moreover, almost any possibility of making forecasts for the future seems to have been destroyed by the outbreak of the War. A host of new and more or less unforeseen problems has already arisen, others will probably arise in the course of the next few years, and it may become necessary to revise old conceptions and to make a fresh start.

PART I

Structure and Interpretation of the Criminal Statistics for England and Wales

"It is very difficult to compile statistics, more difficult to arrange them, and still more difficult to interpret them."

J. Macdonell, *Journal of the Royal Statistical Society*. Vol. lx (1897), p. 29.

As we shall have to base many of our conclusions in later chapters on material supplied by the English *Criminal Statistics*, it becomes imperative to give an outline of the structure of the latter and to consider the various factors which are essential for a right interpretation of their figures. Occasionally the reader may receive the impression that in this Part we have been at pains to cut away the branches on which we shall later have to hang essential parts of our investigation. It might be more accurate, however, to say that it is our present task to eliminate defective boughs and to test the strength and reliability of the remainder.

CHAPTER TWO

THE STRUCTURE OF ENGLISH CRIMINAL STATISTICS

I. English Criminal Statistics are based mainly upon two fundamental aspects, being partly statistics of *persons* who have committed crimes and partly statistics of *crimes* committed. This contrast is not absolute, since in the first group some particulars are given about the crimes committed and in the second with regard to the persons proceeded against. Nevertheless, the essential point remains: the first category deals exclusively with a limited number of persons and the offences connected with them, whilst the second category registers all known offences without any regard to the question whether they can, even loosely, be traced back to a certain author.[1] Both methods have obviously their special advantages and shortcomings. Their ultimate aims are different, as well as the uses that can be made of them. The rubric "Crimes Known to the Police" is useless, for instance, for an investigation into the extent and development of juvenile delinquency, as there are no details given as to the ages of the authors of the crimes brought to the knowledge of the Police. On the other hand, since a person convicted in a certain area may have committed one or perhaps hundreds of crimes there, the figures of persons prosecuted or convicted are of little value for an investigation into the extent of crime within that area. Only a perfect combination of both systems would enable the investigator to state how many persons of a certain age, sex, etc., have committed so many crimes of a certain type, in a given time, within a given area.

What form would an ideal combination of both sets of figures have to assume?

[1] In the present *Criminal Statistics* both methods are used somewhat promiscuously, even in the same table: see, e.g., *Criminal Statistics, 1938*, Table XXVI ("Police Returns"), which gives partly figures of crime (*a* (1) and (2)), partly of persons prosecuted (*b* and *c*).

In the first place, such a table ought to show how many *persons* have been convicted for each type of crime and how many *crimes* they have committed *in toto*. These figures ought to be given for each Police district separately. Taken in conjunction with the number of "Crimes Known to the Police," this would make it possible to estimate the percentage of crimes not cleared up, provided that both sets of figures dealt with exactly the same material as to time and area.

Secondly, it should be shown how many of the persons convicted

(*a*) have committed one, two, three, four, etc., offences respectively. In this way could be collected interesting information on the problem of *professional delinquency* and *recidivism*.

(*b*) how many have committed their offences in association with one, two, three, four, etc., persons. This would furnish valuable material with regard to the *gang problem*.

How far, then, do the present English *Criminal Statistics* fulfil the requirements of such a systematic scheme of classification? There are several difficulties:

(1) The statistics of *persons*, being based upon the numbers for trial and of convictions, are necessarily dependent on the course of the judicial proceedings. They can, therefore, contain only cases dealt with by the Courts within the year.[1] The *Police Returns*, on the other hand, register the cases at a much earlier stage, i.e. "all crimes reported to the Police or otherwise coming to their knowledge within the year."[2] It is obvious that a considerable percentage of those crimes which come to the knowledge of the Police during the last months of the year cannot be definitely dealt with by the Courts before the following year. This must be particularly the case with crimes coming before the Assizes or Quarter Sessions. Although the effects of this difference do, to a certain extent, counterbalance each other, there can be no guarantee whatever that this fact may not sometimes render impossible the exact evaluation of important criminological occurrences. If, for instance, an event like a General Strike happens within the last month of the year, nobody

[1] See Note (*e*) to the Tables I–III.

[2] Note (*b*) to tables "Police Returns."

will be able to gather from the *Criminal Statistics* exact information as to how the Criminal Courts dealt with offences arising from disorders connected with the Strike. In the *Criminal Statistics, 1937*, however, there was for the first time introduced, in the table "Police Returns. Indictable Offences," an interesting new column showing the number of "Crimes cleared up during the Year" and distinguishing between crimes reported to the Police during the same year and those reported during previous years. The definition of "cleared up," as given in Note (*c*) to the tables "Police Returns," is very wide.[1]

(2) To unavoidable discrepancies of this kind must be added the difference in legal classification: In the tables of persons convicted, the offences are registered according to the judgement of the Court. In the *Police Returns*, this method can be followed only if "there is a committal or finding of guilt within the year. . . . Failing this, the charge which is named in the summons or warrant or on which the prisoner is arrested is taken as determining the crime. If there are no proceedings and no apprehension, the character of the crime is judged by the facts so far as known to the Police."[2] For the great majority of average crimes, as larcenies, etc., it can safely be presumed that the classification by the Police will be identical with that which the Court would have chosen had the case been finally settled in Court. It may, however, be otherwise with crimes so beset with legal and factual difficulties as murder, manslaughter, false pretences, fraud, embezzlement, forgery, perjury, libel and the like. Consequently, when comparing the number of persons convicted of murder and manslaughter with that of the crimes of those types known to the Police, we do not know how far both sets refer to the same cases. The cases tabulated by the Police in 1933 as murder cases, for instance, may have been dealt with by the Courts in 1934 as manslaughter cases.[3]

(3) The *Criminal Statistics* do not indicate how many of the persons convicted have acted in association with one another. Thereby the impression may be caused that each person has com-

[1] See below, p. 33. [2] Note (*c*), now (*b*), to tables "Police Returns."

[3] In footnote (*a*) to the table "Police Returns. Indictable Offences" changes of this kind are registered for murder cases. For other offences they are not shown.

mitted a separate crime, whilst as a matter of fact several convictions may refer to the same crime. The numbers of crimes of which the perpetrators were detected may therefore appear higher than they really are. There is consequently no material as to the frequency of gang activities.[1] Only in those rare cases in which the total number of persons convicted is higher than that of crimes of that type known to the Police, as riot, unlawful assembly, etc., some very tentative conclusions are possible as to the number of persons who have acted jointly.

It may be worth while to include in future a column showing the number of persons convicted jointly for the same offence. If, for instance, 1,504 cases of malicious wounding are known to the police and 945 persons have been found guilty with regard to this type of offence, it is of great importance to the criminologist to know whether each of these 945 persons has committed one or perhaps two offences single-handed, or whether they have acted in gangs of ten, so that only about one hundred offences are cleared up, whilst the remainder have escaped. Though it will be impracticable to give detailed information for any possible variation, at least certain types may be shown separately, as, for instance:

Offences committed by one person only,
Offences committed by two to five persons jointly,
Offences committed by more than five persons jointly.

Even this could be limited to those offences which are most likely to be committed in gangs.

(4) More complicated are the considerations concerning the contrary source or error, i.e. the possibility that one person may have committed several crimes so that one thousand convicted persons may perhaps have been found guilty of two thousand crimes known to the police and dealt with satisfactorily. This possibility is partly taken into account by the English *Criminal Statistics.*

The Tables I to III ("Number of Persons for Trial at Assizes and

[1] It may be noted in parenthesis that not every case of participation of several persons in a crime can be interpreted as an indication of gang activities. Statistics of this kind, here as everywhere, can only be regarded as the first step towards an understanding of complex criminological facts.

Quarter Sessions") contain three columns (20 to 22): "Additional Offences charged against the same Persons." These columns, however, refer exclusively to "other offences of a distinct character,"[1] i.e. to the case that a person convicted of larceny has, for instance, in addition committed false pretences, not to the case that he has committed several larcenies. This restriction is all the more important as recidivists often stick to the type of crime they are accustomed to. Even so, however, is the number of additional offences shown in Columns 20 to 22 very high, and for offences against property often higher than the number of persons for trial. It is to be regretted that these columns are included only in the tables recording proceedings before Assizes and Quarter Sessions, not for Summary Jurisdiction cases.

Another method is in use in the table "Police Returns. Indictable Offences." There up to 1937 a Column 12 could be found: "Crimes of which the perpetrators were detected, but in respect of which no entries appear in Columns 3 to 11." Note (*j*) to this table gives the following explanation:

> "Column 12 includes offences of which the perpetrators were detected but in respect of which no entries appear in Columns 3 to 11 because the offenders, or the prosecutors, were dead and proceedings were impossible, or because the prosecutors did not desire to prosecute, or proceedings (e.g. for Attempted Suicide) were considered unnecessary; or because the offences were taken into account upon another conviction or . . . the sentence passed was consecutive upon or concurrent with another sentence for an offence which does appear in the foregoing columns."

In 1937 this column was replaced by the above-mentioned column: "Cleared up during the Year," the scope of which seems to be still wider. In particular, all cases are now explicitly included where a person has been arrested or summoned or cautioned by the Police.

This is thus a combination of several very different aspects, each of which would justify a separate computation. Partly, this column deals with further crimes committed by persons already dealt with by the Courts for other offences. In so far, it is similar to Columns 20

[1] Note (*c*) to Tables I–III.

to 22 in Tables I to III, with the difference, however, that it is not restricted to "offences of a distinct character." As indicated above, it is important from the criminological point of view to know the number of such further offences in order to get an idea of the extent of professional crime.

The group of offences *detected but not prosecuted*, because the injured person did not desire to prosecute, is interesting as showing the influence of the system of *private prosecution* on the number of prosecutions, whilst the group of cases in which proceedings were considered unnecessary may furnish an idea as to the working of the *discretional power of the Police* (corresponding to the Continental *Opportunitätsprinzip*).

Column 12 thus includes a great variety of aspects which not only under criminological and penological aspects but also in the interests of a more efficient administration of criminal justice in general ought well to be investigated separately. The connecting factor is the justifiable desire on the part of the Police to prove that a difference between the number of persons for trial and of crimes known to the Police implies no certain failure of the Police to detect the authors of reported crimes. This is certainly a very important consideration, but not the only one. It would perhaps be possible, without much more clerical work, to tabulate the offences dealt with by taking into account, or by concurrent or consecutive sentences, separately from the other cases covered by the former Column 12.

Additional columns would be required if attempts were made to connect the figures with individual persons, i.e. to show how many individuals had committed, say, one to five, five to ten, or ten to twenty offences, and so on. Such an innovation would render possible a better assessment of the amount of habitual crime. If at present 1,000 persons are recorded as having committed 2,000 burglaries, this does not disclose whether each of them has committed two of these crimes, or whether 980 of them have only one case to their discredit, whilst the remaining 20 burglars are guilty together of 1,020 crimes. Surely this difference is very important not only from the criminological but also from the penological point of view, as it may help to explain some striking contrasts in the length of sentences.

One aspect of the matter would seem to require special consideration. At present, if there are several convictions against the same person, only one of the offences is selected for tabulation, i.e. that for which the heaviest punishment was awarded.[1] Consequently, if a slighter offence happens to be frequently committed in connection with a more serious one, the statistical figures for the former offence will be much too low. This is particularly the case with drunkenness convictions: when the drunken person, in addition to drunkenness, is convicted of a more serious offence, the drunkenness conviction does not appear in the *Criminal Statistics*, and one has to use the *Licensing Statistics* to get some information on the relation between drunkenness and delinquency.[2]

This system, however, is at least in harmony with the criminological significance of the various offences concerned, since it can be assumed that the offence for which the heavier punishment is awarded is also the more important from the criminological point of view. Under the system adopted by the German Criminal Statistics only that offence is chosen for tabulation for which the law, in general, permits the heavier punishment.[3] This offence may, however, be of less criminological significance and it may also in the given case have received a more lenient sentence; nevertheless, it is allowed to obscure the other conviction.

II. *In particular: The scientific value of Police Returns.*—Having realized the dual character of English Criminal Statistics, we can now examine the question to which of both sets of figures preference should be given in our further investigations. Expert opinion as to the scientific value of the rubric "Crimes Known to the Police" has undergone frequent changes.[4] Earlier volumes of the

[1] See note (*b*) to the tables "Assizes and Quarter Sessions" and note (*b*) to the tables "Courts of Summary Jurisdiction." [2] See below, p. 160.

[3] See the Introductions to the *Reichskriminalstatistik*.

[4] For an excellent discussion of this question—mainly, but not exclusively from the American point of view—see Professor Sam Bass Warner's book *Crime and Criminal Statistics in Boston* (Survey of Crime and Criminal Justice in Boston, conducted by the Harvard Law School, vol. ii, 1934), p. 56 et seq.; also his article in 45 *Harvard Law Review* (1931), p. 307 et seq. See, moreover, Professor Thorsten Sellin's well-known essay, "The Basis of a Crime Index," in the *Journal of Criminal Law and Criminology*, vol. 22 (1931), p. 335 et seq., and Dr. Roesner's article "Polizeistatistik," in the *Handwörterbuch der Kriminologie*, vol. ii, p. 348 (1934).

Criminal Statistics used to emphasize the unreliability of these figures.[1]

> "A prudent man," it is said in the Introduction of 1896, "will hesitate to use them as material for forming a definite opinion with regard to the amount of crime actually committed."

The *Report on Criminal Statistics of 1895* blamed in particular the lack of uniformity:[2]

> "The chief defect in the old Police Tables, which were compiled from annual returns made by 191 separate and independent Police Forces has been due to the absence of sufficient instruction to secure their preparation on a uniform basis. . . . It would often have been better that they all should be wrong, provided that they all made the same mistake, than that some should be right and others wrong."

In 1912, however, the "Crimes Known to the Police" somewhat gained in reputation. Although still deemed inferior to the "Statistics of Persons Tried," they were used as a valuable confirmation of the conclusions drawn from the latter category if they stood in permanent agreement with it. This parallelism, however, ceased after the Great War when the number of "Crimes Known to the Police" showed a considerable rise in spite of a small decrease in the number of "Persons Tried." It is all the more noteworthy that the editors of the *Criminal Statistics* of that time changed their former attitude and described the number of indictable offences known to the Police as "the best available guide to the volume of serious crime."[3] The reasons for this reversal can be made clear only by a fuller discussion of the merits, or otherwise, of this part of the *Criminal Statistics*.

First of all should be borne in mind the fundamental difference that separates statistics of "Crimes Known to the Police" from other types of Criminal Statistics. The latter—whether they may be statistics of "Persons Tried or Convicted," or of "Length of Sentences," or of "Receptions in Institutions," etc.—represent but

[1] See, for instance, *Criminal Statistics, 1895*, p. 11; *1896*, p. 11. [2] P. 20.

[3] *Criminal Statistics, 1928*, p. v, and, even stronger, *Criminal Statistics, 1930*, p. vi (fn.). An important point in favour of Police Statistics is that, after all, Court Statistics must necessarily also be affected by Police methods.

mechanical transferences from one ledger into another, and the person who copies them has in no way to examine whether or not the conviction or the sentence, etc., may be justified. The statistics of "Crimes Known to the Police," however, are purely discretionary, as Sir Leonard Dunning justly called them.[1] The police officers in charge have to decide whether a certain event reported to them has taken place at all and therefore is "known to the Police," and, having answered this question in the affirmative, whether it constitutes a "crime," and a crime of a certain legal type. This means that the Police have, to a considerable degree, to anticipate the task of the Criminal Court. It is true, they can, when doing so, restrict themselves to an evaluation of mere probabilities, instead of exact evidence; but even with this limitation it is often very difficult to estimate the reliability of a report received from a private person that a certain crime has been committed. It is not only the old problem as to whether the missing property has been lost or misplaced or stolen, whether a motor-car has been taken for a joy-ride only or for good. Reported crimes may be purely fictitious in order to cloak unreported real crimes—embezzlement from an employer, fraud on insurance companies—or to cover illicit sexual intercourse, etc. Moreover, "The increasing popularity of insurance and the necessity of stating whether the Police have been informed when a claim to insurance money is made, go to increase the proportion of incidents that are reported as indicating offences and, consequently, to swell the number of crimes recorded as 'known'."[2] In former years the "Police Returns" contained tables which, by their very nature, led to a still higher degree of divergence between the various Police reports: the statistics of "Known Thieves," of "Known Houses of Bad Character" and of "Habitual Criminals at Large."

> "In 1890," states the *Report on Criminal Statistics of 1895*,[3] there were in Liverpool 132 'known thieves' under the age of 16, in Birmingham only 23, in Bradford none, and in Manchester none. This extraordinary variation could be accounted

[1] See his evidence before the Committee on the Police Service, 1920, *Minutes of Evidence*, p. 82.

[2] Arthur Locke, *Police Journal*, vol. iv (1931).

[3] P. 23.

for only by the fact of the Police of the different towns taking totally different views as to what constituted a 'known thief'."

The Report points at the strange fact that London shows comparatively much lower figures than the country, and concludes:

"These figures convey no information whatever as to the proportionate numbers of the criminal classes; they merely represent the varying extent of the knowledge which the Police possess of the character of individuals according to the circumstances of the Metropolis, of smaller towns, and of country districts."

It is difficult not to sympathize with the indignation felt by a former Chief Constable of Liverpool[1] when lamenting the snares of Police Statistics:

"It is impossible to compare Liverpool (as has been attempted) with other towns by quoting statistics. To state, on such evidence, that Liverpool has 443 brothels, whilst Manchester has only 5, and Glasgow has only 14, is simply fantastic. Such figures only profess to show the number of such houses 'known to the police,' and all that they can prove is the very superior 'knowledge' of the Police of Liverpool to that of the other towns quoted. . . ."

In any case, the regret expressed by Roesner[2] at the disappearance of these rubrics does not seem to be well founded.

Such are the obstacles inevitably connected with any kind of discretionary Police Statistics. There exists, however, another difficulty which is a consequence of what may be called the *duality of purpose* of the Police Statistics. They not only aim at presenting the amount of crime committed, but may also be used as a means of checking the efficiency of the various Police Forces.[3] What are the consequences of such a duality of purpose? To give an example from a different field. The research worker whose position may be

[1] Sir William Nott-Bower, *Fifty-two Years a Policeman* (1926), p. 142.

[2] *Handwörterbuch der Kriminologie*, vol. ii, p. 372.

[3] "Under no circumstances should those responsible for the administration of the law be given the authority to collect and compile facts within their own jurisdiction." (James Edward Hagerty, *Twentieth-Century Crime—Eighteenth-Century Methods of Control*, 1934, Boston, Mass., p. 45.)

adversely affected by the results of his research may be in danger of losing his impartiality of judgement. Just so, the Police Chief capable of turning a blind eye upon a yawning gulf between "Number of Crimes Known" and "Persons Convicted" in his district would be more than a paragon. The editors of the *Criminal Statistics* have not been slow in recognizing this danger, and they have for a long time been taking such steps as might ease the position of the Police in this respect.[1] In 1910 a column was added to the former Table XXII showing the number of cases in which there were "no proceedings taken in view of other proceedings taken against offenders." However, it must soon have become clear that this formula covered but a small percentage of those cases which, though cleared up by the Police, could not result in a conviction. Therefore in 1912 the formulation of the heading of this column was changed into the more general one: "Crimes of which the perpetrators were detected but for which no proceedings are shown."[2]

Nevertheless, the complaint was made in 1921 by Sir Leonard Dunning[3] that some Chief Constables did not seem to have rightly understood the significance of the opportunities offered by the new formulation. "Why should I," he reports a Chief Constable as saying, "show a crime committed without any chance of showing a prisoner against it?" Practice, according to Sir Leonard, was very different in the various districts; on the whole, however, he observed a tendency to keep the number of "Crimes Known" at the lowest possible level in order to avoid unfavourable conclusions as to the efficiency of the Police. Likewise, the individual policeman, according to the same source, may sometimes have felt the temptation "to slur over the complaint upon which he had not been able to take successful action."

It seems that these and other criticisms have gradually brought about a change in the methods of many Police Forces towards greater accuracy and a more appropriate and efficient use of the column

[1] Professor Warner, *Crime and Criminal Statistics in Boston*, p. 66, suggests that Gladstone's dictum, "the tendency of income taxes is to make liars of the nation," should be applied to the Police and Police Statistics. He admits, however, that English Police Returns are much more reliable than American ones (p. 78).

[2] See above, p. 33.

[3] *Annual Report of H.M. Inspectors of Constabulary for the Year 1921*, p. 10 et seq.

described with the result that the number of "Crimes Known to the Police" has considerably increased during the last fifteen years.

> "There has been a general tendency in recent years to pay more detailed attention to reports which, although not disclosing any certain evidence of a crime having been committed, bordered on that category. One result has been to increase the total number of crimes recorded in the register, and to convey the impression that there has been a corresponding increase of crime in the district concerned. . . . Administrative decisions whether or not to record a borderline report as a crime may in particular instances be difficult, but the disposition now is more often to register a doubtful instance as crime—in the absence of positive proof one way or another—rather than to exclude it for the same reasons."[1]

Probably the most important instance of this tendency has been the abolition of the *Suspected Stolen Book* in London, 1931.[2]

The fact that the gap between the number of "Crimes Known to the Police" and "Persons Proceeded Against" has considerably widened after the Great War has already been discussed by several authors, and various explanations have been proffered. Warner[3] points out that the growth in "Crimes Known to the Police" has not taken place evenly all over England (in London, for instance, the relation between both sets of figures has remained stationary) and that there is no evidence available that the quality of the work of the English Police and Courts has deteriorated since 1921 or that the difficulties of their tasks have greatly increased. He concludes that probably most of the increase in "Crimes Known" represents an increase only in crimes reported, not in crimes actually committed. Professor A. M. Carr-Saunders and Mr. Caradog Jones,[4] on the other hand, are quite rightly of the opinion that the main reasons are the growth of the Taking-into-Account-System and the change in the type of crime committed, i.e. the decrease in crimes

[1] Major-General Sir Llewelyn W. Atcherley, *Annual Report of H.M. Inspectors of Constabulary for the Year 1931*, p. 6. See also *Criminal Statistics*, 1928, pp. ix, x.

[2] See below, p. 72.

[3] Op. cit., p. 80, and Appendix IX.

[4] *A Survey of the Social Structure of England and Wales* (1927), p. 196, and especially 2nd edition (1937), pp. 186–9.

against the person and the increase in crimes against property, since the Police have a better chance to detect the author of a crime of the former type than of larceny or burglary.

Any comparison between both sets of figures that fails to take into account the development of that additional column in the table "Police Returns. Indictable Offences" must necessarily be incomplete. The more the figures in this column increase, the less significant as a means of checking the efficiency of the Police becomes the discrepancy between "Crimes Known" and "Persons Proceeded Against." In fact, the use of that column, as has already been indicated, has experienced a slow but steady growth. In *Criminal Statistics, 1928*,[1] the following interesting table is given showing the "Proportion of Indictable Offences that are *cleared up* to the point where proceedings are justified."

TABLE I

	1911	1928	Per cent, rise or fall
Offences known to Police ..	97,171	130,469	34 +
Persons proceeded against ..	68,575	63,194	8 —
Offences tracked down but proceedings not shown	6,113	30,813	404 +
Approximate number of crimes cleared up	74,688	94,007	26 +
or	77 %	72 %	
	of crimes known		

This table represents the first attempt to bring home to a somewhat wider public the true significance of the additional column. The figures reveal that, in spite of a rise of 34 per cent in "Offences Known to the Police" and a fall of 8 per cent in the number of "Persons Proceeded Against," the total of crimes cleared up had fallen only by 5 per cent, from 77 to 72 per cent, because the number of detected but unprosecuted crimes had risen by 404 per cent. Not the whole of this rise, it is true, can be attributed to

[1] Pp. xviii and xix. See also Mr. S. K. Ruck, *Political Quarterly*, vol. iii (1932) p. 211.

increased police activities. The following table may illustrate the development since 1912:

TABLE II

Year	Indictable crimes known to the Police 1	Indictable crimes tracked down but no proceedings taken 2	Persons proceeded against 3
1912	101,997	6,929	67,530
1913	97,933	6,669	63,269
1914	89,387	5,979	52,819
1919	87,827	7,124	53,541
1922	107,320	14,086	58,177
1923	110,206	17,682	56,764
1924	112,574	19,879	57,374
1925	113,986	21,822	57,543
1926	133,460	26,165	77,619
1927	125,703	29,268	63,411
1928	130,469	30,813	61,513
1931	159,278	38,897	66,984
1934	233,359	53,477	73,731
1935	234,372	59,296	79,578
1936	248,803	64,635	82,531

The following table shows the figures per 100,000 of the population for a few years:

TABLE III

Year	Crimes known to Police 1	Crimes tracked down but no proceedings taken 2	Persons proceeded against 3	Undetected crimes* Col. 1 − (2 + 3) 4
1913	265	18	171	76
1922	281	36	152	83
1925	293	56	148	89
1927	319	74	161	84
1931	398	97	167	134
1933	563	118	174	271
1935	577	145	189	243

* Assuming that every person proceeded against was responsible for one crime.

As indicated above, the method of dealing with this aspect was changed in 1937. In the last two volumes of the *Criminal Statistics* the following figures are published:

1	2	3		4
Year	Indictable offences known to the Police	Cleared up during year		Persons proceeded against
		Crimes shown in Column 2	Crimes shown in Column 2 of previous years	
1937	266,265	130,973	4,478	87,293
1938	283,220	136,004	5,850	88,337

The corresponding figures per 100,000 of population are as follows:

				Crimes not cleared up*
1937	648	319		329
1938	687	330		357

* Again under the assumption made in the previous footnote.

Whilst for offences against the person, forgery, coining and arson there are only slight differences between crimes known and crimes cleared up, the position is much more serious for offences against property, with and without violence, except false pretences and receiving. The following figures from the *Criminal Statistics* for 1938 are typical:

	Crimes known to Police	Crimes cleared up
Offences against the person	7,739	6,784
Offences against property with violence ..	49,565	19,399
Offences against property without violence	219,481	103,601
Forgery and offences against the currency ..	1,809	1,686

How great a mistake it would be to assess the development of Police efficiency without taking into account the figures in the

additional column may be illustrated by the statistics of False Pretences:

TABLE IV

Year	Crimes known to Police	Persons proceeded against	Column 12	3 + 4 together
1	2	3	4	5
1919	4,447	2,806	822	3,628
1922	8,581	3,368	2,863	6,231
1929	9,971	2,419	6,501	8,920
1931	11,503	2,699	7,381	10,080
1934	12,865	2,598	8,797	11,395
1938	12,594	2,426	Crimes cleared up 10,970	

This means that, whilst the percentage of crimes under this category cleared up by the Police in 1919 amounted to 81 per cent, in 1934 it was as high as 89 per cent.

It may be advisable to refer in the comparative tables of the *Criminal Statistics* to the figures in Column 12 and its present equivalent. Otherwise these tables may create the erroneous impression that Police work was much more efficient in former years than it is now.

A factor which has especially contributed to widen the gap between "Crimes Known to the Police" and "Persons Convicted" is the already mentioned practice of the Criminal Courts[1] *to take into account other charges* which the prisoner admits having committed.

> "The use of the procedure has *diminished* the number of persons shown as charged with indictable offences, but has tended to *increase* the numbers of offences shown to the Police, because some offences become 'known to the Police' for the first time during the steps preliminary to giving a prisoner the opportunity of having other and known offences taken into consideration."[2]

[1] This practice was established in 1908 by the Court of Criminal Appeal in *R. v. Syres*, 1 Cr. App. R. (1908), p. 172.

[2] *Criminal Statistics, 1928*, pp. xxx–xxxi.

This system, however, is applicable only to offences which have some characteristics in common. It is not permissible to take into account an admission of bigamy when dealing with a prisoner charged with robbery.[1]

The Lord Chief Justice was recently reported to have commented on the proper procedure to be followed in such cases.[2]

The offences most frequently committed in batches are larceny, burglary, receiving, and above all, fraud and false pretences. There are cases recorded in which several hundred, or even a few thousand offences have been taken into account.[3]

It is to be regretted that the *Criminal Statistics* do not state the exact number of such cases, and, in particular, that there is no means of discovering from their figures the distribution of the offences among the individual offenders.

When considering the significance of the above figures, the following remarks may not be out of place:

(1) An objection may be raised against this method of using the figures in the additional column. Professor Sellin, in his article on the "Basis of a Crime Index,"[4] points out that the crimes admitted by prisoners and taken into consideration by the Courts may cover a long span of years. If this were true in a considerable percentage of cases, it would apparently not be admissible to add these figures to the numbers of "Persons Proceeded Against" within the same year. However, this source of possible error is probably not very important. On the one hand, the same objection could be raised against a comparison between the numbers of "Crimes Known to the Police" and of "Persons Proceeded Against," as the prosecutions

[1] See, for instance, *R. v. McLean*, 6 Cr. App. Rep. (1910), p. 26; *Justice of the Peace*, 1924, p. 68; 1935, pp. 122, 693. The system works in a way similar to that of the German conception *Fortgesetzte Handlung*, which means a chain of two or more offences connected through external similarity and unity of purpose.

[2] *The Times*, May 16, 1939.

[3] In *The Times* of June 22, 1939, the case of a drug addict is reported who asked for 903 cases of obtaining drugs, false pretences and fraud to be taken into account. That 20 or 40 cases are taken into account for one conviction is quite a common event. Even Borstal and Home Office School Records of juvenile offenders show instances of "96 cases of taking money from children," or "60 other burglaries taken into account."

[4] *Journal of Criminal Law and Criminology*, vol. xxii, p. 341, fn. 13.

may also refer to crimes committed in previous years. On the other hand, it is unlikely that prisoners will be anxious to admit crimes hitherto unknown to the Police which, having been committed some years ago, stand a very poor chance of becoming known after the end of the proceedings. It seems more likely that the majority of these crimes are of comparatively recent origin.[1] This is now borne out by the figures given in the *Criminal Statistics* for 1937 and 1938. The number of crimes cleared up which had become known to the Police in previous years is very small. It may, of course, frequently happen that an offence, though committed some years previously, becomes known to the Police only through the admission of the prisoner in Court, and has therefore to be included in the number of crimes cleared up in the same year in which they had become known.

(2) In spite of the greater use made of the additional column, it cannot be denied that the contrast between the numbers of "Crimes Known to the Police" and of "Persons Proceeded Against" is becoming more and more serious. Professor Carr-Saunders and Mr. Caradog Jones, writing in 1927, were somewhat alarmed at the increase of this difference from about 100 before the War to about 150 in 1925.[2] In 1933 the difference was already as much as 271 (even when the figures in Column 12 are taken into account), and in 1938 it was 357. Nevertheless, some comfort may be drawn from the insight that the number of "Crimes Known to the Police" is swollen mainly as the result of changed methods of reporting and of registration.[3]

The Statistics of "Persons for Trial."—The statistics of "Persons for Trial" represent a category midway between those of "Crimes

[1] There are certainly some exceptions to this rule, as is shown by the following report from *The Times* of January 4, 1938: "Edith A. R., 46, a houseworker, was sentenced to three years penal servitude. She pleaded guilty to three charges of breaking and entering. . . . Mr. J. P. E., prosecuting, said that she desired 102 other cases to be taken into consideration. These started in February 1936 and continued until November 1937. . . ." In another case (*The Times*, April 22, 1937) a swindler asked that seventy-four charges, dating back to 1932, should be taken into consideration.

[2] *A Survey of the Social Structure of England and Wales*, 1st edition, 1927, pp. 196–7.

[3] See below, p. 72.

Known to the Police" and of "Persons Convicted." It is certainly less vague than the former, since the fact that a person has been committed for trial necessarily indicates the existence of a certain amount of evidence that a crime has really been committed. And, on the other hand, as was pointed out in the Report of 1895,[1] as a barometer of the real amount of crime the statistics of "Persons for Trial" deserve preference before those of "Persons Convicted," since they are less dependent upon those individual circumstances of the person which may cause an acquittal. "In most cases an acquittal means not that *no* crime has been committed." This is, however, of course not true with regard to certain types of crime, i.e. to those where there can be hardly any doubt as to the identity of the possible offender. In the case of perjury, for instance, an acquittal means that there was no crime at all, if the identity of the person who had given evidence was not in question. In cases of false pretences and sexual offences an acquittal will at least as frequently as not indicate that the facts under investigation did not constitute a violation of the criminal law.

[1] *Report on Criminal Statistics, 1895*, p. 16.

CHAPTER THREE

THE INTERPRETATION OF ENGLISH CRIMINAL STATISTICS

HAVING dealt with the structure of English *Criminal Statistics* and with some problems arising directly out of it, it remains to examine the further question how far the figures therein are really indicative of the state of crime in this country. Nobody will expect them to show the exact volume of offences committed, as this would be beyond the scope of any *Criminal Statistics*. It becomes necessary, however, to deal in a more detailed manner with those factors which may tend to impair even the representative character of the figures.

It may be advisable to consider in particular the possible influence of the following factors that play a decisive role in the shaping of English *Criminal Statistics:*

(i) The substantive criminal law;
(ii) The law and practice of criminal procedure;
(iii) The Police methods;
(iv) The influence of public opinion; and, finally,
(v) the Criminal Statistics themselves.

I. THE CRIMINAL LAW

As it is the substantive criminal law that creates the possibility of committing a crime in the technical sense, it is obvious that the frequency of the various types of crime must depend upon their legal definitions. Especially the international comparability of *Criminal Statistics* is always fundamentally influenced by the differences between the various criminal legislations. It would be utterly misleading, for instance, to compare the bare figures for convictions of murder in England and Germany without taking into account that the English conception "murder" is much wider than the German *Mord*. Or another example. Whilst under English law

the activities of the confidence trickster, on account of the explicit provision in Sect. 1 of the Larceny Act, 1916, are legally dealt with as larceny ("larceny by a trick"), they are, at least in the great majority of cases, not larceny but *Betrug*, i.e. false pretences or fraud, in Germany. Differences of this kind may partly explain why the German figures for *Betrug* are so much higher than the English figures for false pretences and fraud, whilst the German figures for larceny, burglary, etc., do not very considerably exceed the English ones in proportion to the population.[1] In 1933, for instance, there were in England and Wales about 50,000 persons found guilty of burglary, house or shopbreaking, etc., and of the different forms of larceny, but only about 3,000 persons found guilty of false pretences and fraud, whilst the corresponding German figures were about 100,000 and 45,000.[2] An exact comparison is hardly possible. On the one hand, about 4,000 summary convictions under the English Vagrancy Act (Frequenting, Found on Enclosed Premises, Possessing Picklocks, etc.) would in German law count as convictions for attempted larceny and would therefore appear as convictions for larceny in the Criminal Statistics, as there is no statistical distinction between larceny and attempted larceny. In the English *Criminal Statistics* for 1896,[3] for instance, it was explicitly stated that the Vagrancy Act "afforded a convenient means of dealing with known thieves against whom no evidence could be obtained sufficient to support a prosecution for any more serious offence." On the other hand, certain forms of petty larceny are dealt with in Germany as mere contraventions which do not appear at all in the *Criminal Statistics*.

Apart from these and many other difficulties of comparing *Criminal Statistics* between country and country, the question arises as to how far changes in the substantive criminal law may influence the statistical position within the country concerned.[4] Is

[1] The literature dealing with the various problems of International Criminal Statistics is fairly comprehensive. A bibliography published in 1933 and containing 203 titles (Roesner, *Zeitschrift für die gesamte Strafrechtswissenschaft*, vol. 53, pp. 103–34) is far from complete.

[2] See *Reichskriminalstatistik, 1933*, p. 20. [3] P. 31.

[4] On this question, see also the excellent remarks in Thorsten Sellin's Research Memorandum on *Crime in the Depression* (1937), p. 12 et seq.

it possible, for instance, to use the *Criminal Statistics* as a barometer to check the effects of new criminal statutes in general, or especially of laws introducing more severe punishments? The layman may be inclined to think that, owing to the deterrent effect of the criminal law, such greater severity will inevitably result in a decrease in the number of crimes of that type. It is not intended to argue here about the question of deterrence. Quite apart from that, however, the layman in any case miscalculates certain tendencies that affect, not the actual amount of crime, but its statistical tangibility. To him the problem is an isolated affair concerning exclusively the relation between the law and the potential transgressor. He overlooks that the passing of a new statute may signify social changes of a much more general and far-reaching character. It may be the outcome of a prolonged state of public anxiety and excitement caused by actions, punishable or not, of certain undesirable elements among the population. In such a case it is clear that subsequently the general public as well as the Police will do their best to carry out the law as strictly as possible. Private persons will be inclined to act as informants, prosecutors, and witnesses. Consequently, there is likely to be an increase in the number of prosecutions and convictions, even in spite of a decrease in the actual amount of crime.[1]

In the years after the coming into force of the Criminal Law Amendment Act, 1885, there was a considerable rise in the number of prosecutions for sexual offences. "The growth of public sentiment with regard to sexual crime, of which that Act was one manifestation," says the editor of the *Criminal Statistics, 1896*, "is no doubt responsible also for the more vigorous prosecution of offences of that character which were previously punished by the law." It can, however, hardly be maintained that the Act of 1885 had really caused an increase in prosecutions of sexual offences in general. It is true that the number of persons tried for sexual crimes rose from 941 in 1884 to 1,055 in 1885 and to 1,386 in 1886, whilst the proportion to 100,000 of the population increased from 3·50 in 1884 to 3·88 in 1885 and 5·04 in 1886. But a closer scrutiny shows that this increase was almost entirely due to the creation of the new offences of defilement of girls under 13 and under 16 years.

[1] See also below, p. 80 et seq.

Whilst the figures for rape and indecent assault on females decreased after 1885, there were in 1886 395 prosecutions for defilement.

There exists, however, another instance of a considerable increase in prosecutions after the introduction of a particularly severe form of punishment. The Criminal Law Amendment Act, 1912 (2 & 3 Geo. V c.20), s. 3, without altering the definition of procuration, introduced corporal punishment for this offence. Here are the results of this innovation:

TABLE V

PERSONS FOR TRIAL (PROCURATION)

1894–1903	7	(annual average)
1904–1908	9	,, ,,
1909	7	
1910	25	
1911	18	
1912	14	
1913	73	(17 whipping sentences)
1914	41	(2 ,, ,,)

"The remarkable increase in procuration in 1910–14," says Mr. George Benson,[1] "coincides with the development of the agitation and the passing of the Act. Sexual crimes are notoriously susceptible to suggestion, and this increase may be largely due to the effect of suggestion on certain types of mind."

This, of course, will happen only in those cases where public opinion agrees with the course taken by the legislator. It is quite different when both move in opposite directions or when there is a dissension among the various social groups of the community as to the merits of a certain change in the law. Without the moral and active support of the majority of the people, the Police are unable to carry out the will of the legislator. "Police work in this country," said Sir Henry Vincent before the Royal Commission on the Duties of the Metropolitan Police of 1908,[2] "must be carried out in accordance with public opinion." One of the most conspicuous illustrations of the truth of this statement has been the difficulty

[1] *Flogging: The Law and Practice in England* (2nd edition, 1937), p. 11.
[2] Vol. iii, p. 1088.

encountered by the Police in their task of enforcing the Betting and Lotteries Legislation.[1]

It becomes clear, therefore, that the influence of public opinion, the consequent activities of the Police, etc., may create a statistical picture very different from the real effects of a certain change in the criminal law. An unpopular statute, from being insufficiently carried out, may reap purely statistical laurels as an efficient means of checking crime, whilst a popular one, on account of the growing number of convictions, may appear a failure.

Mutatis mutandis, the same is true of legislative changes towards greater leniency. If popular, they may lead to an increased willingness on the part of private persons to prosecute, and on the part of juries to convict the prisoner.

After the abolition of the minimum limit of ten years' penal servitude for unnatural offences, by the Penal Servitude Act, 1891, s. 1, convictions for these crimes rose from 30 in 1889 and 28 in 1890 to 40 in 1891, whilst the crimes of this category reported to the Police numbered 95, 80 and 85 respectively.

Thus the erroneous impression may sometimes be created that leniency of the criminal law has resulted in a crime wave.

On the other hand, if the public come to regard the law as too mild, the injured person and the Police may frequently abstain from prosecuting, because they think it not worth while.

In the *Report on Vagrancy* (1906),[2] for instance, reference is made to the practice of certain magistrates to discharge beggars on their promising to leave the town. "It is hardly necessary," adds the Report, "to say that, in places where no sentence is given, the Police cease to bring cases of begging before the magistrates, and the offence continues unchecked." The same is stated with regard to "Sleeping-Out Cases."[3] The actual number of prosecutions depends therefore "not so much on the total number of vagrants as on the practice of the Police in the enforcement of the law."

After the coming into force of the Probation Act, 1907, the

[1] See the *Report on Police Powers and Procedure* (1929), p. 79; *New Survey of London Life and Labour*, vol. ix (1934), pp. 270 et seq., 280 et seq.

For another example, see Roy Calvert, *Capital Punishment in the Twentieth Century*, 5th edition, 1936, p. 85. [2] Part i, p. 51. [3] P. 102.

Criminal Statistics[1] recorded "a growing reluctance to take the trouble to prosecute a thief who, if he is convicted, is likely to be let off with little or no punishment," and similar statements can be found even comparatively recently.[2]

II. THE LAW OF CRIMINAL PROCEDURE

Still more important in this respect is the law of criminal procedure. Its bearing on the interpretation of Criminal Statistics may conveniently be examined under two aspects—the static and the dynamic.

(1) *The static aspect* receives its character from the more or less immutable spirit and the fundamental principles of English criminal procedure.

Three characteristic features of the latter seem to require special consideration: its *fairness* towards the prisoner, the *lack of* an institution equal to the Continental and Scottish *Public Prosecutor*, and the predominant part played by the *Lay Judge*.

(*a*) *The Fairness of English Criminal Justice in its Bearing on the Number of Convictions.*—It is not, as is frequently believed, the presumption of innocence that constitutes the intrinsic difference between English and Continental criminal procedure. In fact, this presumption is common to all modern legal systems,[3] although it is not everywhere put into practice with the same fervour. But the genuine fairness of the English law of evidence, the principle that evidence of the prisoner's previous offences is, as a rule, excluded before conviction,[4] the numerous restrictions imposed on the Police when questioning the prisoner,[5]—all these and other peculiarities make the proof of a crime more difficult than on the Continent and may thereby widen the gap between the amount of crimes committed and the number of convictions as shown in the *Criminal Statistics*. The position is quite aptly summed up in an article in the *Justice of the Peace*[6] as follows:

[1] *1909*, p. 9. [2] *Criminal Statistics*, *1925*, p. 4.

[3] See *Journal of Comparative Legislation and International Law*, vol. xviii (1936), pp. 82–3, and especially Dr. C. K. Allen, *Legal Duties* (1931), p. 253 et seq.

[4] Kenny, *Outlines of Criminal Law*, 14th edition (1933), pp. 372, 409.

[5] *Report on Police Powers and Procedure* (1929). [6] *1935*, p. 687.

> "Here we have the more practical notion that, provided the proportion of offences dealt with is sufficiently high to maintain general law-abiding, we do not much care what happens to the rest," whilst a high Police Officer[1] speaks of "the decision of the English law that criminals must be treated as game, only to be hunted under fixed rules and regulations, and not as vermin to be ruthlessly extirpated."[2]

Sir Chartres Biron,[3] quoting Lord Robson's dictum: "Every obviously guilty man who is acquitted places the administration of criminal law on a sounder foundation," adds: "It is a pretty paradox, and like many paradoxes it embraces a great truth."

Writing of certain sexual offences in particular, Havelock Ellis says:[4]

> "No country in the world, it is often said, has preserved by tradition and even maintained by recent accretion such severe penalties against homosexual offences as England. Yet, unlike the Germans, the English do not actively prosecute in these cases and are usually content to leave the law in abeyance so long as public order and decency are reasonably maintained."

Of course, not only the proportion of guilty, but also that of innocent persons convicted is certainly lower in England than in most other countries as a consequence of this spirit of fairness that pervades the English criminal procedure. On the other hand, the numerical effect of these factors is probably more than counter-

[1] Sir William Nott-Bower, *Fifty-two Years a Policeman* (1926), p. 77.

[2] See also Sir Robert Anderson, *Criminals and Crime* (1907), p. 81: "I may say that in London at least the undetected crimes are few. But English law does not permit of an arrest save on legal evidence of guilt, and legal evidence is often wholly wanting where moral proof is complete and convincing. Were I to unfold the secrets of Scotland Yard about crimes respecting which the police have been disparaged and abused in recent years, the result would be a revelation to the public."

A certainly not uncritical author with twenty-one years' experience as a Police Court Missionary, Thomas Holmes, *Known to the Police* (1908), p. 74, states: "I have not seen people punished for crimes they had not committed, but I have seen a large number of prisoners discharged about whose guilt there was no moral doubt."

[3] *Without Prejudice* (1936), p. 141.

[4] *The Task of Social Hygiene* (1912), p. 272.

balanced by the absence in English criminal justice of those recurrent amnesties which are used in Nazi Germany to keep down the published figures of convictions.

In his fascinating book *The Jealousy of the Gods and the Criminal Law of Athens*[1] the Danish sociologist Svend Ranulf tries to establish the theory that there exists a causal interdependence between poverty and envy on the one hand, and the frequency and intensity of criminal prosecutions in a country on the other. "Strained economic conditions and a position of social inferiority are likely to produce a disposition to envy which will be wanting in people who enjoy better opportunities for the satisfaction of their needs and of their ambitions."[1] If this should be true, it would, at the same time, partly explain why the figures for certain offences are likely to go up in periods of economic distress—an aspect that has hitherto not been sufficiently taken into account by criminological investigations into the effects of changes in economic conditions.

(*b*) *The Lack of a Centralized Office of Public Prosecutor and its Bearing upon the Criminal Statistics.*—England has not introduced the system under which the prosecution of criminal offences—exclusively or at least in the great majority of cases—becomes the business of a centralized and hierarchic office, the *Public Prosecutor*.[2] As the number of prosecutions carried out by the Director of Public Prosecutions is very small and comprises only the most serious types of crime, the burden of prosecuting is mainly thrown upon the Police and private persons. This difference may, in many directions, affect the figures of Criminal Statistics.

LOCAL PROSECUTION METHODS MAY DIFFER

First, there is no central authority that has power to issue binding regulations as to the use of discretion. The Home Secretary, it is true, "sometimes indicates the lines"—writes Sir L. Dunning—"upon which some new Statute is to be administered."[3] Sir Edward Troup also states that "the Home Secretary sometimes gives general

[1] *A Contribution to the Sociology of Moral Indignation*, vol. i (1933), p. 145; vol. i (1935), p. 274 et seq.

[2] On the Scottish system of public prosecution, see Lord Normand in the *Law Quarterly Review*, vol. liv, July 1938, p. 345 et seq.

[3] Sir Leonard Dunning, *Police Journal*, vol. i (1928), p. 44 et seq.

guidance to the police as to the prosecutions they should undertake."[1] The Home Secretary "is recognized as the authority who may supply magistrates not only with information but also with general advice as to the discharge of their duties."[2] These, however, seem to be only exceptional cases, and as to the general management of prosecutions it has been recognized that "in normal times . . . the Home Office has little to do with the ordinary executive duties of County and Borough Police—the suppression of crime, the arrest and prosecution of offenders. . . . It has to be satisfied by the reports of its inspectors that these duties are carried out with reasonable efficiency, but for the rest the responsibility is with the local Police authority and the Chief Constable."[3] The Metropolitan Police District represents the only important exception to the principle of local autonomy.[4]

The whole subject has been dealt with so fully by the distinguished English experts quoted above[5] and by Professor Pendleton Howard in his admirable work on *Criminal Justice in England*[6] that we can restrict ourselves to a few brief reflections on the statistical consequences of this system. It is clear that this lack of uniformity is likely to lead to local usages that would not so easily be tolerated under the Continental and Scottish system. The monopolization of certain types of criminal proceedings by certain places, as for instance that of Sunday Trading prosecutions by Kingston-upon-Hull during the last sixty years,[7] would probably be soon

[1] *The Home Office* (1925), p. 78. [2] Ibid., p. 80.

[3] Sir Edward Troup, *The Home Office*, pp. 103–4. It is a different matter that, as the author adds, "much has been done by the Home Office to secure improved methods and better co-operation between the forces by holding conferences of Chief Constables, by the issue of notes and memoranda of information and advice . . ."

[4] See J. F. Moylan, *Scotland Yard and the Metropolitan Police* (1929), p. 58.

[5] See also Sir Edward Troup in *Police Journal*, vol. i, p. 1 et seq.

[6] *1931*, pp. 25 et seq., 158 et seq., 185 et seq.

[7] See the remarks in *Criminal Statistics*, *1896*, p. 17; *1927*, p. xiii; *1930*, pp. xv–xvi. In *Criminal Statistics*, *1933*, p. v, fn., it is said: "In most Police districts it is not the practice to prosecute for Sunday trading, but in a few places it is a practice to levy repeated fines on shopkeepers who keep open on Sunday." To give a few figures only: The East Riding of Yorkshire was responsible in 1893 for 2,627 Sunday trading charges out of a total of 2,925 for the whole of England and Wales, and in 1908 and 1912 for much more than one-half of the total.

checked.[1] Without a central authority endowed with sufficient power no uniform national policy can be established in this field. On the other hand, it cannot be ignored that "a greater interest in the process of government" is aroused under the English system, which "deliberately leaves room for local variation," than under a centralized system of government.[2]

There are, of course, some other cases where similarly striking local differences in the application of the criminal law have been slowly removed through the efforts of the central authorities.

> The Prison Commissioners, for instance, in their Annual Report for 1910 (p. 7), complain very strongly about the chronic overcrowding in the local prison at Lincoln, mainly caused by the excessive numbers of convictions for begging in that county. "Inquiry showed," they state, "that the prosecutions in Lincoln were 8·5 per 1,000 of the population . . . seven times greater than the general average. The corresponding figures for the neighbouring counties of Norfolk and Nottingham were only 0·6 and 0·2 respectively. These very remarkable figures induced us to lay the matter before the Secretary of State for any action he might deem advisable in the matter. The chronic overcrowding of Lincoln prison is a very serious fact, and seems to be largely due to the administration of the law in Lincolnshire. . . ."

According to the *Criminal Statistics* for 1910 there were in Lincolnshire (with a population of about 600,000) 5,984 persons tried for begging, out of a total of 33,316 for England and Wales and as compared with 6,384 for London; in 1911 the corresponding figures were: 6,393 for Lincolnshire, 31,511 for England and Wales and 5,936 for London; in 1912: 5,364 out of a total of 26,875. In 1913 a slight decrease could be observed (3,259 out of 20,392),

Kingston-upon-Hull had in 1920 11,704 convictions of this kind out of a total of 16,290; in 1927, 19,720 out of 29,623; in 1934, 19,177 out of 29,706. Other striking local differences are discussed below in connection with the question of Police Cautions.

[1] It has now been stopped by the Shops Act of 1936 (see *Criminal Statistics, 1938*, p. ix).

[2] Harold J. Laski, *Studies in Law and Politics* (London: George Allen & Unwin Ltd., 1932), pp. 217–18.

but it was not until 1918 that the right relation was established (72 out of 1,687). It is, of course, well known that the extent of vagrancy and begging greatly depends upon local conditions, as the popularity of the local casual ward, etc.; nevertheless, we can assume that the Prison Commissioners, in attributing the strikingly high number of committals for those offences in Lincolnshire to the local administration of the law, have duly taken into account the possible influence of other local factors.

But also quite apart from this question of local differences, the shifting of the ultimate responsibility to an authority less immediately concerned with the daily routine work of crime prevention and detection than the Police and less subject to emotional and pecuniary influences than the injured person—this shifting of responsibility acts, on the whole, as a stabilizing factor. Although the Continental Public Prosecutor receives the bulk of his material from the Police, he has always the right to begin criminal proceedings on his own initiative. The particular position of the Police will be dealt with later. Here a few remarks may be added on the role of the injured party and on the problem of costs in criminal cases. Already in the *Report on Criminal Commitments and Convictions, 1827*,[1] the following questions were put to the witnesses: "Has not the want of a public prosecutor in England, which throws the whole weight of expense of prosecution upon the party aggrieved, frequently led to the compounding of felony?" "Did it not lead frequently to very grave misdemeanours going unpunished?" From the answers it would appear that at that time compounding was no longer regarded as an acute danger, and the *Report on the Police of the Metropolis*, published in the same year, 1828, attributed a portion of the apparent increase of crime to the diminishing "disinclination to prosecute, in consequence of improved facilities afforded at the Courts to prosecutors and witnesses, and of the increased allowances of costs."[2] This latter point has later been settled by the Costs in Criminal Cases Act, 1908 (8. Edw. VII, ch. 15).[3]

[1] P. 31. On the previous practice, see Holdsworth, *History of English Law*, vol. xi, p. 531. [2] P. 9.

[3] As to the whole problem of costs, see Pendleton Howard, op. cit., pp. 8 et seq., 221 et seq.

This Act, which is still in force, contains rather broad-minded provisions for the payment of the costs of the prosecution, whereby the expression "prosecutor" includes "any person who appears to the Court to be a person at whose instance the prosecution has been instituted, or under whose conduct the prosecution is at any time carried on." This Act, however, does not apply to non-indictable offences. The Court, of course, is always, even with regard to non-indictable offences, entitled to make an order that the defendant has to pay the costs; but if the defendant is not able to pay, no refunding of costs out of public funds takes place. There is also another matter that would seem to weaken the financial position of the prosecutor: it is the provision that the payments are to be made out of the funds of the county or county borough (section 1 of the Act). It is, therefore, not difficult to understand that local magistrates, on account of their close connections with the county or county borough concerned, may sometimes be disinclined to allow costs to the prosecutor,[1] especially when the latter is believed to be in a position to pay the expenses out of his own pocket.[2]

It is clear that such a risk may not infrequently discourage the injured party from taking any measures against the offender, particularly in cases of fraud, false pretences, embezzlement, forgery, etc.[3] The Continental system, on the other hand, by providing the payment of costs out of Government funds, involves the danger that not only very trivial cases may be brought before the Criminal Courts, but also cases that would be dealt with more properly in a Civil Court.

Even in cases of *Police* prosecutions, considerations as to the costs may sometimes, at least in small places, be of significance under a system that throws the risk of an unsuccessful prosecution upon the local taxpayer instead of upon the State as a whole.

> "Where the Police authority," said Sir Leonard Dunning in his evidence before the Committee on Police Service, 1919,[4] "avoids every possible expenditure of money the Police

[1] See A. Lieck, *Bow Street World*, p. 151.

[2] See e.g. *Rex v. Ely Justices, ex parte* Mann (1928), 45 *Times Law Reports*, 92; *Justice of the Peace, 1935*, p. 619.

[3] See Sir Archibald Bodkin, *Police Journal*, vol. i (1928), p. 353 et seq.

[4] See *Minutes of Evidence*, p. 86.

often have to do the same as the injured person—nothing. Central control might help here, especially in the direction of assigning the cost. . . . If all prosecutions which seem to be advisable in the public interest were undertaken by the Director of Public Prosecutions, or if all Police authorities acted alike in authorizing the Police to undertake them, a great deal more protection would be given to property, and the professional swindler would lose a great deal of the immunity which he now enjoys."

The *Report of the Departmental Committee on Share-Pushing*, published in 1937, has drawn special attention to the unpleasant position of the victim of share-pushing frauds who is informed by the authorities "that he would receive full Police assistance if and when he instituted a prosecution at his own expense," and the Report points out that all cases of this kind should be prosecuted by the Director of Public Prosecutions.[1] It is stated that within the area of the City of London Police Force there were between 1910 and 1936 177 firms known as being engaged in, or at least suspected of, share-pushing activities, of which only 37 were successfully prosecuted. The remaining 140 cases of share-pushing activities—it is stated—did not result in successful prosecutions, "partly because of the attitude adopted towards private complainants," partly for other reasons.

To sum up. The lack of a centralized office of Public Prosecutor for the whole administration of criminal prosecutions in England and Wales, added to the burden of carrying out the Costs in Criminal Cases Act, 1908, have probably resulted not only in great local differences, but also in a general tendency to abstain from taking steps against many offences of a minor character.

"It has long been the case," it is stated in the *Report on Sexual Offences against Children and Young Persons in Scotland*,[2] "that many more persons, in proportion to population, are annually brought to trial in Scotland than in England—possibly because the Scottish system of public prosecution secures proceedings in many minor offences which would not in England be brought to trial. For instance, in 1922, for offences of all

[1] See pp. 28–9, 32 and 66 of the Report.

[2] *1926*, p. 6.

kinds, 15·6 per thousand of the population were apprehended or summoned by the Police in England, while the corresponding figure for Scotland was 22. . . . The result is that the English and the Scottish criminal statistics are in no way comparable."[1]

(*c*) *Effects on Criminal Statistics of the Administration of Criminal Justice by Laymen.*—Whilst it may be regarded as certain that the fairness of English Criminal Procedure and its lack of a Public Prosecutor as well as the provisions of the Cost in Criminal Cases Act, 1908, tend to widen the gap between the actual amount of crime and its reflection in the *Criminal Statistics*, the effects of the administration of criminal justice by laymen are more difficult to assess. In general it may be said that the lay magistrate, at least if he is aware of his incomplete knowledge of the legal and psychological difficulties involved or if he disagrees with the statute in question, is more ready to acquit than the learned judge or magistrate.

> "There is at present a reluctance on the part of juries to convict of manslaughter. They associate the word with an act of violence rather than an act of recklessness. The Committee consider that, if a new nomenclature . . . were instituted such as 'causing death by negligent driving,' it would be easier to obtain convictions."[2]

According to *The Times* of October 14, 1937, the Lord Chief Justice complained of the undue leniency of lay justices who had dismissed an information under section 136 of the Factory and Workshops Act, 1901, with the following words: "This case illustrates the mischief which arises when a prosecution under the Factory Acts has to be conducted before a bench of lay justices. . . ."[3]

[1] On the other hand, it is true, the claim has been made that the low percentage of prosecutions for street trading, etc., in Scotland has partly been due to the existence of the office of Public Prosecutor which prevents the Police themselves from instituting prosecutions (F. Keeling, *Child Labour in the United Kingdom* (1914), p. 46).

[2] House of Lords, Select Committee on Prevention of Road Accidents (1939), Report, p. 24.

[3] See also F. Keeling, *Child Labour in the United Kingdom* (1914), p. 56.

Nevertheless, the percentage of acquittals in the English Courts of Summary Jurisdiction is very small.[1]

(*d*) *The Dynamic Aspect.*—It is common knowledge that *changes in the law of criminal procedure* usually leave their mark on Criminal Statistics. It is, in particular, the transition from a highly complicated to a less formal method of procedure that swells the Court figures. Crimes triable by a Jury or a Court of Quarter Sessions are sometimes not prosecuted at all, if not sufficiently serious in comparison with the complexity of the procedure. Moreover, there exists a tendency to leave out of consideration any peculiar traits which might prohibit their being dealt with by simpler methods. This is the so-called "correctionalization," familiar to English and still more to French and German practice.[2] The introduction of summary procedure will therefore result in a shifting of prosecutions from one type of crime to another as well as in an increase of the total number of prosecutions.[3]

"Correctionalization" can be used by the legislator as well as by the Court, the Police or the private prosecutor. In the hands of the legislator it assumes the form of a statute transferring the jurisdiction with regard to a certain type of crime from a higher to a lower Court, in particular to a Court of Summary Jurisdiction. The Court, the Police and the private prosecutor can reach this end exclusively by changing the legal character of the crime in question. This will be done comparatively seldom by the Court, but more frequently by the prosecution, and, as may be expected, it is especially the private prosecutor who may be tempted to drop such facts of the case as would necessitate much more expensive pro-

[1] In 1934, for instance, only 41,736 out of 652,984 persons dealt with summarily were not found guilty. In 1938 the corresponding figures were 60,617 out of 839,487. In Germany the corresponding figures for 1933 for crimes and misdemeanours only, but without restriction to the summary procedure, are 99,345 acquittals out of 708,847 cases.

[2] See, e.g., Pendleton Howard, *Criminal Justice in England*, p. 320, fn. 49; H. Mannheim, *Law Quarterly Review*, vol. 53, p. 404 et seq.

The use of this method is sometimes frankly admitted by the police; see, e.g., *Annual Report of the Commissioner of the Metropolitan Police, 1926*, p. 15.

[3] This was already recognized in the *Report on Criminal Commitments and Convictions, 1827*, p. 24. See also Luke Owen Pike, *History of Crime in England*, vol. ii (1876), pp. 478–9.

ceedings before a higher Court. This view has been confirmed to the author by various firms which prosecute most offences through their own solicitors. It has been stated, for instance, that the frequent cases of false pretences committed by means of forged signatures are never prosecuted as forgery but only as false pretences, the reason given being that forgery could not be prosecuted before a Police Court. It does not matter in this connection how far this view is in harmony with the real legal position; the consequence is, in any case, a statistical under-statement of the frequency of the crime of forgery.

The editors of the *Criminal Statistics* have been fully aware of the significance of such changes in procedure.[1] The effects of the Summary Jurisdiction Act, 1879, for instance, have been carefully examined, and it has been stated that the increase in larceny cases dealt with summarily from 1879 to 1880 was much greater than the corresponding decline in such cases tried on indictment.[2]

Particularly striking are the figures for brothel-keeping after the introduction of summary procedure for that offence by the Criminal Law Amendment Act of 1885. The number of prosecutions at Assizes and Quarter Sessions fell from 98 in 1885 to 66 in 1886; the average for the five years ending 1896 was 34. There were, on the other hand, no less than 754 summary prosecutions in 1886, and the average for the five years ending 1896 was never less than 1,000. These figures "afford a good illustration of the extent to which increased facilities for prosecution may lead to an apparent increase in the number of offences,"[3] although it cannot be overlooked that, as is wisely added in the *Criminal Statistics*, the real cause of the increase was "an intensification of public feeling, without which the change in the law would be of little avail."

After the coming into force of the Act of 1912 there was also a considerable rise in the convictions for brothel-keeping and living on the earnings of prostitution, but these increases may have been

[1] English criminologists have, in fact, ever since the introduction of summary forms of criminal procedure, been at pains to interpret its effect on the currents of Criminal Statistics. See, e.g., *Report on Criminal Commitments and Convictions* (1827), p. 24; Micaiah Hill, *Prize Essay on Juvenile Delinquency* (1853), pp. 15–16; William Hoyle, *Crime and Pauperism. A Letter to W. E. Gladstone* (1881).

[2] *Criminal Statistics, 1896*, p. 11 et seq.

[3] Ibid., p. 16.

mainly due to the enlargement of the definitions of those offences introduced in 1912.

When the Summary Jurisdiction Act, 1899, introduced the summary procedure for cases of false pretences, the number of persons tried for this offence rose by almost 50 per cent.[1]

Section 128 of the Children Act, 1908, made it generally possible for Courts of Summary Jurisdiction to punish indecent assaults upon females under 16 years of age.[2] The annual averages for this offence numbered (persons prosecuted):

TABLE VI

	1900–1904	1905–1909	1910–1914	1915–1919	1920–1924	1925–1929
Assizes and Quarter Sessions ..	411	383	242	117	169	180
Courts of Summary Jurisdiction	23	79	630	500	808	948
Total	434	462	872	617	977	1,128

	1930	1931	1932	1933	1934
Assizes and Quarter Sessions ..	200	158	120	127	162
Courts of Summary Jurisdiction	896	824	827	843	950
Total	1,096	982	947	970	1,112

These figures seem to confirm the truth of the statement that some of the cases punished since 1909 as indecent assaults by Courts of Summary Jurisdiction "would, but for the amendment of the law, have been dealt with at the police courts as common assaults."[3] The increase in the statistical figures is therefore to be interpreted not so much as a real increase in crimes of this type, but as a consequence of the introduction of a statute that put an end to a previously used method of "correctionalization."

[1] *Criminal Statistics, 1902*, p. 31.

[2] Before that Act this could be done only when the offender, too, was under 16 years.

[3] *Criminal Statistics, 1909*, p. 12; see also *1912*, p. 8.

Owing to the General Strike of 1926 it is impossible to assess accurately the effects of the Criminal Justice Act, 1925. Nevertheless, the editor of the *Criminal Statistics* for 1927[1] points out that the increase in convictions for malicious wounding from 558 in 1925 to 882 in 1926 and to 1,019 in 1927 may have been due to the introduction of summary procedure for this offence.[2]

There are, however, many other changes in criminal procedure besides the introduction of summary jurisdiction that may affect the statistical figures. The increase, for instance, of prosecutions for blackmail since about 1924 has been ascribed to the recent practice of the Criminal Courts to allow the suppression of the victim's name.[3]

TABLE VII

CRIMES KNOWN TO THE POLICE*

(*Annual Averages*)

	1900–1904	1905–1909	1910–1914	1915–1919	1920–1924	1925–1929
Extortion by threats other than threats to accuse	18	36	38	21	31	55

	1930	1931	1932	1933	1934	1935	1936
Extortion by threats other than threats to accuse	89	71	100	78	77	68	86

* *Criminal Statistics, 1934*, p. 16. The corresponding German figures (convictions for blackmail) are ten to twenty times as high: 1,271 convictions in 1933.

On the other hand, the repeal in 1922 of the provision of the Punishment of Incest Act, 1908, that incest proceedings should not

[1] P. v. See also *Report of the Commissioner of the Metropolitan Police, 1926*, p. 15, and *Criminal Statistics, 1938*, p. xxxv, fn.

[2] On the General Strike see below, pp. 157 et seq.

[3] *Report of the Commissioner of Police of the Metropolis, 1930*, p. 17. On a similar suggestion with regard to abortion, see *Report of the Inter-Departmental Committee on Abortion* (1939), p. 46.

be held in public is believed to have resulted in an increase in prosecutions. The fact that incest is not only a moral but also a legal crime became thenceforth, it is said, more widely known, whilst the publicity, as it did not necessarily lead to publication of the victim's name, did not deter the latter from bringing the matter before the Court.[1]

How considerably the statistical figures may decrease as a result of the replacement of the system of public by that of private prosecution may be illustrated by the following example. In Germany the offence of dangerous wounding (*gefährliche Körperverletzung*, section 223*a* of the Penal Code) had until 1921 belonged to the domain of the Public Prosecutor. In that year, however, the system of private prosecution was introduced for this offence. As a result convictions for dangerous wounding, which had amounted to 37,406 in 1920, dropped to 33,159 in 1921 and to 25,491 in 1922, whilst other crimes of violence against the person showed either an increase or a very slight decrease. The sentences for dangerous wounding, on the other hand, became more severe, because it was only the more serious type of offence that was brought before the Courts by the injured parties.[2]

Another example taken from the *German Criminal Statistics*: convictions for embezzlement (*Unterschlagung*) decreased in Germany from 38,027 in 1932 to 24,607 in 1933, i.e. by 35·5 per cent, whilst the total amount of crimes and misdemeanours decreased by only 15·7 per cent and the total amount of larcenies by only about 10 per cent. This was probably a consequence of a statute of October 6, 1931, which grants to the Public Prosecutor the power to ignore an information if he suspects that the informant wishes to set the machinery of criminal procedure in motion mainly in order to exert pressure on the accused in a business quarrel and thereby to save the costs of civil litigation. In such cases the Public Prosecutor has been granted the right—previously enjoyed exclusively by the judge and very seldom used—to fix a time limit within which the informant has to pursue his claims by way of civil liti-

[1] See A. Locke, *Police Journal*, vol. iv (1931), p. 189.

[2] See R. Rabl, *Strafzumessungspraxis und Kriminalitätsbewegung* (Leipzig, 1936), p. 18.

gation. If the informant fails to act accordingly, the information can be definitely ignored. It is obvious that hardly any other type of offence has had so many chances of coming under the scope of this new statute as embezzlement, since criminal charges of this type are frequently made by small firms against their employees or by one business partner against another with the object of having cleared up doubtful transactions without costs to themselves or of preparing their defence against future civil actions. As it required some time for the effects of this decree to become manifest, it is not surprising that the decline in convictions took place not before the year 1933.

Provisions which enable the Courts to convict of crimes other than those named in the indictment may also lead to an increase in the number of convictions of the former type. It has been maintained,[1] for instance, that the great increase in the number of convictions of false pretences after the Great War may partly have been due to the operation of Section 44(3) of the Larceny Act, 1916, which provides that persons indicted for larceny may be convicted of obtaining by false pretences.

Another change of procedure which has greatly influenced the figures in a special field is the provision of the Licensing Act, 1902, which extended the powers of the Police to arrest persons found drunk and incapable.[2]

PROSECUTIONS FOR DRUNKENNESS

	England and Wales	London
1902	209,908	50,813
1903	230,180	59,714

Sometimes a vacillating attitude of the Criminal Courts towards a specific legal problem may profoundly affect the statistical picture and induce the incautious observer to draw wrong conclusions as to the real trend of delinquency.

[1] *Criminal Statistics, 1923*, p. 10.

[2] See George B. Wilson, Ph.D., B.A., *Alcohol and the Nation* (1940), pp. 282, 288, and below, Chapter 6.

In Leeds, as the Chief Constable reports,[1] the year 1933 was a period of almost complete suspension of Police activities against gaming machines, on account of a decision of the local Stipendiary Magistrate who, in September 1932, had placed certain legal obstacles in the way of prosecuting this type of gaming offences.[2] Consequently, the following figures are shown:

PERSONS PROSECUTED FOR BETTING AND GAMING

1932	431	1933	99	1934	290

As a matter of fact, this type of offence had increased during that period; "there was a great influx of machines into the city . . . and a multitude of complaints was received, particularly of the increasing use of the machines by women and children." This example shows again how fallacious may be the bare figures of Criminal Statistics, if interpreted without sufficient knowledge of local conditions.

Yet another example may be given to show the dangers connected with the use of Criminal Statistics without sufficient knowledge of the various factors involved. In his excellent analysis of the consequences of the German inflation, Professor C. Brescioni-Turroni points out that the inflation resulted in a crime wave which ended immediately after the stabilization. In support of this he quotes figures showing the movement of juvenile delinquency in Germany after the last War, without taking into account that they were decisively influenced by the coming into force of the Juvenile Court Act of 1923.[3]

III. THE INFLUENCE OF POLICE ACTIVITIES AND POLICE METHODS UPON CRIMINAL STATISTICS

There is hardly any event concerning the Police that would not leave its mark upon the Criminal Statistics. We are not here referring to Police changes that may lead to *real* changes in crime. It is obvious that an actual weakening or a temporary breakdown of the energies of the Police Force will quickly result in a no less

[1] Annual Report for the year 1933, p. 13. [2] See also below, pp. 229–30.

[3] C. Brescioni-Turroni, *The Economics of Inflation* (English edition, George Allen & Unwin Ltd., 1937), p. 333.

real increase in crime. This aspect of the matter is dealt with under the heading "Strikes."[1] Here we are solely concerned with changes that are not real but only statistical; in other words, that affect not the amount of crime but merely its reflection in the Criminal Statistics.

Repeated complaints of over-activity brought against the Police by the public, especially if they lead to the setting up of Commissions of Inquiry into Police methods in dealing with street offences, drunkenness, betting, etc., usually lead to a considerable decrease in the statistical figures for these offences.

The *Report upon the Duties of the Metropolitan Police, 1908*, for instance, states:[2]

> "So far as we can see, the main difficulty in enforcing the law is caused by the over-sensitiveness and impatience of the public whenever there seems ground, however slight, for alleging that there has been a mistake in arresting a woman on a charge of solicitation. . . . Whatever may be the causes of, or the excuses for, these gusts of popular emotion, there can be no doubt that they have in the past tended, and still tend, to some extent to impair the activity of constables in this class of case."

The Royal Commission was established in 1906. Apprehensions for drunkenness in the Metropolitan Police District averaged from 1903 to 1905 about 60,000 annually; in 1906 they fell to 55,515, and in 1907 to 50,505. The figures for prostitutes apprehended were:[3]

1905	4,970	1907	2,509	1909	4,968
1906	4,577	1908	3,168		

Still more striking were the results of the Savidge case in April 1928. The *Report of the Commissioner of the Metropolitan Police, 1928*, states:[4]

> "Another effect of the critical attitude of Press and public

[1] See below, pp. 153 *et seq.* [2] P. 125.

[3] Already twenty years before, a similarly sudden decline in apprehensions for prostitution (from 5,076 in 1886 to 3,054 in 1887) had occurred as a result of changes in Police procedure subsequent to the Cass case (see Report of 1908, Appendix, p. xiii). As to the Cass case, see also Sir Chartres Biron, *Without Prejudice*, pp. 265–6. [4] P. 8.

has been a general reduction in the number of charges brought. For this there may be other contributory causes, but there is good reason to believe that the constable's confidence in the public and in himself was for a time slightly shaken and that the efficiency of the Force suffered in consequence."

Although the number of indictable offences recorded (which were not connected with the subject of the Inquiry) rose slightly from 15,328 in 1927 to 15,886 in 1928, apprehensions for non-indictable offences fell considerably. Proceedings for drunkenness, e.g. numbered 4,060 less than in 1927. Of special interest, however, are the numbers of prostitutes apprehended:

1927	3,191	1929	723	1931	955
1928	2,315	1930	695		

It is hardly questionable that this rapid decrease was mainly due to the Savidge case.[1] Therefore, it does not seem sufficiently safe to use these figures as a basis for an estimate into the number of prostitutes in London.[2]

The *Report of the Commissioner of the Metropolitan Police, 1929*,[3] records a decrease of no less than 22,939 (about one-fourth) in the number of summonses issued at the instance of the Police, adding that this drop "was mainly due to the practice of refraining from taking proceedings in certain circumstances."

The numbers of "Persons Dealt with for Offences in Relation to Parks, Commons and Open Spaces" in England and Wales followed a similar line:

1925	1,839[4]	1927	1,809	1929	1,658
1926	1,584	1928	1,164	1930	1,693

[1] The same explanation is given by Miss Cicely M. Craven, *Howard Journal*, 1931, p. 43.

[2] See the interesting attempt made by Mrs. C. Neville Rolfe in the *New Survey of London Life and Labour*, vol. ix, p. 296 et seq.

[3] P. 18.

[4] See also *The Solicitors' Journal*, vol. 72 (1928), p. 457: "Since the acquittal of Sir Leo Money and Miss Savidge it appears there has been no prosecution under the regulation forbidding acts likely to offend against public decency in Hyde Park. . . . The Home Secretary is much troubled by this state of things, but it really only indicates that policemen also are human."

Sometimes the number of prosecutions may be so strongly affected by the use of special methods of crime detection and prevention that other considerations are hardly allowed to play a part at all.

> The Chief Constable of Cardiff reports[1] that from January 1, 1936, to October 4, 1936, proceedings were taken against 963 motor drivers for exceeding the speed limit, from October 5th to December 31, 1936, however, only 38 proceedings, the reason being that until October 4, 1936, Police Motor Patrol Officers wore plain clothes and after that date uniform. This change in Police methods probably increased the number of offences against the speed limit regulations; nevertheless, it vastly diminished the number of detections.

Other changes in Police organization and the conditions of service, however, may bring about fluctuations in the figures of Crime Statistics *without corresponding fluctuations in crime itself.* The superannuation scheme of the Police Act, 1890, for instance, with its consequent weeding out of the older personnel, led to an increase in prosecutions for special types of offences, as drunkenness, etc.[2] Or, a similar instance, the increase in commitments between 1860 and 1863 has been ascribed by Mr. W. L. Melville Lee to the efficiency of the newly organized Constabulary.[3]

Above all, it has been permanently stressed by Police authorities[4] that the members of the Force have been more and more diverted by traffic regulation and other duties from their task of crime detection. It is consequently impossible to discover the real fluctuations of "Offences against Police Regulations" with the aid of *Criminal Statistics.*[5]

[1] See *Police Chronicle and Constabulary World*, March 19, 1937, p. 5.

[2] See Report of the Chief Constable of Birmingham for 1898, quoted by Mr. George B. Wilson, *Journal of the Royal Statistical Society*, January 1912, p. 227.

[3] W. L. Melville Lee, *A History of Police in England*, ed. 1905, p. 339.

[4] See, e.g., Sir L. Dunning in *Report of H.M. Inspectors of Constabulary, 1929*, p. 5 et seq.; *Report on Police Powers and Procedure, 1929*, p. 81.

[5] See *Criminal Statistics, 1924*, p. 7. The Assistant Commissioner of the Metropolitan Police stated before the Royal Commission on Lotteries and Betting, 1932, that the prosecutions for street betting "have been pretty constant for the last ten years, but are likely to be considerably lower this year owing to the exigencies of more important Police work" (*Minutes of Evidence*, p. 34).

"The figures of prosecutions for drunkenness . . . for solicitation of prostitution and other offences against morality," said Sir Leonard Dunning, "are often quoted as indicating the amount of drunkenness and immorality and used as grounds of comparison between this place and that, and between this period of time and that; as a matter of fact they are only indications of the activity or otherwise of the Police, and indirectly of the trend of public opinion, which quite properly has a large influence upon the action of the Police."[1]

It is to differences in Police methods that the *New Survey of London Life and Labour*[2] ascribes the fact that in respect of convictions for drunkenness London is above the national average: arrests and convictions for drunkenness, it is argued, are more readily made in London than elsewhere. Within the Metropolitan Area itself the attitude of the Police in matters of arrest and prosecution may also considerably vary. Older writers used to state quite bluntly that "conduct which in Cadogan Square would lead to the Police cells might be passed over in Slaidburn Street."[3]

The Select Committee of the House of Lords on the Prevention of Road Accidents stated that "the Committee have heard of young constables being encouraged by their superiors to bring minor charges in order to accustom them to giving evidence."[4]

Not only through their methods of crime detection and prosecution, but also through their methods of *crime registration*, may the Police greatly influence the statistical figures.

The classical example is the *Suspected Stolen Book* of the Metropolitan Police, the significance of which was described in the following words of the *Report of the Commissioner of the Metropolitan Police, 1932*, p. 16:

"In every police station in the Metropolitan area there has

[1] Report on Police Service, 1919–20, *Minutes of Evidence*, p. 86.

[2] Vol. ix, p. 250.

[3] Charles Booth, *Life and Labour of the People in London*, final volume, 1903, p. 137. On the other hand, see *Journal of the Royal Statistical Society*, vol. lx (1897), p. 25.

[4] Report of the Committee (1939), p. 23. See, on the other hand, the Home Secretary's reply to a question in the House of Commons, *The Times*, February 11, 1938.

been in existence for many years what was known as a *Suspected Stolen Book*. Into this book were entered reports of cases in which property had disappeared in circumstances which suggested that it might have been stolen. Although the circumstances might point fairly clearly to theft, such cases would frequently not figure in any return as crimes unless subsequent evidence or the conviction of a person by a Court removed any further possibility of doubt. Under this system much discretion was left to local officers to decide in individual instances as between crimes and suspected crimes, and the natural inclination not to ascribe to the district for which they were responsible more crime than undoubtedly existed, produced a general tendency to decide in favour of suspected crime whenever possible . . . it became apparent that an erroneous picture of the actual state of crime in the Metropolitan area was being presented to the public. The *Suspected Stolen Book* has therefore been abolished and, since June 1, 1932, all cases reported have to be dealt with . . . either as crimes or . . . as "property lost." This change of system is strongly reflected in the figures for 1932 . . . the 1932 figure for these crimes is about 83,000 as compared with 26,000 in 1931. . . . It has been estimated that if the 1931 returns had been compiled on the principle now adopted the figure would have been approximately 79,000."[1]

No wonder, then, that the number of indictable offences in England and Wales known to the Police rose from 159,278 in 1931 to 208,175 in 1932, which constitutes the greatest increase known in the recent history of English Criminal Statistics. This increase, whilst partly due to the trade depression that had taken place in 1931, was apparently—as far as the Metropolitan Police District is concerned—more a simple consequence of changes in the methods of recording.

Another example of a change in methods of crime registration, which does not seem so well known, refers to "Alleged Larcenies from Automatic Gasmeters Reported to the Metropolitan Police in Respect of which No Proceedings were Taken." These alleged

[1] See also *Criminal Statistics, 1932*, p. viii.

offences, which are now evidently reported among the other "Crimes Known to the Police" were formerly given in a footnote to the table "Police Returns." In 1913, for instance, no less than 17,335 of such cases were reported, in 1914 15,682. This system—abandoned in 1922—had the effect that the number of "Crimes Known to the Police" appeared to be considerably smaller than it was in fact.

Throughout the whole volumes of *English Criminal Statistics* there is the feeling that the method of recording constitutes a preponderating factor in the right evaluation of Police Returns.

> When it was discovered, for instance, that the figures for Liverpool were, in 1905, 1,221·68 "crimes known" per 100,000 of the population (against 823·65 in 1903, and 611·41 in 1902) as compared with 299·70 for London and 277·15 for the whole of England and Wales, it was suggested that these extraordinary differences might be due in part to changes in the practice of recording in Liverpool which came into force in 1903.[1]

THE SYSTEM OF CAUTIONING AND ITS INFLUENCE UPON THE STATISTICS OF PROSECUTIONS

The column "Crimes Known to the Police," as mentioned before, refers only to indictable offences; as to non-indictable offences we have to rely exclusively upon the statistics of persons prosecuted and convicted. These latter figures, however, are in no way representative of the number of offences committed. In this matter, to the many reasons that have already been discussed must be added the system of *Cautioning by the Police.*

The wide discretion which has been given to the Police as to whether or not a certain offence should be brought before the Criminal Courts has enabled the former to build up a system of "warning" as a substitute for criminal proceedings. These warnings may be administered either in an informal way on the spot by the Police Constable who has witnessed the commission of the offence, or, more formally, later, through a superior officer verbally or by a

[1] *Criminal Statistics, 1905*, p. 62. See also below, p. 140.

written caution. This system is used mainly with regard to traffic offences, but by no means exclusively so. Of special interest is its application to juvenile delinquency where it is not even restricted to non-indictable offences (see below). Sir Leonard Dunning[1] speaks of the "very large number of offences which can be and are met by a simple caution without prosecution and do not appear in the *Criminal Statistics*." We are not concerned here with the practicability of such a procedure, which is probably undisputable. Rather is it our object to consider the bearing which the system may have upon the relations of the various local statistics to one another. It is obvious that this influence will be comparatively small if the ratio of cautions to prosecutions remains fairly constant as to time and place. If, however, there are considerable divergencies in both directions, then the statistics of persons prosecuted may become even less representative.

The material at our disposal tends to prove that the ratio between cautions and prosecutions differs greatly according to the type of offence and offender, and according to the views of the heads of the local Police Forces.

It seems appropriate to group the material under: (1) Motoring Offences and Other Offences, and (2) Juvenile and Adult Offenders. The latter aspect of the problem will be dealt with below in connection with Juvenile Delinquency Statistics in general.

(1) Valuable material as to Motoring Offences can be found in the "Returns Showing the Number of Offences Relating to Motor Vehicles in England and Wales together with the Results of the Proceedings." The Returns for 1933, for instance, give the following figures: Total of offences dealt with: 366,943, out of which 93,476, i.e. approximately one-fourth, were dealt with by police cautions (not verbal cautions), whilst the remainder of 273,467 were dealt with by prosecution. The proportion, however, as is only natural, differs widely according to the type of the offence. In the case of reckless driving, e.g., the cautions administered number only about 6 per cent, whilst for parking-place offences the figure is almost 50 per cent. As to local differences, there are places like Bradford,

[1] *Police Journal*, vol. i, p. 43.

Exeter, Folkestone, Norwich, Warrington, where the cautions out-number the prosecutions, whilst the opposite extreme may be represented by Bristol where 3,618 prosecutions and only 33 cautions are shown.

The Returns for the foregoing years 1931 and 1932 present an almost identical picture. The relation between cautions and prosecutions, in particular, remained almost constant for the places referred to above. Exeter, for instance, shows again its preference for "cautions" (1931: 646 cautions, 237 prosecutions; 1932: 1,357 cautions, 318 prosecutions), whereas Kingston-upon-Hull repudiates "cautions" almost completely (1931: 116 cautions, 1,064 prosecutions; 1932: 50 cautions, 1,029 prosecutions). Bristol has changed its policy: 1931: 1,479 cautions, 2,375 prosecutions; 1932: 49 cautions, 2,867 prosecutions.

This system of cautioning is not restricted to Motoring Offences alone. Neither is it a recent invention. In the *Report on the Employment of Children Act, 1903*, published in 1910, for instance, the Chief Constable of Manchester describes the system of dealing with parents whose children have violated the regulations as to street trading, as follows:[1] "We do not take a prosecution until after two or three cautions to the parents have been sent." "In the last year (i.e. 1908) we had 619 breaches of regulations and 9 licences revoked. The result was as follows: Cautioned 604; prosecuted 6; discharged 2; and fined 4. . . ." At Croydon in 1908 "there were no fewer than 609 contraventions reported, and yet there was only one case of prosecution."[2] The total number of contraventions reported was in 1908 for England and Wales (excluding the County of London): 3,608, the number of prosecutions: 833, whilst the corresponding figures for the London County Council were 9,263 and 160 respectively.[3]

Sometimes the policy of the Police as to the numerical relation between verbal cautions, written cautions and prosecutions may markedly change within the course of a year. In the Metropolitan

[1] *Minutes of Evidence*, Nos. 2948, 2989, etc. In 1933 there were in Manchester 138 persons officially cautioned and 2 persons prosecuted for offences against the Act of 1903 (*Report of the Watch Committee, 1933*, p. v).

[2] *Minutes of Evidence*, No. 208. [3] Ibid., p. 388, Table C (5).

Area, for instance, the number of prosecutions rose from 83,366 in 1934 to 122,577 in 1935, whilst the number of verbal warnings fell from 560,169 to 420,986.[1]

What, then, may be the reasons that have induced the Police to substitute to so wide an extent this unofficial procedure for the legally provided Court proceedings? As far as juveniles are concerned, it may perhaps be a quite unconscious reaction to the fact that the English Juvenile Courts are competent to deal with juvenile offenders of a much earlier age than are the majority of the corresponding foreign institutions. Moreover, among the Police themselves, in intimate touch as they are with the poorer classes, there may be a strong feeling that Court proceedings—even if they result in "treatment" rather than in "conviction"—may sometimes seriously interfere with the future prospects of the juvenile, and thereby constitute too severe a penalty. In some cases the methods chosen by the Police may also depend upon the availability of other means of treatment. If, for instance, a juvenile who has offended against the street trading regulations can be dealt with by a suspension of his licence, the Police may be less inclined to bring him before the Court for punishment.

The question arises whether it may not be advisable or even necessary to publish in future the numbers of cautions in the *Criminal Statistics* themselves so as to make it generally possible to take them into account when investigating the fluctuations of crime. The objection may be raised that these alleged offences cannot be regarded as fully proved, but the same applies to Police Returns in general.

In addition to the Police, there are important organizations of a private character that make a very wide use of the method of warning in preference to prosecution. Mention should be made of the work of the National Society for the Prevention of Cruelty to Children (N.S.P.C.C.), which gives in its Annual Reports useful information as to the proportion of prosecutions, undertaken by the Society, to the whole amount of criminal behaviour towards children brought to its notice. This proportion which, fifty years ago, was 16 per cent., has gradually been brought down until in recent years

[1] *Report of the Commissioner of Police of the Metropolis, 1935*, p. 51.

it has become as low as 1·1 per cent.[1] Whilst in 1933–34, for instance, the Society dealt with 44,356 cases, 33,235 persons were warned, 8,459 advised and only 472 prosecuted, "in pursuance of the Society's policy not to prosecute (save in gross cases of brutality or defilement) until all other methods of correction have failed."[2] At the same time the analysis of the cases given in the Report for that year shows that, in addition to 27,597 cases of neglect, there were 4,208 cases of ill-treatment and assault, 52 cases of abandonment, 225 cases of exposure, 180 cases of begging, etc., and the Report describes the increase in cases of brutality (ill-treatment and assault) as notable and grievous. Under these circumstances, the Society seems to be fully justified in defending itself against any attempt to label its admirable work as the activities of a "prosecuting agency."[3]

Similar considerations apply to the Royal Society for the Prevention of Cruelty to Animals which, in its Report for 1935, records 1,644 convictions and 19,362 cautions for cruelty to animals.

IV. THE INFLUENCE OF PUBLIC OPINION

There is hardly any further need to discuss the influence of public opinion upon Criminal Statistics. It is undoubtedly the strongest factor of all. This does not mean that members of the public at large take any reasonable and consistent interest in the statistical figures as such—their interest is rather of a spasmodic order, aroused by the publication of the annual Criminal and Prison Statistics. But public opinion, dominating as it does the work of the Legislator, of the Police and the Courts, is thereby indirectly responsible for the actual shaping of the figures. All this would be comparatively simple were it a case of one homogeneous body of public opinion at one time and place. However, as everybody knows, such a state of affairs hardly ever exists, and, as a consequence, all the agencies contributing material to the building up of the Criminal Statistics are subject to influences of a fluctuating and incalculable character.

[1] It should, of course, not be overlooked that "the general public to-day report cases to the Society which even a dozen years ago would have been regarded as not yet sufficiently severe to warrant intervention" (Annual Report, 1935–36, p. 5).

[2] Ibid., 1933–34, p. 1.

[3] Ibid., 1935–36, p. 5.

In his remarkable article on "The Interpretation of Criminal Statistics,"[1] the Rev. W. D. Morrison drew attention to the fact that a hostile or indifferent attitude of the public towards the administration of criminal law is immediately followed by a diminution in the number of persons tried or convicted. He gave an example from the Irish statistics for offences against property of an agrarian character committed in 1888. According to him, the strikingly low proportion of persons tried, as compared with the number of crimes committed, arose from the unpopularity of the statutes dealing with agrarian offences among the Irish people.

In addition to sympathies and antipathies of this kind, there are, of course, many other factors that have to be taken into account when the common motives for the prosecution of crime are analysed. To mention one of the most important of them, the influence which the existence of insurances may have is probably dependent upon whether or not insurance companies require the institution of Police proceedings before acknowledging claims.[2] If they do, this will help to swell the number of "Crimes Known to the Police," and vice versa.

V. THE INFLUENCE OF THE CRIMINAL STATISTICS THEMSELVES

It seems that Criminal Statistics, to a certain extent, can themselves be instrumental in influencing the trend of their further development. They gain momentum, so to speak, as a result of their own dead weight. An alarming increase in the statistical figures for a certain type of crime, observed at a certain time in a certain place, will probably act as a stimulant to the watchfulness of the public and the Police so that a higher percentage of transgressors are caught than under less "alarmist" figures.

This was, for instance, one of the explanations put forward in the *Criminal Statistics, 1930*, p. viii, for the disproportionately high number of sexual offences in the North of England a few years after the outcry raised on account of the real or supposed excess of this type of crime in the area referred to.

[1] *Journal of the Royal Statistical Society*, vol. lx (1897), p. 6.

[2] See Report of the Royal Commission on Lotteries and Betting, 1932, *Minutes of Evidence*, p. 206 (evidence of Mr. John Gulland).

In particular: Statistics of Juvenile Delinquency.—In the field of *Juvenile Delinquency* all our objections against the value of any kind of Criminal Statistics are still more valid. One may almost be tempted to say—with a slight exaggeration—that this part of the *Criminal Statistics*, far from being a reliable source of information as to the extent and development of Juvenile Delinquency, can be regarded only as a means of observing the attitude of the public and the Police towards the various possibilities of dealing with young lawbreakers. In other words, statistics of Juvenile Delinquency can do little more than indicate the varying degree of willingness on the part of the public and the Police to bring this category of delinquents before the Juvenile Courts.

It would be of little profit to criticize the common belief that offences committed by children and juveniles are more easily detected and proved than those of adult criminals. Much as one may feel inclined to question this statement, there is probably as little actual evidence for the one theory as for the other. Nevertheless, it is not without significance that, when reading the autobiographies of criminals, one is usually struck by the immense number of petty offences they have committed as children before being caught. Professor Cyril Burt,[1] Sir William Clarke Hall[2] and other experts have expressed the same view. The boys' "Own Stories," embodied in the records of the Borstal Association, show also quite distinctly that the number of undetected and unprosecuted juvenile offences is very high.

Leaving out of further consideration the percentage of undetected juvenile offences, we are faced with the fact that the public have been, and probably always will be, reluctant to bring children before the Court. The establishment of the Juvenile Courts and the persistent efforts of the authorities concerned have, it is true, succeeded in weakening this tendency in many quarters of the

[1] "Of my own cases," he states (*The Young Delinquent*, p. 21), "the majority have never been charged at all, though many have been committing offences almost weekly for several months and sometimes for several years."

[2] "The number of offences actually committed by children is vastly greater than the number of charges brought, and it is quite a fallacy to suppose that the relationship between these two sets of figures is a constant one" (Clarke Hall, *Children's Courts*, George Allen & Unwin Ltd., *1926*, p. 43).

population. Particularly Sir William Clarke Hall's brilliant book[1] and many official publications[2] contain impressive and convincing appeals to the public to overcome their disinclination to charge children before the Juvenile Courts, and it is almost certain that the recent increase in the Juvenile Court figures is, to a considerable part, nothing but the natural result of these efforts.[3] Nevertheless, in many quarters, there will persist a vague feeling that the two conceptions Children and Courts sometimes do not harmoniously fit together.[4] With regard to certain sexual offences this feeling found the following expression in the *Report on Sexual Offences against Young Persons*:

> "Very young boys who commit offences of an indecent nature are, in our opinion, better dealt with by the ordinary discipline of home and school when the offence is little more than childish curiosity or naughtiness. We deprecate the bringing of such cases into Court because of the undue prominence thereby given to an incident which is better forgotten by a young child."[5]

It is impossible to estimate the total amount of juvenile offences which remain hidden not only from the Courts but also from the Police. Members of the public who are the victims of these petty thefts, etc., do not usually keep statistics of the cases they suppress. Only such offences can be counted as, though known to the Police, are not brought before the Court for lack of a prosecutor. The *Fourth Report on the Work of the Children's Branch* (p. 2) quotes some figures collected for the city of Leeds: "In four years, 1923–26, the number of juveniles not proceeded against owing to the complainants refusing to prosecute was 173, 207, 130, 177 respectively. In the same years the number of young persons who were charged before the Juvenile Court in that city was 246, 276, 242, 249 respectively." There are, however, no general Police Statistics of this kind for the whole of the country.

[1] *Children's Courts, 1926*, p. 43 et seq.

[2] Especially the *Report on the Treatment of Young Offenders* (1927), pp. 22–3, and the *Fourth Report on the Work of the Children's Branch of the Home Office, 1928*, p. 2.

[3] See now the very apposite remarks in the *Fifth Report on the Work of the Children's Branch of the Home Office, 1938*, p. 10.

[4] See the author's *The Dilemma of Penal Reform* (1939), pp. 178–200; Miss W. A. Elkin, *English Juvenile Courts*, p. 280 et seq.

[5] Report (1925), p. 60.

TABLE VIII

PERCENTAGE OF PROSECUTIONS OF DETECTED OFFENCES
(SHOP-LIFTING, FRAUDS, EMBEZZLEMENT, ETC.)

No. of firm	Prosecutions of employees		Prosecutions of strangers	
	Adults	Juveniles	Adults	Juveniles
(1) Before 1933 After 1933	*ca.* 25 per cent		Almost 100 per cent	
(2) Before 1933 After 1933	? ?	No prosecutions Almost 100 per cent	Only serious cases prosecuted Most cases prosecuted (see the statistics below)	
(3) Before 1933 After 1933	Practically no prosecutions. Simply dismissed without character		Almost 100 per cent	Only when they lie or otherwise misbehave after detection. Usually simply handed over to parents or school. In 1936, e.g., only 5 cases of shop-lifting out of 41 were prosecuted
(4) Before 1933 After 1933	No fixed principle; decision made according to the special circumstances		All professional shop-lifters are prosecuted; in case of amateurs according to circumstances	There are hardly any cases in this store, as it caters for an older clientele
(5) Before 1933 After 1933	No fixed principles. There may have been a slight change in policy after 1933. On the whole, however, "we are not in favour of dragging juveniles into the Courts. School discipline is better; prosecution takes time and causes unpleasant publicity. Most of the local magistrates dislike the bringing of children before the Court. As far as our firm is concerned, there has been a remarkable decrease in offences of all sorts since the recent improvement in economic conditions."			

The author has made an attempt to supplement the official material available from some other sources by personally interviewing the managers of several big firms in London, particularly of multiple stores, as to their methods in dealing with juvenile and adult delinquency. The replies, as is shown in the table opposite, vary extraordinarily. Some of the firms differentiate between offences of their own employees and those committed by strangers; others do not. Some treat juveniles and adults alike, others prosecute almost all adult offenders, but very few juveniles. Whilst some firms do not seem to have taken any notice of the coming into force of the Children and Young Persons Act, 1933, others have apparently changed their policy after that date.

The managing director of Firm No. 2 has been kind enough to supply the author with the following figures:

TABLE IX

OUTSIDE CASES (JUVENILES)

	Cases detected	Cases prosecuted
1933	9	—
1934	6	1
1935	9	1
1936	28	17
1937	17	16

This table shows not only that juvenile delinquency has considerably increased in this particular store, but above all how greatly the percentage of prosecuted cases has increased. The question may remain open whether this change has mainly been due to the coming into force of the Act of 1933 or whether it has been simply an act of self-defence against the increase in delinquency.

On the whole, this enquiry tends to confirm the well-known fact that big firms usually do not prosecute their employees, but simply dismiss them without a character. In the case of one firm, however, this method was deplored, because—it was argued—it frequently leads to long spells of unemployment and may thereby cause serious relapses into delinquency, whilst in the case of Court proceedings the offender, with the assistance of the Probation Officer, may succeed in keeping straight.

In our other material there are also many cases in which it is

explicitly stated that the boy or girl concerned had committed a great number of offences before being brought before the Court. Moreover, it is perfectly clear that a high percentage of "Beyond Control" cases are, in fact, cases of larceny.

It may be of interest to note the relation between Police and private prosecutions of juvenile offenders as given in the *Report on Juvenile Delinquency in London*, by the London County Council Education Committee, 1926.[1]

Out of a total of 1,005 boys and 139 girls there were, in 1923–24, charged by

	Boys	Girls
The Police	458	37
Private persons	316	20
Parents	105	18
School attendance officers	7	5
Special officers for juvenile delinquency cases	51	42
Railway and gas companies	19	—
Probation officers	5	2

The bulk of the material available for proving that the Juvenile Court figures are in no way respresentative for the whole amount of juvenile delinquency—even as far as it is known to the Police—is again connected with the system of *Cautioning*.

According to the *Report on the Employment of Children Act, (1910)*, referred to above, it seems to have been the general practice of the Police, at the time when the Children Act of 1908 came into force, to warn a child at least three times before he was brought into Court for minor offences, such as breaches of bye-laws.[2] As regards the enforcement of the corresponding provisions of the Education Acts of 1918 and 1921 and the bye-laws it is said:[3]

> "Where infringements of the Act or the bye-laws are reported, the general procedure seems to be to warn the offender either verbally or in writing in respect of the first offence. If the warning does not have the desired effect the offender is summoned before the Education Committee and in flagrant cases legal proceedings are instituted."

[1] Table IV, p. 15.

[2] See, for instance, *Minutes of Evidence*, No. 2144 (Sheffield) and No. 7042 (Birmingham), and especially F. Keeling, op. cit., p. 226 et seq.

[3] *Second Report on the Work of the Children's Branch* (1924), p. 60.

In this connection, it is instructive to read the account given before the Committee on the Employment of Women in Police Duties[1] by Sir Leonard Dunning (a former Chief Constable of Liverpool) as to the methods used by the Liverpool Police Force:

> "In 1909," said Sir Leonard, "the number of children who came under the notice of the Police by arrest or otherwise, because they had committed crimes against the law, was 1,826. . . . They were dealt with as follows: 820 were arrested and charged before the magistrates and 1,006 were cautioned by the Police. . . ."

Then Sir Leonard makes the following interesting statement as to his general policy in this matter:

> "Enquiry was made at the home . . . because I may say that first of all that is the deciding factor as to whether the child should be taken before the magistrate or not. If the home is good then it is for the parents to look after the child. If the home is not good, then somebody else must do it for the parents. . . . With regard to those cases which the Police retained for themselves, the Police were the forerunners of the Probation Officers."

It is important to note that this statement refers to the period before the establishment of a probation service. The Probation Act of 1907 and the Children Act of 1908 have certainly done much to change the attitude not only of the general public but especially that of the Police. During the War, of course, the prevailing shortage of personnel necessitated an even more frequent recourse to the simplest method available. "It is a quite common practice in certain areas where the Police have more work than they can properly do," states Mr. Cecil Leeson,[2] "to permit the officers merely to caution the parents of juvenile offenders." In the *Fourth Report of the Children's Branch*, the following figures for Liverpool are given (p. 3):

JUVENILE OFFENDERS

	Average number brought before the magistrates	Cautioned
1921–25	1,001	311
1926	956	686
1927	930	563

[1] 1920. See *Minutes of Evidence*, pp. 12–13.

[2] *The Child and the War* (1917), p. 21.

These figures seem to show that in Liverpool just after the War —as compared with 1909—the relation between prosecutions and cautions had considerably changed in favour of the former.

As to the conditions in other parts of the country some instances may be given to show, not that a considerable percentage of juvenile offences is not brought before the Courts, which would be a platitude, but that this percentage varies greatly as to time and place, and thereby distorts the picture presented by the Criminal Statistics.

Of special interest in this connection is the *Report of the Chief Constable of Birkenhead for the Year 1935*, since it makes clear the following points:

(*a*) Even *more serious offences* committed by children and juveniles may sometimes be dealt with by cautions. The Report states (p. 9): "There were 185 juveniles taken before the Courts, 100 of them for stealing. . . . In addition to these 185 juveniles, 361 as against 303 last year have been dealt with by myself or my officers by way of caution and advice. Eleven of these were again reported. It should not be assumed that the cautions were for trivial offences. Many of them if committed by adults would probably have resulted in severe punishment. The following are the particulars, and the ages ranged from 7 to 17:

Offences for which cautions are given	Boys	Girls
Embezzlement	1	—
Larceny, simple	73	4
Larceny of growing fruit ..	67	3
Breaking into shops, warehouses..	5	—
Wilful damage	64	3
Found on enclosed premises ..	10	—
Disorderly behaviour	14	—
Other minor offences	112	5
Total	346	15

(*b*) Sometimes the policy may undergo *considerable changes* as a consequence of a change of Chief Constable. The following passages from the Birkenhead Report (p. 19) speak for themselves:

"In 1923, when I was appointed to the command of this

Force, I made a close study of the happenings of the previous ten years, particularly with regard to juveniles, and I found that large numbers had been taken before the Courts, viz.:

1913	463	1918	467
1914	349	1919	380
1915	560	1920	358
1916	498	1921	282
1917	531	1922	318

Total: 4,206; Average: 420·6

For the succeeding ten years the figures are:

1923	151	1928	107
1924	147	1929	94
1925	148	1930	103
1926	117	1931	75
1927	93	1932	81

Total: 1,116; Average: 111·6

And for the last three years: 1933, 140; 1934, 118; 1935, 185 = Average 148.

I cannot trace that before 1923 any child had been spoken to about his, or her, behaviour and been cautioned by the Police as to future conduct. In that year I administered the first cautions to two boys, and for the five years 1923–27, the average number of cautions was 37. For the five years 1928–32 the average was 155, and for the last three years the average has been 295. During the last eight years, of 1,640 children cautioned only 48 have been traced as being again reported. My object has been as far as possible to keep young children out of Police custody."

In the *Annual Report of the Chief Constable in Liverpool for the Year 1938* the complaint is made:

"It is almost unwise to mention statistics, because at once the allegation is made, and repeated parrot-like, that the juvenile crime situation . . . has been created by the attitude of the particular chief constable who has ventured to use the statistics in drawing his conclusions."[1]

[1] Report, p. 20.

Surely the above quotations, which refer to a district in the proximity of Liverpool, would seem to justify the allegation complained of, at least for certain areas.

In the *Annual Report of the Howard Association for 1909*[1]: "New methods tried with success at Hull" are described which are nothing but a system of cautioning by the Police instead of bringing the offenders before the Juvenile Court. "The parents of children in the City," it is stated, "give the system hearty support, firstly, because the child who has misbehaved receives a salutary fright by being brought before the Police; and, secondly, because they do not lose either working hours or money when they accompany the child to the Police Station, as they would, as a rule, do in the event of the child appearing before the Court" (the cautioning took place between 5 and 8 p.m.). As a result, no less than 1,089 cases were disposed of within twelve months by cautioning, out of which 246 were cases of petty larceny, 238 cases of wilful damage, 89 street trading offences, 84 cases of begging, etc.

It is remarkable that this new experiment was tried exactly at the time of the passing of the Children Act of 1908. It is, however, still more remarkable to find twenty-seven years later in *The Magistrate*[2] a reference to

> "A new method which is being tried with some success by the Chief Constable of Flint. His plan is, if at all possible, to keep the children out of Court. When an offence is reported upon, he orders the usual inquiries to be made. If the child's home and surroundings and control are good, and if the head teacher . . . gives a satisfactory report, Juvenile Court proceedings are not taken. Instead the Chief Constable arranges for the child to be cautioned in the presence of the head teacher and the parents."[3]

Our first reaction to such statements may be the belief that juvenile delinquency must have increased enormously, since, in spite of local changes of the Birkenhead type, the Court figures for

[1] P. 25 et seq. [2] *The Magistrate*, May–June 1936, p. 1024.

[3] See also Leo Page, *Justice of the Peace* (1936), p. 193: "I have heard a Police officer say in evidence that he had warned a child on seventeen occasions before asking for a summons."

the whole country show increases. But it must be borne in mind that the policy of other local authorities may have changed in the opposite direction as a consequence of the improvement in Juvenile Court procedure. There seems to be no sufficient justification for assuming that the proportions have remained constant. And, after all, the amount of juvenile delinquency that happens to be brought before the Courts represents such a small percentage of the total that the present upward movement shown in the *Criminal Statistics* —considerable as it is in itself—remains relatively trifling and does not necessarily indicate a great real increase.

There is, however, still another aspect of the matter to which attention ought to be drawn. If it should be the common practice of local Police Forces not to bring juvenile offenders with good homes and school reports before the Courts, Juvenile Court cases will become representative only of a very selected group of juvenile offenders. Moreover, by applying the system of cautioning more to the younger than to the older children the Police may decisively influence the statistical distribution of crime among the various age groups.

There is one final point we should bear in mind when dealing with Criminal Statistics: it is the obvious fact that for them all offences of the same legal type count alike irrespective of their gravity. It has often been emphasized in official documents, and quite rightly, that "in these statistics the theft of a bottle of ginger-beer has the same numerical value as the robbery of a jeweller's shop."[1] To counteract this levelling tendency, other figures are sometimes published which show the value of the property stolen.[2] No corresponding figures exist, however, for false pretences and frauds, although it is just here that the greatest values may be involved. The more large-scale offences of this kind are committed, the more are the statistical figures in danger of losing any significance as a means of measuring the real role played by crime in the economic and social life of a nation.

[1] *Criminal Statistics, 1933*; p. vii.

[2] See the Introductions to *Criminal Statistics* and the Annual Reports of the Commissioner of the Metropolitan Police.

APPENDIX TO PART I

THE CONTENTS OF ENGLISH *CRIMINAL STATISTICS*

ENGLISH *Criminal Statistics* are divided into three main parts:

I. THE INTRODUCTION

Its chief, and permanent, task is to draw the attention of the reader to the essential features in the development of crime within the year under consideration, and to give a brief account of the possible explanations of the fluctuations observed (new statutes, social and economic changes, etc.).

In addition, the Introduction has also to fulfil a second task which has been admirably described by Mr. (later Sir) John Macdonell, then Master of the Supreme Court of Judicature, in his Memorandum attached to the "Report of the Committee on the Judicial Statistics":[1]

> "While certain tables would occur every year, he (the editor) might, by others inserted from time to time, help to answer the questions which people naturally expect to be answered by such statistics, e.g. *the relation of illiteracy, emigration, price of food, etc., to crime;* the growth or decline of special forms of crime; the season in which certain crimes prevail; the distribution of crime, suicides, and forms of violence. It would also be his business to deal with crimes in *groups, divided not according to legal procedure, but according to their social characteristics.* . . .
>
> "The editor should *draw attention to the returns of foreign countries.*"

These suggestions have, to a certain extent, been taken into consideration by the editors of the later volumes. To take only the

[1] See *Criminal Statistics, 1893*, p. 11 et seq.

years that are of direct significance for the period under investigation, there are, for instance, to be found the following contributions:

1908 In continuation of the researches on the *Geography of Crime* published in the Introduction for 1893, 1899 and 1905, a diagram is given showing the distribution of the increase in crime among the different counties. Moreover, as the year 1908 was remarkable for its social unrest and economic difficulties, some observations are made on the connection between strikes, etc., and the increase in crime.

During the years 1914 to 1918 the Introduction had to be dropped.

1925 A diagram showing the crime figures for the period 1857 to 1925 is given.

1928 The significance of the coming of the "Motor Age" and the rise in crimes of "breaking-in," the increase of false pretences, and the relation between "Education and Crime" are discussed, with comparisons between 1911 and 1928.

1929 There is a special chapter on *Industrial Depression and Crime*, as well as comparison between the criminological features of the *North and the South of England*.

1930 The comparison between *North and South* is carried further and extended.

These Introductions for the years 1928 to 1930 deserve special attention.

1932 An analysis is published of *Records in the Criminal Record Office of New Scotland Yard*, for the period 1927 to 1932, referring to persons first recorded in 1927 as guilty of criminal offences, comparing *the results of the different methods of treatment* and, at the same time, contributing to the study of Recidivism.

1933 A *Comparison of the Five Years 1929–1933* with earlier years is made.

1935 In view of the appointment of a Committee to review the question of *Corporal Punishment*, a special survey of sentences of corporal punishment is provided.

1938 The analysis of 1932 is repeated for a similar sample covering the years 1932 to 1937.

It need hardly be emphasized that these few data are in no way intended to give an exhaustive survey of the ample contents of some of the Introductions.

II. THE COMPARATIVE TABLES

They form a connecting link with the past giving as they do the chief figures for the last forty years or so (they go now back as far as to the year 1900). Whilst these tables are useful for following up the trend of crime in general, they are not sufficiently detailed for researches of a more specialized character; neither do they, after their reappearance in 1919, any longer show the figures for each single year separately: with few exceptions merely annual averages for batches of five years are given which may sometimes include periods of very different character (as, for instance, the years 1915–19).

III. THE ANNUAL TABLES

They show the activities of the *Criminal Courts* (including those of the Probation Officers and the Director of Public Prosecutions), of the *Police*, the *Coroners*, and deal, in addition, with some special aspects of the Administration of Criminal Justice, as Criminal Lunatics, Habitual Drunkards, Remand Homes, the Prerogative of Mercy, Legal Aid, etc.

In former years Returns for the *Prisons* (including Borstal Institutions) and the *Reformatory* and *Industrial Schools* were also included in the *Criminal Statistics*; the Prison Returns, however, were in 1928 transferred to the Annual Reports of the Prison Commissioners and the Directors of Convict Prisons, whilst the Returns of the Home Office Schools have been dealt with since 1923 in the Reports of the Children's Branch of the Home Office, of which hitherto five have been published (in the years 1923, 1924, 1925, 1928 and 1939 respectively). These Reports represent a continuation of the former Annual Reports of the Chief Inspector of Reformatory and Industrial Schools the publication of which was suspended in 1916; they are, however, not restricted to the Home Office Schools but also give excellent accounts of other topics in

which the Children's Branch of the Home Office is interested, as Juvenile Courts, Probation, Remand Homes, Employment of Children, Obscene Publications, Traffic in Women and Children, etc.

The transfer of the Prison and Home Office School Statistics referred to does not, of course, imply that there are at present no data concerning these institutions to be found in the *Criminal Statistics*, for, since in the latter the kind and length of sentences are published, the extent to which institutional treatment is used by the Criminal Courts can be gathered from these statistics. The transfer has had the only consequence that now for a more detailed information on the subject of Prisons and Home Office Schools recourse must be had to the other publications quoted.

What is the nature of the information one can expect to get from the Annual Tables of the English "Criminal Statistics"? It is indispensable for a student of English criminology to know which facts can possibly be elicited for the different periods; whether a certain problem can be investigated over a long range of years; whether the methods of *Criminal Statistics* have been uniform so as to allow the drawing of comparisons. In the Introductions, mention is usually made of such changes; sometimes, however, no indication is given.

It is not intended to give in this connection an exhaustive description of the contents of the Annual Tables; rather it would seem preferable to indicate the more important *changes* which these publications have undergone since 1908. This method will give sufficient opportunities to show which problems can, and which cannot, be solved with the assistance of the Annual Tables.

1908 This year, in consequence of the coming into force of the Probation of Offenders Act, 1907, marks the beginning of the *Probation Statistics*. At first, the tables distinguish only the following age groups for probationers: under 16, 16 to 21, above 21. In later years, the age groups have been more and more subdivided.

1909 The Children Act, 1908, and the Prevention of Crime Act, 1908, had to be taken into consideration, i.e. provision had to be made for sentences of *Detention in Borstal Institutions* and of *Preventive Detention*.

1910 The table showing the number of *crimes in each month of the year* was *omitted*, as the subject seemed no longer of sufficient importance.

1912 A new table was added, containing particulars of persons sentenced to *Preventive Detention*.

1914 The outbreak of the War brought about most trenchant restrictions. In addition to the Introduction and the Comparative Tables, the *following Annual Tables had to be omitted*:

(1) *Assizes and Quarter Sessions:*
Table VII: Proceedings in each Court.
Table VIII: Sex and Age of Persons Convicted.
Table IX: Previous Convictions of Persons Convicted.

(2) *Courts of Summary Jurisdiction:*
Table XIII: Sex and Age of Persons Convicted.
Table XIV: Proceedings in Quasi-Criminal Matters.

(3) All tables concerning *Probation Orders* and *Extradition* (inclusive Fugitive Offenders).

(4) *Police Returns:*
The "Returns from the Several Police Districts," with the exception of the tables "Persons under Police Supervision in each District," "Habitual Criminals at Large and Houses of Bad Character in each District."

(5) *Prison Returns:*
All tables except those showing the "Receptions of Prisoners in each Prison" and "Particulars of Persons Sentenced to Preventive Detention."

(6) *Places of Detention.*

(7) *Criminal Lunatics*: All but one table.

(8) *Habitual Drunkards.*

How have these omissions affected criminological research?

(*a*) In the first place, the opportunities for statistical investigations into the *geographical distribution of crime and punishment* during the war have been widely curtailed.

Statistics dealing with the geographical distribution of crime should attempt to combine at least four factors:

(1) the *place* where the crime was committed in connection with (2) the *person* of the criminal, (3) the nature of the *offence*, and (4) the *method* of *disposal*. Before the Great War, English *Criminal Statistics* contained the following information:

I. As far as Assizes and Quarter Sessions were concerned,

(1) the *County* where the offence was committed in connection with the *nature* of the *offence* and the number of *persons* for trial;

(2) the *Court* where the offence was tried and the method of *disposal*;

II. For all offences,

(3) the *Police District* in connection with the *number* of *crimes* known to have been committed within this district and the number of *persons* proceeded against together with the *result* of the proceedings;

(4) the *Police District* in connection with the *nature* of the *offence*.

To illustrate the extent of information offered by the *Criminal Statistics* the following example may be given:

If we want to know something about the frequency and the disposal of murder in Liverpool in the year 1913, we learn from the Police Returns that eight murders of persons aged above one year were committed. Moreover, we learn from the Court Statistics that in the whole of Lancashire six persons appeared for trial charged with murder. How many of these six persons were concerned in the eight Liverpool murders we do not know. We may, however, presume that none of them was, since, according to the table "Proceedings in each Court," death sentences were imposed neither by the Liverpool City Sessions nor by the County Sessions at Liverpool. But this is only conjecture, for the Liverpool murderers may have been tried by the Courts not before 1914. This shows that even before the Great War for any more

exact information as to the geographical distribution of crime and punishment recourse must be had to unpublished Reports of the Chief Constables. And it must be borne in mind that with regard to the crime of murder we are in a more favourable position than in the case of other crimes as murder is practically the only crime punished by death. For the other offences, the table "Proceedings in each Court" furnishes no hint at all as to the connection between crimes committed and sentences imposed.

For 1914, only the information sub. (1) remained. That means that the local distribution of Persons for Trial can for 1914 still be gathered from the remaining Tables VI and XII ("Number of Persons for Trial for each Offence in each County"), although even this is possible only for each county, not for the more important cities separately.[1] But the *number of crimes known in each district* and the *methods of disposal* used *by the different Courts* have been omitted. As the Probation Tables were completely left out, the application of the Probation of Offenders Act, 1907, in the various districts remains unknown since 1913 (see also below under 1919).

(*b*) *Sex.*—The tables giving the "Number of Persons for Trial" before *Assizes* and *Quarter Sessions* continue to show the sex-distribution for the various offences, but Tables VIII and XIII relating sex and offence to age have disappeared. It is, therefore, not possible to ascertain how many women of certain ages committed certain types of offences during the War. For the offences dealt with before *Courts of Summary Jurisdiction*, however, there are no longer any statistics of sex at all. Here only the Police Returns of "Persons Apprehended and Summoned" can be of some assistance for the whole of England and Wales, whilst the former table ("Returns from the Several Police Districts") showing the sex ratio for each district separately is missing. It should, by the way, be noted that *even before 1914* the *exact sex ratio* of crime in the various *Districts* was not shown. The Police Returns distinguished the

[1] It is thus impossible to compare the number of persons for trial in Manchester and Liverpool for the War years.

sexes only with regard to "Persons Proceeded Against," not, however, for persons found guilty.

The proportion of *acquittals* for the sexes could until 1913, at least approximately, be estimated by means of a comparison between the tables of "Persons for Trial" and of "Persons Convicted" in connection with the Police Returns. During the War such comparisons become impossible.

Tables of Sex and Age together were before 1914 given for all persons convicted by Assizes and Quarter Sessions and for all persons tried summarily for indictable offences, whilst of persons tried summarily for non-indictable offences only figures for those convicted after apprehension were shown according to age and sex; those convicted on summons appeared merely in the Police Returns under the different age groups, not for each sex separately.

(*c*) *Age.*—The age factor, one of the most important items with which Criminal Statistics have to deal, had *before 1914* been treated as follows:

Table VIII ("Assizes and Quarter Sessions: Sex and Age of Persons Convicted") showed, for persons convicted of indictable offences before Assizes and Quarter Sessions, Age in connection with Sex and Offence separately for the following age groups: under 14, 14–16, 16–21, 21–30, 30–40, 40–50, 50–60, above 60. The same facts were shown in Table XIII for the indictable offences dealt with before the Courts of Summary Jurisdiction, whilst for non-indictable offences the age was given only for persons convicted after apprehension, not for persons summoned and convicted. The Police Returns did not furnish the missing information as to age (as contrasted with sex). In addition there were Tables XVI ("Juvenile Courts"), XVII and XVIII ("Probation Orders"), XXXVII ("Convicted Prisoners: Sex, Age and Birthplace") as well as similar tables giving the ages of inmates of Borstal Institutions, Reformatory and Industrial Schools and Preventive Detention establishments. Whilst Table XVI ("Juvenile Courts") did not make any further age distinctions, the Tables XVII and XVIII gave the figures for the following age groups separately: under

12, 12–14, 14–16, 16–21, above 21.[1] It may be noted that all these tables, except the Probation Statistics, dealt with *convicted* persons only. It is for this reason that the complaint was made in the *Criminal Statistics, 1933*,[2] that full statistics of juvenile delinquency were not available before 1929. True as this is, it ought not to be overlooked that the Probation Tables were, at least partly, capable of filling the gap, since they gave the ages (not sexes) of all persons with respect to whom Probation Orders were made. The ages of those persons, however, whose cases were simply dismissed or who were bound over without Probation remained unknown during the period 1908 to 1928.[3]

All these tables were omitted in 1914, with the only exception of the tables "Juvenile Courts," "Borstal Institutions," "Reformatory and Industrial Schools" and "Preventive Detention Establishments." Consequently, there were for 1914 to 1917 no longer any data available concerning the age distribution among adult lawbreakers with the only exception of the persons sentenced to Preventive Detention, and even as to juvenile delinquency the information is considerably curtailed. The table "Juvenile Courts" shows neither the exact ages nor the sex; the juveniles dealt with might be of any age between 7 and 16. Moreover, the table includes persons aged above 16 years who were dealt with in Juvenile Courts, whilst, on the other hand, children and young persons under 16 who were brought before the ordinary Courts of Summary Jurisdiction were excluded. These two groups, the figures of which were given in a footnote to the table, did not tally.

This curtailment was particularly serious for the age groups from 16 to above 60, which from the criminological point of view can by no means be regarded as a uniform mass. It was of less moment for the juveniles, because, as was shown before, there was also before the War no general differentiation of age groups under 16. In any case, for the War period

[1] In the first years since 1908 only three age groups were shown: under 16, 16–21, above 21.

[2] P. xi.

[3] See, however, the Reports of the Children's Branch, Home Office.

(with a partial exception for the year 1918, see below) statistical research has to content itself with the distinction of only two age groups of lawbreaker: those under, and those above, 16 years.

(*d*) *Recidivism.*—This problem was dealt with until 1914 in several tables: Table IX indicated for each particular offence (*without distinguishing* between the *sexes*) the previous convictions of persons convicted at Assizes and Quarter Sessions. Whilst there was no corresponding table for the Courts of Summary Jurisdiction, the *Prison Returns* showed, in Table XXXVI, the amount of recidivism amongst the inmates of Prisons, Borstal Institutions and Reformatory and Industrial Schools *for each sex separately*, but without indicating the type of offence.

In the *Criminal Statistics*, *1914*, all these tables disappeared, with the exception of those for the Borstal Institutions and Schools. In 1918 Table IX reappeared, Table XXXVI, however, has never been reintroduced in the *Criminal Statistics*, but has been transferred to the Reports of the Prison Commission. The latter indicate—as did the former Table IX of the *Criminal Statistics*—the last offence for which the recidivists had been convicted. The offences for which the previous sentences had been imposed have never been given in the *Criminal Statistics* or in the Reports of the Prison Commissioners, since this would indeed have required a very complicated system of tabulation.

(*e*) *Bail.*—Whilst the number of persons kept in Prison on remand and of those released on bail have permanently been shown for each offence and each prison separately, Table XXXIX ("Term of Detention before Trial") was omitted in 1914 and has not been reintroduced since then. There are, thus, since that time no statistics of the length of detention before trial.

1915 In addition to the restrictions introduced in 1914, several other tables had to be omitted so that only fifteen tables out of fifty-one remained: (*a*) The separate tabulation for Assizes and Quarter Sessions was dropped so that it became

impossible to distinguish the convictions at Quarter Sessions from those before Assizes.

(*b*) As the Tables VI and VII were omitted, no investigation into the geographical distribution of crime and delinquency during the years 1915–17 can be made (see above under 1914, sub (*a*)).

(*c*) Of the tables showing the work of the Court of Criminal Appeal the former table indicating the "Courts from which Appeals were Brought, and Number and Results of the Appeals" was omitted so that there no longer exists a possibility of ascertaining the number of successful appeals from each Court.[1]

(*d*) In the *Police Returns* the tables showing the "Persons under Police Supervision," "Habitual Criminals at Large" and "Houses of Bad Character" were omitted.

(*e*) The same applies to the *Coroner's* Statistics. There is, consequently, no statistics of *completed* suicides up to 1918.

1916 No changes.

1917 A table was added showing the number of cases under the *War Emergency Statutes* during each of the years 1914 to 1917. The size of the volume which numbered 184 pages in 1913, and in 1914 still 104 pages, fell in 1915 and 1916 to 26 pages each and in 1917 to 30 pages.

1918 This year shows a considerable improvement. The Comparative Tables and ten other tables reappeared, amongst them the separate tables for Assizes and Quarter Sessions, the table "Sex and Age of Persons Convicted before Assizes and Quarter Sessions" (not yet for Courts of Summary Jurisdiction), the tables showing the "Number of Persons Tried for Each Offence in Each County," the statistics of previous convictions and the Coroner's Statistics. Differentiation according to sex and age has now once more become possible, at least for the more serious cases of indictable offences tried before Assizes and Quarter Sessions, and the same applies to the geographical distribution of crime.

[1] The reintroduction of this table has been suggested—among many other interesting proposals—by Professor Harold J. Laski, *Howard Journal*, *1936*, p. 261.

1919 The return of peace did not simply mean a return to the *Criminal Statistics* of 1913. The whole structure of the new volumes shows the necessity for greater economy; the Introduction states that the tables had undergone thorough revision, without indicating the nature of the changes.

Detailed comparison shows that, even where the heading of a table had remained unaltered, the number of its columns was sometimes diminished or its contents otherwise curtailed. This applies, for instance, to the Tables I and II ("Assizes and Quarter Sessions"), where the number of persons fined by these Courts and some other less important types of sentences were no longer shown in detail.

The tables "Assizes and Quarter Sessions, Proceedings in each Court" and the Police Returns for each District were reintroduced, not, however, the table "Number of Persons for Trial for Each Offence in Each County." Consequently, so far as the *geographical distribution* is concerned, of the four types of information mentioned above (sub 1914 (*a*)) only the groups 2–4 reappeared. Of greater consequence is the fact that the table showing the sex ratio figures for each Police District has not been re-established after the Great War (see sub 1914 (*b*)). There is thus at present no possibility whatever for collecting information as to the local sex ratio from the *Criminal Statistics*.

The Prison Returns were curtailed through the omission of the tables "Previous Convictions" and "State of Instruction and Previous Occupations" which, however, had found their place in the Reports of the Prison Commissioners. The table showing the "Terms of Detention" before trial—as already indicated —has never been reintroduced.

The restrictions imposed in 1915 on the table "Court of Criminal Appeal" were not only upheld but extended to the "Appeals from Courts of Summary Jurisdiction to Quarter Sessions."

The Probation Tables, completely omitted in 1914, were reintroduced, with the exception of an important table showing the geographical differences in the use of Probation. The

local figures are, therefore, even for the post-War period up to 1931, to be found in the annual *Criminal Statistics* only as far as the Assizes and Quarter Sessions are concerned, i.e. for a comparatively less important section of the Probation cases, not however, for the Courts of Summary Jurisdiction inclusive of the Juvenile Courts. This gap has been partly filled by other publications as, for example, the *Reports of the Children's Branch of the Home Office* and the *Report of the Social Services in the Courts of Summary Jurisdiction, 1936*.

1920 Several additions were made in the Prison Returns.

1922 The Age and Sex Tables of the Court Statistics, as well as the table "Previous Convictions" were omitted.

1924 The Age and Sex Tables were again reintroduced, but only for indictable offences.

1928 The table showing the number of "Habitual Criminals at Large and of Houses of Bad Character" was omitted as misleading, and several other tables relating to Prisons and Borstal Institutions were transferred to the *Annual Report of the Prison Commission*.

1929 A short-lived Table XVIII(*a*): "Police Returns for Motoring Offences," introduced in 1928, was omitted, the information in question being published separately as a Parliamentary Return. More important is the introduction of a new table, X(*b*), concerning the sex and age of persons against whom orders were made by Courts of Summary Jurisdiction without conviction.[1]

1930 The Coroner's Statistics suffered the loss of Table XIV: "Sex and Age of Persons on whom Inquests were held."

1934 Separate figures are given for various types of larceny and highway offences.

1938 Several new tables are introduced giving more detailed information for the various age groups.[2]

[1] As to the significance of this innovation, see above sub 1914 (*c*): Age.

[2] See *Howard Journal*, Spring 1940, vol. v, no. 4, p. 249.

PART II

Social Aspects of Crime in England between the Wars

CHAPTER FOUR

GENERAL OUTLINES

IT is the purpose of the present chapter to indicate briefly some of the chief tendencies arising out of the last War, particularly those that are not dealt with in special chapters. It may be well to use as our point of departure a comparison between this country and Germany as the principal Power defeated in that struggle.

The contrast between England and Germany, already striking enough during the second half of the War, became vastly more so in the first years of peace. The great divergence in the economic and political conditions of the two countries could not remain without its effect upon the criminological picture.

In Germany,[1] we find a rapid and almost all-round deterioration, brought about by the military defeat, the political upheaval, the inflation and consequent economic distress. Convictions for murder rise from 87 in 1918 to 243 in 1921 (1913: 110), for manslaughter from 91 to 383, for robbery from 316 to 1,789, for wounding from 29,000 to 45,000, for assault against officials from *ca.* 3,000 to 15,000 in 1921 and 24,000 in 1923. The German inflation offers a hitherto unique opportunity for studying the criminological implications of abrupt economical changes which affected the daily life of the whole population more thoroughly and disastrously than ever before in modern times.[2] Up to the end of the year 1923—the peak year of the inflation—the rapid devaluation of the Reichsmark was accompanied by a ravenous hunger for goods—as opposed to money—whilst after 1923 the stabilized mark, after years of neglect, again became a profitable object of crime. Up to 1923, therefore, a

[1] The following figures are taken from the survey in *Reichskriminalstatistik, 1933*, p. 34, the *Handwörterbuch der Kriminologie*, vol. ii, pp. 44–5, and Liepmann, *Krieg und Kriminalität in Deutschland, 1930*, p. 71 et seq.

[2] As to the German inflation in general, see C. Brescioni-Turroni, *The Economics of Inflation* (1937); Viscount D'Abernon, "German Currency: its Collapse and Recovery, 1920–26" (*Journal of the Royal Statistical Society*, 1927, part i).

decline in coining offences[1] took place, since it was no longer worth while risking one's liberty for making counterfeit currency or banknotes which, by the time of their completion, would almost certainly have lost 99 per cent of their face value. It was only a small *élite* of the coining fraternity that were able to rise to the occasion by producing in advance banknotes for amounts which had not yet been legally issued, thus forcing the Criminal Courts to decide whether banknotes of a hitherto non-existing type could be regarded as "imitations" of genuine banknotes in the meaning of the Penal Code.[2] In spite of the existence of a general crime wave, convictions for coining thus went down from 341 in 1921 to 156 in 1923, and jumped up to 1,094 in 1924 immediately after the stabilization. A similar development may be noticed for the crime of arson. As far as it represents the type of crime committed by the owner to get the insurance money, only a fool could have wished in this period of inflation to exchange his real property for a bundle of Reichsmark. This explains the following figures: 1921, 266 convictions; 1923, 146; 1924, 252; 1926, 534 convictions for wilful arson; 1923, 3 convictions; 1924, 10; 1925, 39; 1926, 75 convictions for the specific crime of arson committed in order to get the insurance money.[3] On the other hand, larceny, receiving of stolen goods, poaching and similar crimes flourished as never before during the inflation.

CONVICTIONS NUMBERED

	1913	1920	1923	1924	1925
Simple larceny ..	79,554	202,885	308,005	180,076	91,588
Receiving ..	9,694	33,666	65,300	42,723	17,776

Whilst Germany after the War had become, in its criminological aspect, the *Land der unbegrenzten Möglichkeiten*, *England* seems to have offered much more restricted possibilities to the criminal. Here

[1] It must be borne in mind that the German Penal Code punishes forgery of banknotes as coining.

[2] The Supreme Court of the Reich held on October 27, 1924, that the "forging" of banknotes for 10 milliards of marks was punishable, although such notes had not been legally issued at the time of the crime (Reports, vol. 58, p. 351).

[3] See *Handwörterbuch der Kriminologie*, vol. ii, p. 957; *Reichskriminalstatistik, 1933*, p. 34. See also below, p. 188.

there was neither revolution nor grand-scale inflation. Many specific German features of the criminological post-War picture are therefore absent. The currency difficulties of 1931 were not considerable enough to affect the work of the coiner; on the contrary, coining and forgery went up from 1,141 in 1930 to 1,525 in 1931 ("Crimes Known to the Police"). The fall in crimes of arson from 228 in 1931 to 197 in 1932 ("Crimes Known") can scarcely have had any connection with the devaluation of the pound. It is, however, with the general tendency of crime in post-War England that we are concerned, and this has been a steady and considerable rise in crimes against property. The principal figures are as follows:[1]

TABLE X

INDICTABLE OFFENCES KNOWN TO THE POLICE

	1920–24 (Annual averages)	1925–29 (Annual averages)	1930	1931	1932
Class II. Offences against property with violence	17,331	20,505	26,248	31,671	40,509
Class III. Offences against property without violence	82,182	97,823	110,159	117,099	156,639

	1933	1934	1935	1936	1938
Class II. Offences against property with violence	37,414	36,994	36,475	38,702	49,565
Class III. Offences against property without violence	178,241	183,940	185,660	197,121	219,481

Although the big jump in offences of Class III in 1932 may have been partly due to the abolition of the "Suspected Stolen Book,"[2] this cannot account for more than perhaps one-third of the increase in that year. How are the other changes, in particular those of the years before 1932, to be explained?

[1] For other figures, see Tables XV (Chapter 5) and II (Chapter 2). As to sexual offences and other offences against the person, see below, Tables XII and XIII.

[2] See p. 72 above.

THE DIFFICULTIES OF CHANGING OVER

"What terrible attraction a war can have! The wild excitement, the illusion of wonderful adventure and the actual break in the deadly monotony of working-class life," writes a man who has probably never been a war enthusiast.[1] In this country, the end of the War was all the more bound to restore the apparent monotony of peace, as it was not accompanied by other, and almost equally strong, sources of excitement. On the other hand, economic difficulties, though much less disastrous than in Germany, were sufficiently marked to cause social dangers. The criminological aspects of the first post-War period seem, therefore, to have been mainly determined by the coincidence of these two factors, the craving for expensive stimuli as substitutes for the war fever, and the lack of money to obtain such equivalents in a legitimate way. Anybody who compares the picture drawn of post-War London by writers as Collier and Lang,[2] Mark Benney,[3] R. H. Gretton,[4] and others with contemporary Germany finds the analogies almost as striking as the contrasts due to the absence of revolution and inflation. It certainly was a dangerous transition for both those who had stayed at home during the War as well as for many an ex-Service man. Moreover, some of them—as another writer explains[5]—came home with a "curious cult of hatred of old men" and with the "soldiers' attitude to life, which is fundamentally, in spite of discipline, a lawless attitude." And, according to the almost uniform testimony of contemporary English experts, it was the attitude of men expecting to return to a "country fit for heroes to live in"—an attitude bound to lead to disappointment and discontent. The returning German ex-Service man—paradoxical as this may sound—was in a better position, in so far as at least his expectations, though lofty in the field of internal politics, could be but modest in the economic sphere after such a defeat. If the standard of living in post-War England did by no means fall as deeply as in post-War Germany, the disappoint-

[1] William Gallacher, *Revolt on the Clyde*, p. 18.
[2] Collier and Lang, *Just the Other Day* (1932).
[3] Mark Benney, *Low Company*.
[4] R. H. Gretton, *A Modern History of the English People, 1910–1922* (1922).
[5] George Orwell, *The Road to Wigan Pier*, p. 170 et seq.

ment may have been felt almost as much there because of this discrepancy between expectations and fulfilment. On the other hand, in England the feeling of instability—that consequence of war, revolution and inflation which destroyed the German middle class—has been less strong, the social changes being less severe. Surely, the "spirit of security," it is said, had been somewhat declining already in pre-War years; "the mass of new social data had revealed the futility and meaninglessness of the merely abstract idea of 'liberty.' "[1] Whilst this decline seems, however, previously to have been mainly confined to intellectual circles and those directly involved in the political disturbances of the time, as suffragettes, strikers, etc., it became more general as a result of the War. "The very nature of War," writes a distinguished educationalist,[2] "tends to a re-shaping of thought. When brought to the supreme issue of death the social mind is driven, largely by subconscious processes, to revise its system of values." From this stage of revising it is sometimes only a further step to the attitude described by a correspondent of Mr. F. W. Hirst[3]: "Post-War people, as compared with pre-War people, have lost confidence in things human and divine." It is from this spiritual background only that the crime problem of the post-War period can be, and has, in fact, widely been, understood.

Of particular interest are the reactions of responsible observers towards the earliest signs of a crime wave immediately after the War. There exists, from the outset, a distinct disinclination to trace even crimes against property to purely economic causes or directly to economic distress. It is much more common to connect them with emotional unrest, and with bad habits acquired in the War.

> "Despite the ennobling influence of a four years' War," writes the *New Statesman*,[4] "we are at present suffering from what one of the papers describes as a disastrous outbreak of burglaries. Men, apparently, must break something: if they are not allowed to break the peace, they will break the Sabbath or break houses."

The same paper, however, had stated, only a few weeks before,[5]

[1] C. H. Driver in *Edwardian England*, edited by Professor F. J. C. Hearnshaw, 1933, p. 233. [2] Professor J. J. Findlay, *The Children of England*, 1923, p. 117.
[3] *The Consequences of the War to Great Britain* (1934), p. 74.
[4] January 25, 1919, p. 346. [5] December 28, 1918, p. 253.

under the heading "The Christmas of Unemployment," that there had been at the end of the year 1918 "probably a larger number of persons without current wages in Great Britain than in any previous Christmas week in the history of the nation . . . already several hundred thousand men and women . . . are 'out of work' this week." In the first post-War Reports of the Prison Commission also, crime is chiefly traced to causes other than economic. During the first four months after the Armistice 501 ex-soldiers were committed to prison, of whom 286 were first offenders. Among the principal causes which had led to their convictions the Commissioners mention domestic unfaithfulness resulting in charges of bigamy, assault, neglect of children and maintenance arrears, and, secondly, "an apparent inability to conform readily to the conditions of civilian life."[1] In the following Report it is pointed out that of 6,461 ex-soldiers committed to prison, 3,411, or 53 per cent, were first offenders:

> "A large proportion were young men, some earning good wages at the time of their committal, and they were not prompted to commit crime because of want, but through sheer lawlessness, which may not have been due to criminal instincts, but generated by the conditions of active service in different parts of the world, where the normal restraints of conduct had been banished by the stress of war."[2]

In 1921, 9,580 ex-soldiers are committed to prison, and a prison governor reports[3] that "a new stamp of offender has sprung into existence. Men and women of respectable antecedents and parentage in regular employment, and in no respects associated with the criminal class are taking to serious crime with astounding facility." Another governor writes:

> "Many men are now received into prison whom, in years before the War, it would be quite the exception to receive, e.g. railway guards and engine drivers—men with excellent records of long service, and in receipt of a high rate of pay."

An admirable collection of delinquent types of the first three or four post-War years was recently given by Major Gordon Gardiner in

[1] Report 1919, pp. 18–19. [2] Report 1920, p. 6. [3] Report 1921, p. 9.

his *Notes of a Prison Visitor*.[1] The author of that book was among the first men who took up prison visiting in a London prison and, on account of his military rank, he had allocated to him ex-Servicemen prisoners. Those whom he met did not, of course, represent anything like a uniform type; almost any age group and occupation as well as any possible type of crime are to be found amongst his protégés, from men of 40 or 50, in prison for bigamy, incest or forgery, to the youth (aged 21 in 1923!) sentenced to twelve months' hard labour for storebreaking, who went "into the Army as a boy in the last years of the War, and out of it as a rather knocked-about man with no qualifications to compete in the business of getting work,"[2] and to the 26-years-old ex-Army officer who, during the War, "had more money than ever before . . . had acquired extravagant habits and had begun to drink too much . . ., found the search for a city clerkship horrible," and ended, for the time being, by serving fifteen months' hard labour for assault to rob.[3]

In an investigation of the conditions prevailing at the end of the year 1922,[4] one of the contributors complains of "young men who have learnt to be 'old soldiers.' "

It has become an established criminological truth that it is not so much poverty as a static condition but rather the *deterioration* in economic status that leads to delinquency.[5] For the early post-War period this was certainly one of the dominating factors of the position. The transition from war to peace conditions affected the earnings of a high percentage of the population very unfavourably, even apart from actual unemployment, which will be considered later. These changes were not so much brought about by a wholesale increase in wages during the last War, followed by a sudden fall after the coming of peace. It is commonly agreed by experts that, compared with the cost of living, wages lagged behind during the first three years of the War, and it was not before the year 1918 that they were able to keep pace with the increase in prices.[6] For many

[1] Oxford University Press, 1938. [2] P. 200. [3] P. 63.

[4] *The Third Winter of Unemployment*, edited by the Hon. J. J. Astor and others (1923), p. 235. [5] See below, p. 124.

[6] See in particular Professor A. L. Bowley's *Prices and Wages in the United Kingdom, 1914–1920* (1921), p. 106. See also Mr. J. M. Keynes in *The Times*, November 28, 1939.

important trades the position was even in 1918 still less favourable than before the War.[1] It is therefore not surprising that social investigators and publicists at that time were endeavouring to point out to the general public the moderate purchasing value of apparently extravagant nominal wages.[2] In spite of this established fact that working-class earnings in general had only at the end of the War managed to reach the pre-War level, it cannot be denied, however, that, on account of widened opportunities for women and adolescents to get well-paid jobs, the average household earnings had during the War considerably increased.[3] Moreover, special categories of unskilled workers, particularly in munition factories, received wages far in excess of anything they could ever have hoped to obtain under normal circumstances:

> "Girls who, in peace-time, would have thought themselves lucky to earn a pound a week, often earned five pounds, and munition workers became as extravagant as the miners of South Wales, who at one time could earn fifteen or twenty pounds a week. . . . The moral effect of this new kind of life . . . can easily be imagined."[4]

When, after the War, they were expected to adapt themselves to earnings more in consonance with their abilities, the result was in many cases delinquency of the type described in our previous quotations.[5]

There is one after-effect of the War, the far-reaching importance of which nobody familiar with the atmosphere of military service in any country can deny. It is the gradual diminution of the individual's respect for property of the State. The men in the services had constantly been in charge of State property; they had had to rely on the State's provision of every necessity of life, and, in return, they had had to sacrifice everything for the State. Little wonder, then, that

[1] J. W. F. Rowe, *Wages in Practice and Theory* (1928), p. 17. Sir William Beveridge's conclusion (*Unemployment, 1930*, p. 364) "that there has been in Great Britain a notable increase of real wages" refers to a later period from 1921 onwards, as is clearly shown in his Table XLIX, p. 460, and his chart, p. 370.

[2] See, e.g., Dr. H. A. Mess, *The Facts of Poverty* (1920), pp. 52–3; *New Statesman and Nation*, October 26, 1918, p. 66.

[3] Bowley, op. cit., p. 90.

[4] F. W. Hirst, op. cit., p. 285.

[5] See also the Borstal cases reported below on pp. 293–94.

some of them became imbued—in differing degrees according to their antecedents and strength of character—with the idea that the State was under a moral obligation to supply them with everything they needed. If the State failed to fulfil this duty, they had the right to help themselves. Not for a moment would they have thought that actions of this kind might be regarded as against the criminal law. The following remarks in the recent Report of the London County Council Education Officer on Juvenile delinquency exhibit an excellent understanding of this social and psychological phenomenon:[1]

> "A great many of the present generation of fathers served during the war, when it became a widespread habit to 'acquire' by the simple process of 'winning.' 'Winning' an article was not considered on the footing of stealing it, and a new term and a new morality commenced in the habit of 'scrounging' or 'scrumping.' This practice outlived the War period; it persists in all classes of people, and it persists in the homes of some of the children and young persons now considered. Parents to whom 'stealing' would be a more serious matter dismiss the delinquent acts of their children on the grounds that it was 'only scrounging.' "[2]

A tragic example of the ensuing conflict between this standard of morality acquired during War service and the law of the State may be found in the more recent case of a naval officer who, after twenty-six years of service, was dismissed his ship by judgment of the Court Martial for stealing certain articles of Government property, which he regarded as an act of "scrounging" in order to have his ship smartly decorated for the Coronation Review.[3]

From such disregard of State property it is only one step to the corresponding attitude towards other impersonal bodies, as railway companies, collieries, banks, etc., sometimes not even as a consequence of habits acquired during the War.[4] In the files of the Insti-

[1] Report No. 3256 (1937), p. 12; published by the London County Council.

[2] The present writer can endorse every word of this statement from his experiences in Germany during and after the War. See also the corresponding remarks by Liepmann, op. cit., p. 60.

[3] *The Times*, April 17, 1937.

[4] See also below, pp. 197–98.

tute for the Scientific Treatment of Delinquency[1] the case is reported of a boy of eighteen coming from a middle-class family where "finance played a very large part in the home." There was "constant trouble to keep up appearances on a quite inadequate income. Frustrated in his reasonable ambitions and infected by the anxiety of his parents he attempted to satisfy his self-esteem by getting the better of big trading organizations by petty fraud." Charged with rubbing out figures in teashop bills two or three times, and with travelling without a ticket, he told the interviewing psychiatrists that "nothing was wrong with him and that these little matters of dishonesty were episodes too trivial for serious attention. He would not take a penny from a poor person but wouldn't mind robbing the bank." The examination showed poor physique, superior intelligence, and "behind the easy surface a very considerable depression and hypochondria. He must do daring things, cheat in order to get satisfying meals, etc., to establish his self-confidence."

Another problem of special difficulty, and one which does not exactly come under the scope of this survey, is how far crime after 1918 has been due to head injuries, "shell-shocks" and similar war wounds. Even now, after the lapse of twenty years, excuses of this kind are not seldom brought forward by offenders, particularly in cases of assault,[2] and it is sometimes an insoluble task for the expert to decide whether such claims are well-founded. In a doubtful case of this type the following views are expressed by three different medical psychologists:

(*a*) "His condition I regard as originating in the War—being aggravated by alcohol. I know a great many of these men who could never really settle down after the destructive period of the War. They have never renewed a useful citizenship, but have lived on the fringe of society earning a precarious living with bookmakers, prostitutes, pickpockets and the like."

(*b*) "It does not appear possible to us to ascribe this man's asocial conduct to the War, although it is not unlikely that his war service increased his tendencies in this direction to some

[1] The author is indebted to the Directors of the Institute for permission to quote from their records.

[2] A recent case was reported in the *Hendon Times*, May 24, 1940.

extent. His difficulties are to be attributed to a character defect rather than to any definite mental disorder. . . ."

(*c*) "He is not certifiable insane, but is more insane than many that are certified. In days to come such cases will be regarded as criminal lunatics and detained until they dement when they will be transferred to the County Asylum."[1]

THE MOTOR CAR

The initial difficulties of changing over from war to peace might have been overcome more easily but for a new factor which provided entirely unprecedented opportunities for committing crime: the motor vehicle. Whilst before the War there had been hardly any cheap cars,[2] in those post-War days the motor car and motor cycle were rapidly becoming an obsession.[3] They not only drove the figures of highway offences to astronomical heights and were largely responsible for the dangerous increase of breakings; they even lent themselves to the promotion of sexual crimes and murder. The Introduction to the *Criminal Statistics, 1928* (p. xiii), contains an interesting analysis of the main criminological features of this "Motor Age." A comparison was made of the increases in "breakings" that had taken place in various districts. (Table XI below.)

"It cannot be doubted," it is said in the Introduction, "that crimes against property with violence have increased most in the

[1] Here again I am indebted to the Institute for the Scientific Treatment of Delinquency for permission to publish this extract from their records. On the whole problem see Arthur J. Brock, M.D., "The Re-Education of the Adult," *Sociological Review*, vol. x (1918), p. 25 et seq.; Dr. W. Norwood East, *Introduction to Forensic Psychiatry* (1927), pp. 157, 200; Hubert J. Norman, *Quarterly Review*, vol. 232 (October 1919).

[2] See Viscount Snowden's *Autobiography* (1934), vol. i, p. 300; R. H. Gretton, op. cit., p. 73.

[3] An American author, Mr. Clarence S. Darrow, *Crime: its Causes and Treatment* (1922), writes, p. 209: "Men go into debt and struggle for money to buy gasoline so that they may drive somewhere for the sake of coming back. It has created a psychology all its own, a psychology of movement, of impatience, of waste, of futility. . . . The truth is that man is not adapted to the automobile." Lord Elton appeals to the Oxford University authorities to prohibit the use of cars by undergraduates, to put an end to "those horrible cases where young men killed and were killed" (*The Times*, February 15, 1938).

country districts outside the great towns . . . and that the increase is therefore due to the incoming of the Motor Age."

The Governor of Wandsworth Prison writes soon after the War:[1]

> "The experience and knowledge gained in the Army of motor mechanics has led to a large increase in garage-breaking and motor thieving . . . and as the type of man affected is usually intelligent and of fairly good education, and the crime itself is adventurous and exciting, I fear that many of the delinquents will revert to it on release from prison."

TABLE XI*

District I = Metropolitan District (including all London, Middlesex and parts of Hertfordshire, Essex, Kent and Surrey)
District II = Outer Home Counties (i.e. the outer parts of the four latter counties, and also all Berkshire)

NUMBER OF CRIMES RECORDED

District	*1911*	*1921*	*1926*	*1927*	*1928*	*Per cent increase over 1911*
I ..	3,304	3,972	3,691	3,259	3,654	10·6
II ..	442	932	1,712	1,809	2,377	437·8

INCIDENCE PER MILLION OF POPULATION

(so as to allow for the differences between town and country populations that have arisen of recent years)

I ..	457	532	474	418	465	1·8
II ..	116	224	393	408	519	347·4

* From Criminal Statistics 1928, p. xiii.

A favourite method of making money is to carry on a business as a car-breaker, to buy very cheap second-hand cars and to steal other much superior cars of the same make, then to change number plates and registration books and to sell the stolen cars.[2]

Unauthorized takings and theft of motor vehicles numbered 1,224

[1] *Prison Commissioners' Report for 1921.*

[2] See, e.g., *The Times*, April 17, 1937, and July 19, 1939. This method was also used by F. G. Browne, the murderer of Police Constable Gutteridge; see W. T. Shore, *The Trial of F. G. Browne and W. H. Kennedy* (1930).

in 1935 and 2,330 in 1938 (crimes known to the Police), whilst the number of motor-cars stolen in London was 3,835 in 1935.[1]

The motor vehicle and similar facilities for cheap travel have completely changed the working methods of criminals.

> "Formerly," said Sir Basil Thomson, then Assistant Commissioner of the Metropolitan Police,[2] "a thief used to operate in his own area. If a pickpocket lived, say, in Walham Green, he robbed people on Walham Green buses, Now it is nothing of the kind; they meet in North London, say, and decide to operate as pickpockets or burglars in another part of London, where they are not known. . . . The travelling criminal is all over the country."

Street robberies and smash-and-grab raids are not frequent in this country, but whenever they occur they are made possible only by the utilization of the motor car.[3] Soon after the introduction of the much-discussed motor patrol scheme in Lancashire the Chief Constable of that county was able to testify:[4]

> "There has been a definite decrease in crime since April 1st, and though I should not like to say that that was entirely due to the motor patrol scheme, I do think, however, that the extra patrolling of the roads has had a very definite effect on the travelling criminal, in detection and prevention."

Cases of rape and similar sexual crimes sometimes occur which could hardly have been committed without the facilities afforded by a motor car.[5]

No less characteristic than the crimes connected with the coming of the Motor Age is the increase in *false pretences*, *forgeries*, etc., which has taken place since the War. From an annual average of 4,189 = 124·5 per million of population for the years 1900–9, false pretences and other frauds have risen to 16,934 = 414·6 per million in 1936 ("Crimes Known to the Police").[6] "These alarming

[1] *Criminal Statistics*, Table D; *Metropolitan Police Report*, *1935*, p. 46.

[2] Report on Police Service, 1920, *Minutes of Evidence*, p. 31.

[3] One recent case of this kind is reported in *The Times*, July 9, 1938.

[4] *Select Committee of House of Lords on Prevention of Road Accidents* (1939), p. 101.

[5] Two particularly unpleasant instances of this kind are reported in *The Times* of June 3, 6, and July 15, 16, 1936, and April 15, June 3, 1937.

[6] *Criminal Statistics*, *1936*, Table E. See also above, Chapter 2, Table V, p. 44.

figures," writes Mr. Rhodes,[1] "bear out the disquieting conclusion that the quality of crime is improving in our modern world." Whilst this is certainly true, it cannot be said that the English figures are alarmingly high, considering the fact that contemporary German Criminal Statistics show approximately 50,000 *convictions* (not "Crimes Known to the Police"!) for the corresponding type of offence.[2] On the other hand, it must be borne in mind that just for the offence of false pretences statistical figures do not mean very much.[3] A survey of the principal causes for the increase in criminal frauds in this country has to take into account the evil seeds sown during the War.

Fraud, as a matter of fact, is an offence which follows even more closely than other types the zigzag course of the economic, political and social life of the country, although its relation to the business cycle may differ from that of larceny. The swindler is particularly clever in taking advantage of any weaknesses in the existing social structure and in providing for any demands that cannot be satisfied by ordinary honest trading methods. Such demands need not necessarily originate in the country where the fraud happens to be committed; the world at large supplies abundant opportunities for fraud which may materialize in this or that part of the globe, wherever the swindler finds his victims most readily to hand. It would be an impossible undertaking to give a full description of the principal types of fraud which are reported in the daily Press; only a few particularly characteristic ones may be mentioned.

The confidence trickster[4] finds an easy prey in the credulous visitor from overseas whose gambling instincts[5] and ignorance of European conditions he exploits. The most frequent method which, surprisingly enough, still succeeds, is to pose as a man whose only aim in life is to get rid, in the naïvest manner imaginable, of thousands of pounds for charities.

Two typical cases of this kind:

[1] Henry T. F. Rhodes, *The Criminals We Deserve* (1937), p. 91.

[2] It is true that the German term *Betrug* is slightly wider (see above, p. 49).

[3] See above, Chapter 3, p. 89.

[4] From the legal point of view the activities of the confidence trickster are larceny by a trick, not false pretences.

[5] See below, p. 227.

(*a*) "X.Y., 77, independent, was at the Westminster Police Court yesterday sentenced to six months' imprisonment for having been concerned with another man, not in custody, in stealing £160 by means of a trick on April 14th last, the money of J. M., who was then on a visit from South Africa to this country. Detective-sergeant O. said that the prisoner made the acquaintance of Mr. M. and his wife during their visit to London, and offered to show them about. He posed as a Colonial, and when they met a second time, by arrangement, there was an apparently accidental collision in the street with his accomplice. There were profuse apologies, and the party were invited to tea. During the conversation the stranger told a story of having inherited £80,000, a portion of which he was to disburse among poor persons, and he wanted friends to help him in that work. He supported his story with a newspaper cutting, and after the usual 'confidences' had been exchanged, during which he was handed £160 in genuine notes, the two men went off, leaving Mr. M. with an attaché case containing what purported to be rolls of banknotes but which were actually rolls of blank paper."[1]

(*b*) "Detective-Sergeant G. said that the prisoner was first convicted in 1904 for stealing £450 by means of a confidence trick. He was then sentenced to twenty-two months' imprisonment with hard labour at the North London Sessions. The officer proceeded to detail a long list of later convictions in France, Belgium, the United States, Ireland, and elsewhere. The prisoner was last released from prison on June 6th. He was a member of a family of convicted confidence tricksters. He travelled in liners between this country, America, Australia, and New Zealand, committing thefts by means of confidence tricks. There was no doubt that he had been responsible for the training of the family in crime, and had given them every encouragement. He was a menace to foreign and colonial visitors, and the sums of money which have been obtained by this family through confidence tricks had amounted to many thousands of pounds."[2]

[1] From *The Times*, July 21, 1938.

[2] Ibid., September 21, 1938.

The close connection between methods used by swindlers and contemporary political events may be illustrated by the following case:

> "Evidence was given yesterday by Mr. I. Y. who said he came from Palestine in November 1936 to see about loans on behalf of about a dozen clients in Palestine. He saw H., who introduced Q. Mr. Y. said he was taken by Q to luncheon at hotels in the Strand, Piccadilly and Aldwych. Q. said he knew the 'King' of Turkey, who had given him an Arab stallion, and he said he could arrange with the King of Albania to provide a Jewish State in that country."[1]

Most of the large-scale swindling affairs of the post-War period—Bottomley, Bevan, Hatry, James White, and others—are described in Collier and Lang's book where an interesting attempt is made to define their common characteristics as compared with corresponding pre-War frauds and to discover the reasons for the growing frequency and scope of financial frauds.[2] If we compare these cases with analogous events in post-War Germany, it is—apart from the much greater frequency of such large-scale frauds in that country—mainly one fact that leaps to the eye. Whilst this type of crime was, in Germany, more often than not committed at the expense of the State or of municipal bodies and became possible only through the complicity or at least criminal negligence of high administrative officials, connections of this kind seem to have been absent in this country.

A special form of financial fraud, share-pushing, has recently been made the object of an investigation by a Departmental Committee appointed by the Board of Trade,[3] which resulted in attempts to tighten up the law by new legislation.[4] The Report deals with two classes of fraud:[5]

> "In the first class of transactions the victim is persuaded to part with money or valuable securities in exchange for shares which prove to be worthless. In the second class of transactions the victim is persuaded to speculate in shares and to deposit

[1] *The Times*, February 25, 1938.
[2] *Just the Other Day*, p. 281.
[3] *Report on Share-Pushing* (1937), Cmd. 5539.
[4] Prevention of Fraud (Investments) Bill, 1938.
[5] Report, p. 7.

cash or his own securities with the dealer as security for the 'margin.' The victim believes that his deposit—cash or securities—except so far as it may be required for paying any differences, will be returned to him when the transaction has been closed. In fact the dealer neither has bought nor intends to buy the shares which he has persuaded the victim to order. His only interest is to operate the account in such a way as to show at first such results as will induce the victim to increase the extent of his dealings and so put up more security and ultimately to show enough loss to extinguish the whole of the 'margin.' "

The legal and factual difficulties which have hitherto stood in the way of taking effective steps against offences of this character are clearly disclosed in the Report.[1]

There has also been a considerable rise in *sexual offences* since the last War. The principal figures are ("Crimes Known to the Police"):

TABLE XII*

Offences	Annual average, 1920–24	Annual average, 1925–29	Annual average, 1930–34	1935	1936	1937	1938
Unnatural offences ..	62	77	62	78	125	102	134
Attempts to commit unnatural offences	215	331	478	535	690	703	822
Indecency with males	176	170	208	227	352	316	320
Rape	120	105	82	104	99	108	99
Indecent assaults on females	1,515	1,844	1,793	1,964	2,200	2,382	2,593
Defilement of girls under 13	74	85	75	71	67	92	80
Defilement of girls 13 and under 16 ..	184	269	361	417	420	501	477
Incest	89	101	91	88	92	93	74
Procuration ..	8	9	21	27	16	14	24

* *Criminal Statistics, 1938*, Table D. In the same volume (Introduction, p. xxxii) the figures are given divided into age groups.

To a certain extent this increase can probably be regarded as of

[1] Pp. 22 et seq., 31 et seq. See also above, p. 60.

a purely statistical character.[1] Partly, however, may it have been a consequence of increased mental instability due to the War—a view which draws some support from the fact that similar increases have become noticeable throughout Europe after 1919.[2] The whole subject would seem to be in need of renewed examination.[3]

The above figures show, however, that no increase has taken place in the most serious type of sexual crime with violence, and the same can be said of certain *other crimes against the person.*

TABLE XIII*

(CRIMES KNOWN TO THE POLICE)

Offences	Annual average, 1920–24	Annual average, 1925–29	Annual average, 1930–34	1935	1936	1937	1938
Murder (of persons aged one year and over)	103	108	103	101	114	88	97
Attempt to murder	103	91	79	83	96	74	79
Threats or conspiracy to murder ..	15	14	14	11	15	29	15
Manslaughter ..	113	136	162	171	197	171	172
Felonious wounding	167	152	176	222	207	256	388
Malicious wounding†	490	938	1,232	1,504	1,581	1,701	1,602

* *Criminal Statistics*, Table D. As to minor assaults, see below, Chapter 6, p. 177.

† See above, Chapter 3, p. 65.

[1] See above, pp. 64, 79.

[2] See *Journal of Criminal Law and Criminology*, vol. xxviii, January–February 1938, p. 694.

[3] An excellent article on the subject has just appeared in *The Magistrate*, May–June, 1940, p. 301.

B. VARIOUS CRIMINO-SOCIOLOGICAL ASPECTS

CHAPTER FIVE

UNEMPLOYMENT AND STRIKES

I. THOUGH the significance of economic factors in the causation of crime is fairly generally accepted,[1] there may still be some room for doubt as to the methods best suited to their scientific investigation. It may, for instance, appear questionable whether a set of figures could be obtained that might be regarded as sufficiently representative of the economic position to be usefully compared with the corresponding figures of the *Criminal Statistics*. Well-founded objections could probably be raised against the choice of any single economic factor as well as against any combination of various such factors for purposes of comparison. This is no place for a discussion of the methodological difficulties involved.[2] In view of the unparalleled prominence which unemployment has gained in this country during the interval between the Wars, the author has regarded it as justifiable to single out this factor for a more detailed comparison with the simultaneous currents of crime, particularly so as no such investigation, based upon English material, seems as yet to have been published. Generally speaking, the unemployment index should represent a more reliable factor for the measurement of the economic position in a given country and its criminological implications than indices of wages, cost of living, export trade, and

[1] The recent attack on the economic interpretation of crime made by one of the foremost American criminologists, Professor E. H. Sutherland, is well founded only as far as it concerns one special type of criminal. As far as Sutherland attempts to extend his theory to crime in general it seems hardly acceptable, though allowance must be made for specific American conditions. See his stimulating paper, "White-Collar Criminality," *American Sociological Review*, February 1940.

[2] The literature on the subject is too vast to be given in full. Three recent contributions to it may, however, be mentioned: Thorsten Sellin, *Research Memorandum on Crime in the Depression* (1937); Herbert Schwarz, "Kriminalität und Konjunktur," *International Review for Social History* (edited by the International Institute for Social History, Amsterdam), vol. iii, 1938; L. Radzinowicz, "A Note on Methods of Establishing the Connexion between Economic Conditions and Crime," *Sociological Review*, vol. xxxi, July 1939.

similar sets of figures. We have come to realize that it is more the dynamic than the static aspect of poverty that has to be considered in criminological research.[1] Sudden changes in the economic position of the masses of the population, however, are more frequently due to unemployment than to any other economic factor. A hundred or more years ago there was hardly any serious enquiry into the causes of crime in this country that would not have stressed, in general terms, the ruinous consequences of lack of work,[2] though there existed at that time no exact methods of measuring the extent of this evil. Now, in spite of the improved technique of unemployment statistics, they have lost much of their value for criminological research because of the various steps taken by the State to alleviate the worst hardships caused by lack of work.

Theoretically, the relationship between unemployment and crime can be measured in two ways: either by comparing the fluctuations of unemployment figures and of Criminal Statistics (statistical method), or by examining individual criminal cases with the view to finding out the percentage of persons who had been unemployed whilst committing crime and to study the effect which unemployment had upon them (individual case method). Both methods have to struggle against great odds.

(*a*) In the first place, unemployment statistics do not tell the whole story, particularly those of former years when the system of unemployment insurance was still incomplete. As late as 1932 it was stated in a Sheffield enquiry that "about 43 per cent of the boys and about 50 per cent of the girls engaged in or available for occupations in the city are outside the scope of the statistics."[3] Even if we could regard

[1] See, e.g., W. D. Morrison, *Journal of the Royal Statistical Society*, vol. lx (1897), p. 20; Cyril Burt, *The Young Delinquent*, p. 84; S. K. Ruck, *New Survey of London Life and Labour*, vol. ix, p. 363.

[2] See, e.g., the *Report on the Police of the Metropolis* (1828), p. 8, or the (private) *Report of the Committee for Investigating the Causes of the Alarming Increase of Juvenile Delinquency in the Metropolis* (London, 1816).

[3] *A Survey of Juvenile Employment and Welfare in Sheffield*, prepared for the Sheffield Social Survey Committee by A. D. K. Owen, M.Com. (April 1933), p. 30.

A rather striking instance of how the statistical figures of juvenile unemployment (not the latter itself) may be influenced by events, such as rumours of the opening of new avenues of employment, is given by Messrs. John Jewkes and Allan Winterbottom, *Juvenile Unemployment* (George Allen & Unwin Ltd., 1933), pp. 23–4.

the statistics of unemployment and of crime as representing the actual amount of both, it cannot be overlooked, however, that there are, besides unemployment, many other factors involved of an economic, social or psychological character, which may counterbalance the effect of unemployment as a crime-producing agency. Moreover, it is not so much occasional short-term unemployment, but rather enforced idleness of long duration that adversely affects the worker's power of resistance. The duration of unemployment, however, is a factor which is not always clearly shown in ordinary statistics. Though figures concerning the length of unemployment are regularly published, the criticism has been made that they consider even very brief intervals of employment as a complete break.[1] Finally, long-term unemployment may show its effect even many years after being brought to an end,[2] and it is capable of changing permanently the whole attitude of a family towards society. Such a change may express itself in actions at a time when its external cause has already disappeared. We should not, therefore, adopt a too rationalistic attitude in investigations of this kind by treating the fact that an improvement in employment figures may occasionally be accompanied by a rise in crime as conclusive evidence against any causal connection between unemployment and crime. Other difficulties may be caused by the not infrequent phenomenon that the extent of unemployment shows opposite tendencies in different areas and different industries. Two examples of this kind may be given. Whilst a general improvement took place between December 1935 and December 1937, the unemployment percentage in the building industry went up from 17·9 to 20·7[3]; and in spite of a considerable decline in unemployment in the Special Areas as a whole and also in South Wales, the position of Merthyr Tydfil deteriorated from 57·7 to 60·6 per cent unemployment between November 26, 1934, and September 21, 1936.[4] It may therefore sometimes be misleading to operate with figures covering all industries and the country as a whole.

[1] See, e.g., G. D. H. and M. I. Cole, *The Condition of Britain* (1937), p. 229.
[2] See the Borstal cases Nos. 35–7, 123–6, 138 in Chapter 10.
[3] Annual Reports of Ministry of Labour, App. vi.
[4] *Third Report of the Commissioner for the Special Areas* (1936), p. 22.

The further question arises whether fluctuations of crime in general or only those of certain categories of crime ought to be made the object of a comparison with unemployment statistics. Obvious as it may be that our primary concern must be the specifically economic type of offence, it cannot be denied that certain crimes against the State have no less economic relevance than larceny and fraud. Especially coining is one of those crimes to which skilled craftsmen turn in periods of unemployment; the local figures are, however, too scanty to offer sufficient material for comparisons. Even the commission of certain sexual crimes may be encouraged by idleness.[1] Bearing in mind the smallness of the remaining groups of indictable offence, we may be justified in using for our comparison chiefly the figures for indictable offences as a whole with occasional sidelights on the figures for larceny, breakings, etc. Statistics of attempted suicide, illuminating as they would otherwise be, are not sufficiently reliable, since they are completely dependent upon the changing attitude of the local Police.

(*b*) The individual case method, on the other hand, has to face the problem of how to obtain reliable evidence with regard to the employment situation of individual criminals. Prisoners are not altogether trustworthy in their statements on this point, and it is only in more important cases that Courts will take the trouble to check their allegations. One of the principal rules in the "Handbook of Crime" which circulated among Mark Benney's Borstal colleagues was: "Always try to keep an Unemployment Book stamped up to date. In case of trouble it halves your sentence."[2] Sometimes, however, it may be wiser to follow the opposite course. Professional lawbreakers who have reason to fear a sentence of Preventive Detention may be anxious to show continuously some sort of fictitious employment in order to disprove any contention that they are leading "persistently a dishonest or criminal life."[3]

It may be advisable to show the development of both sets of figures since the beginning of the present century. This, of course, has to be done with some caution. Not only that the War years have

[1] See, however, above, Chapter 4, p. 122.
[2] Mark Benney, *Low Company*, p. 239.
[3] Prevention of Crime Act, 1908, section 10 (2) (*a*).

to be excluded in any case—there are also considerable objections against any uniform treatment of pre-war and post-war unemployment figures.[1]

TABLE XIV

UNEMPLOYMENT AND CRIME BEFORE THE WAR OF 1914–18

Year	Unemployment percentages*	Persons tried for indictable offences (in thousands)	Reported to the Police (in thousands)				
			Indictable crimes	Crimes against property		Crimes against the person	Vagrancy offences (begging)
				With violence	Without violence		
1900	2·5	53·6	78	7·7	63·6	3·4	11·3
1901	3·3	55·5	81	8·7	65·0	3·6	14·4
1902	4·0	57·1	83·2	9·1	66·8	3·5	16·1
1903	4·7	58·4	86·1	9·9	68·6	3·5	19·2
1904	6·0	60·0	93	10·8	74·4	3·3	23·0
1905	5·0	61·5	94·6	11·0	75·8	3·5	26·3
1906	3·6	59·1	91·6	10·8	72·8	3·7	25·0
1907	3·7	61·4	98·8	11·7	78·7	3·9	23·0
1908	7·8	68·1	105·2	13·4	83·5	3·8	27·0
1909	8·7	67·1	105·2	13·8	83·1	3·8	32·2
1910	5·1	66·4	103·1	13·7	80·8	3·9	33·3
1911	3·0	62·3	97·1	12·3	76·0	4·1	31·5
1912	3·1	67·6	102	12·3	80·6	4·6	26·8
1913	2·1	63·3	98	12·3	76·5	4·7	20·3

* From Sir W. Beveridge, op. cit., Tables III (p. 18) and IX (p. 433).

As may be seen from this table, the parallelism between the movement of unemployment and that of persons tried for indictable offences in general is not particularly close before the War, except for the striking upward trend in 1908–9 and the more gradual, but equally distinct, decline between 1909 and 1911. Whilst the fall in unemployment begins already after 1904 and continues throughout 1906 and 1907, the decline on the criminal side concerns the year 1906 only; moreover, there is no equivalent in unemployment

[1] See Sir William Beveridge, *Unemployment* (1930), Longmans, Green & Co., pp. 348–9.

figures for the sudden rise in convictions in 1912 which may—at least partly—rather have been caused by the strike wave of that year.[1] Hardly more significant becomes the parallelism if we compare unemployment with the movement of crimes reported to the Police, whether they be indictable offences in general or special types of them.

TABLE XV

UNEMPLOYMENT AND CRIME BETWEEN THE WARS*

Year	Unemployment percentages	Persons tried for Indictable offences (in thousands)	Reported to the Police (in thousands)				
			Indictable crimes	Crimes against property		Offences against the person	Vagrancy offences (begging)
				With violence	Without violence		
1919	2·5	53·5	87·8	3·9	45·5	3·1	2·2
1920	2·5	60·6	100·8	4·7	51·6	3·4	3·6
1921	16·6	61·3	103·2	4·2	53·0	3·0	4·3
1922	14·2	58·1	107·3	4·3	50·0	2·9	5·1
1923	11·6	56·7	110·2	4·2	48·6	2·9	5·4
1924	10·3	57·3	102·5	4·4	49·2	2·8	5·2
1925	11·0	57·5	113·9	4·4	49·0	3·0	4·9
1926	12·3	77·6	133·4	4·5	68·1	3·4	4·8
1927	9·6	63·4	125·7	4·3	53·6	3·6	4·8
1928	10·7	61·5	130·4	4·6	51·5	3·7	5·1
1929	10·3	59·9	134·5	4·3	50·1	3·6	4·2
1930	15·8	64·0	147·0	5·2	53·0	3·8	4·6
1931	21·1	66·9	159·2	5·8	55·7	3·5	4·0
1932	21·9	72·5	208·1	7·3	59·4	3·5	4·0
1933	19·8	70·4	227·2	6·8	57·9	3·5	4·6
1934	16·6	73·7	233·3	7·7	59·9	3·9	4·8
1935	15·3	77·6	234·3	9·0	62·3	4·0	4·3
1936	12·9	80·4	248·8	9·5	64·4	4·2	4·0
1937	10·6	85·0	266·2	10·6	67·4	4·5	3·5
1938	12·6	85·4	283·2	11·5	66·5	4·8	3·4

* Compiled from the *Ministry of Labour Gazette* and the *Criminal Statistics*.

When considering the early post-War figures we are somewhat struck by the fact that, in spite of the stability of the unemployment

[1] See below, p. 156–57.

percentages, there was a sharp rise in crime from 1919 to 1920—much more than from 1920 to 1921 in spite of the amazing jump in unemployment in the latter year. The explanation may be, first, that the unemployment wave of 1921 did in fact already begin in the last quarter of 1920[1] and that real wages were never after the War so low as in the first half of that year[2]; moreover, that the year 1919 is still too atypical to be treated as an appropriate starting-point for comparisons. Remarkable is the fact, nevertheless, that in 1921 there was a decline in crimes against property with violence, a category which is generally supposed to be the most sensitive towards economic influences.[3] Begging offences, on the other hand, show the expected upward trend. Another noticeable feature is that between 1923 and 1929 "Crimes Known to the Police" jumped from 110,000 to 134,000 in spite of the comparative stability of the unemployment figures. This fact has justly been stressed by Professor A. M. Carr-Saunders who regarded it as proving that some cause other than unemployment must account for the rise in crime.[4] By analysing the age distribution of offenders he found that the highest increase had occurred in the age group under 14 which cannot be directly affected by unemployment. Children may, of course, have to suffer when their parents are out of work. Even this explanation, however, does not hold good for the period in question where there was no rise in unemployment. Considering that—except for the year of the General Strike—the increase refers mainly to the Police Returns (the Court Statistics show hardly any changes), we may therefore be tempted to think that it was partly due to changes in methods of reporting, recording and prosecuting, whilst the economic and social aftermath of the Strike requires a special examination.[5]

Similar divergencies between unemployment percentages and the movement of crime are to be found in the period after 1932 when a continuous fall in unemployment has entirely failed to bring about a decrease in crime. For this period it is equally true as it was for

[1] See below, p. 131, fn. 1.
[2] Sir W. Beveridge, Table XLIX, p. 460.
[3] Dorothy S. Thomas, *Social Aspects of the Business Cycle*, p. 139.
[4] *Political Quarterly*, vol. v (1934), p. 395 et seq. [5] See below, p. 158.

the years dealt with by Professor Carr-Saunders that the increase in crime concerned exclusively the age groups under 21. For those over 21 the movement of crime corresponds fairly accurately to the fluctuations of unemployment.

TABLE XVI *

Year	Unemployment percentages	Number of male offenders found guilty of indictable offences per 100,000 of population in each age group					
		10 years but under 14 years	14 years but under 16 years	16 years but under 21 years	21 years but under 30 years	30 years and over	All ages (10 years and over)
1929	10·3	516	628	536	402	166	299
1930	15·8	518	708	622	409	169	314
1931	21·1	540	740	647	431	175	326
1932	21·9	592	767	748	485	180	354
1933	19·8	615	807	678	454	171	337
1934	16·6	788	855	686	444	171	351
1935	15·3	983	1,006	720	439	163	370
1936	12·9	1,051	1,053	767	446	168	383
1937	10·6	1,222	1,125	800	463	172	404
1938	12·6	1,183	1,143	841	487	173	407

* *Criminal Statistics, 1938*, p. xxix; *Ministry of Labour Gazette.*

The elimination of the age groups under 21 thus has the effect of demonstrating the close conformity between the two sets of figures for the remainder of the population. The big jump in offences known to the Police which occurred in 1932 is, as we know, again partly due to changed methods in Police registration.[1]

II. Recent investigators who have made comparisons between the fluctuations of unemployment and the numbers of *prison inmates* have stressed the close similarity shown by these movements.[2] Prison Statistics, dependent as they are upon the policy of the Courts, are

[1] Above, p. 72.

[2] Mr. John A. F. Watson, *Meet the Prisoner* (1939), p. 68 et seq. (for the years 1922–37). Mr. L. W. Fox, *The Modern English Prison*, p. 225, bases his comparison not on the total numbers of receptions into prison, but on receptions under maintenance and affiliation orders and of County Court debtors.

no safe guide for investigations of this kind. Of the greatest importance, however, are the results of the systematic observations of prison inmates by Prison Commissioners, Prison Governors, Chaplains, and other officials, as published in their Annual Reports. Hardly anywhere has the overwhelming force of unemployment as a crime-producing agency been more clearly recognized than in these documents.

The Report for the year ending March 31, 1921—a year which only in its second half had seen a sharp rise in unemployment[1]—comments on the fact that receptions on conviction had risen only by 8,477, from 35,439 to 43,916 (i.e. from 98·4 to 116·7 per 100,000 of population) in spite of the much greater deterioration in industrial life. The explanation offered is, besides improved education and changed Court methods, the beneficial effect of Unemployment Pay which prevented acute distress.[2] The Report for the following year (April 1921–April 1922), which included the worst industrial depression before 1929, again makes it clear that the increase in receptions, though substantial (from 43,916 to 47,126= from 116·7 to 124·4 per 100,000), would have been far greater but for the effect of Unemployment Benefit.[3] Nevertheless, it is added, "it is probably right to say that unemployment is one of the chief contributory factors to the prison population of to-day, and, further, that its effect is cumulative, that is to say, a man becomes gradually demoralized by prolonged idleness and is more likely to drift into prison, either through debt or through committing some offence, after two years' unemployment, than he is after one." The seriousness of the position can perhaps best be gathered from the numbers of persons received in prison as debtors:

1918–19	1,830	1920–21	5,204	1922–23	12,995
1919–20	2,819	1921–22	9,267		

With regard to Unemployment Benefit, it may be remembered that

[1] See the quarterly figures given by Sir W. Beveridge, op. cit., p. 460.

[2] Report 1921, p. 5 et seq. See also *Criminal Statistics, 1921*, p. 5.

[3] Report 1922, p. 6. See also Hugh Massingham's account of life in the East End of London (*I Took off my Tie*, p. 160): "The really tragic and pitiful cases were those who for one reason or another had never been able to draw the dole, and who were scraping together an existence by stealing and begging, and doing any odd jobs that came in their way."

the rate of payment for adult men, which had been raised from 15s. to 20s. in March 1921, was reduced to 15s. in July 1921 and only in August 1924 raised again to 18s.[1]

In the following years it is chiefly the young prisoner who claims the attention of the prison authorities, because ". . . of all aspects of the unemployment problem, this is the saddest and the one fraught with the gravest danger to the nation."[2] The consequences of the "blind alley" system make themselves felt within the prison gates.

The Governor of Preston Prison, in the centre of the Lancashire industrial district, writes:[3]

> "The question of unemployment seriously affects the lads in this area. The majority of the lads leave school at the age of 14 years and are straightway employed as errand or messenger boys in the towns, minor jobs in the mines, or scalers and rivet boys in the shipyards in Barrow. The wage is small but satisfies the schoolboy. However, when they reach the age of 16 they want more money, plenty of young boys from school are found to take their places and consequently the idle period arrives and the career of crime commences."

This Report may be read in conjunction with the following account of employment conditions in Barrow-in-Furness:[4]

> "That town has experienced the most extraordinary vicissitudes since 1914. . . . The town is geographically isolated, after enormous expansion during the Great War it suffered severely in 1921 and 1922, when about one-half the population was out of work."

The Governor of Wandsworth Prison reports that of young prisoners over 18 years of age, 55 per cent, and of prisoners under 18 years 70 per cent, were out of work at the time of the offence.[5] Most outspoken in his comment is the Governor of Durham Prison.[6]

> "Three years ago I drew attention to the young prisoner who

[1] Sir W. Beveridge, op. cit., p. 275.
[2] Report 1924, p. 6.
[3] Report 1924, p. 58.
[4] John and Sylvia Jewkes, *The Juvenile Labour Market* (1938), p. 101.
[5] Report 1924, p. 63. See also Report 1923, p. 55 (Cardiff) and p. 63 (Maidstone).
[6] Report 1924, p. 46.

had earned wages during the days of war out of all proportion to his market value, and who, when the slump in trade came, resented the changed economic conditions and took to crime. This type is now evanescent as a young prisoner and has become merged in the ranks of the adult prison population. The young prisoner who is succeeding him is a bird of quite a different feather. He has never done any work at all—he does not know what work is, and sees no connection between it and daily bread. Two or three years ago he left school and has loafed about the streets ever since. His father, mother, brothers, sisters and he are all living on the 'dole.' All his companions are in like condition with himself and through sheer idleness and ennui he lapses into serious crime. The boy problem of to-day seems to me more difficult of solution than it ever was. The country is raising a population of unemployables, loafers and thieves, and lads cannot be blamed—they are the victims of the trade conditions that have prevailed for the last three years. To suggest an antidote is not easy. Compulsory attendance at school to (say) 16 years of age unless work was assured meantime would keep many a lad and girl out of mischief and prison."

In subsequent years, with improving trade conditions, this note is no longer struck so forcibly, until in 1931, after the beginning of the new unemployment wave, the outlook again becomes one of despair.

> "For almost 50 per cent of these young men the future is difficult, or even hopeless. They have no homes to which they can return, no decent friends and no stability of character essential to face life in these circumstances . . . less than 50 per cent have jobs to go to or even unemployment benefit to draw and it is difficult for them not to return to prison."[1]

The prison authorities are by no means the only ones who have expressed, in one form or other, their conviction that a very considerable part of the total crime rate in this country has been due to unemployment. In 1932, Sir Herbert Samuel (as he then was) drew the attention of the House of Commons to the fact that the graph of

[1] *Prison Commissioners' Report, 1931*, p. 54 (Nottingham Prison).

crime was, year after year, moving up and down in a course almost exactly parallel to the unemployment graph.[1]

The Cardiff Probation Committee, in its Annual Reports for 1933 and following years, states that most persons of employable age, placed under Probation in that area, were at the time of the offence either wholly or partly unemployed.

Even for a type of crime which can count on very little sympathy from any side—living on the earnings of prostitution—it was claimed in the *Report on Corporal Punishment*[2] that the sharp rise between 1930 and 1935 (from an annual average of 102 between 1925 and 1929 to the peak figure of 265 in 1933) was partly due to unemployment.

III. In view of the very considerable differences in the amount of unemployment existing between the various parts of the country, it appears necessary to examine how far such *local differences* may have affected the local crime rate.

Of considerable interest is in this respect the contrast between the Depressed Areas and the rest of the country. Some years before the industrial depression had reached its peak, a comparison between the depressed North (meaning the area north of the Trent) and the South of England was made in the *Criminal Statistics*,[3] and it was found that "Crimes Known to the Police" numbered (per million of population) (see Table XVI*a*).

Further analysis showed, however, that this especially heavy increase of crime in the North was largely limited to boys under 16 who were responsible for 25·9 per cent of the total volume of indictable offences in the North, while in the rest of the country the corresponding figure was only 18·1 per cent. This may serve as a further confirmation of Professor Carr-Saunders' result that it was mainly the youngest age groups that were affected by the depression.

For the following comparisons towns have been chosen of approximately the same size, whilst their unemployment percentages are in some cases similar, in others very different, and it

[1] See *Howard Journal* (1932), p. 3.

[2] Report 1938, pp. 76, 87.

[3] Introductions to *Criminal Statistics* for 1929 and 1930. See also Miss W. A. Elkin, *Howard Journal*, 1931, p. 48 et seq.

will be examined whether such similarity or contrast reflects itself in the respective crime rates.

TABLE XVIA

	1921	1929	Percentage more or less than in 1921
Crimes generally:			
North	3,019	4,033	34 +
Rest of England	2,329	2,898	24 +
Sexual Crimes:*			
North	79	97	23 +
Rest of England	73	82	12 +
Crimes against Property with violence (breakings, etc.)†:			
North	503	616	22 +
Rest of England	382	568	49 +
Larcenies:			
North	2,042	2,615	28 +
Rest of England	1,495	1,715	15 +
Receiving, False Pretences, etc.:			
North	281	525	87 +
Rest of England	266	358	35 +

* See above, Chapter 3, p. 79.

† See above, Chapter 4, p. 116 (special increase of breakings around London).

(*a*) Table XVII shows, in the first place, that Gateshead, in spite of a somewhat larger population and slightly higher unemployment percentages, has persistently fewer indictable offences than South Shields. The explanation may be that South Shields is said to be much better supplied with shops than Gateshead, from where people have probably to do much of their shopping in Newcastle.[1] The figures for larcenies from shops, vehicles, meters are correspondingly different:

	1934	*1935*	*1936*
Gateshead ..	39	68	79
South Shields ..	144	183	251

[1] See John S. Morgan, *Tyneside and South Wales. A Comparison. Nineteenth Century and After*, August 1936, p. 159.

TABLE XVII*

Gateshead (124,545), South Shields (113,185), Norwich (126,233)

	Unemployment percentages for January		Crime			
	Total	Juveniles	1	2	3	4
			1934			
Gateshead ..	46·4	54·3	293	213	2,325	93
South Shields ..	43·9	60·7	481	85	1,373	116
Norwich ..	13·9	5·6	471	70	650	22
			1935			
Gateshead ..	49·4	59·6	284	149	2,144	141
South Shields ..	48·0	76·4	479	64	1,453	154
Norwich ..	13·3	6·9	584	52	612	26
			1936			
Gateshead ..	47·8	56·7	296	187	2,128	159
South Shields ..	43·2	69·4	700	65	1,520	181
Norwich ..	13·7	5·8	537	55	879	26

Crime 1 = Indictable offences known to Police (Classes I*a* and II*a*).
Crime 2 = Persons prosecuted for non-indictable offences akin to indictable offences.
Crime 3 = Persons prosecuted for other non-indictable offences.
Crime 4 = Persons under 17 found guilty in Courts of Summary Jurisdiction.

* The population figures are taken from the *Criminal Statistics*, the unemployed figures from the Local Unemployment Index, published by the Ministry of Labour. It must be noted that, in the case of juveniles, "the percentages are computed by relating the numbers unemployed, aged 14 to 17, to the numbers insured, aged 16 and 17." This explains that the percentages are sometimes over 100.

On the other hand, Gateshead shows considerably higher figures for offences of Class 2, which include assaults and malicious damage, and for non-indictable offences (mainly highway and liquor offences). Secondly, it is startling to find that Norwich, a town with very little unemployment, has almost twice as many indictable offences as Gateshead, the population being almost equal. Only as far as juvenile delinquency is concerned are the figures for all three towns in conformity with the respective unemployment percentages. The low figures of juvenile delinquency in Norwich may also be due to the efficient club work carried out amongst the boys by the local Police in that town.

(*b*) *Leeds* (482,809) and *Sheffield* (518,257), the two principal industrial cities in the West Riding of Yorkshire, have approximately the same population, whilst the unemployment percentages of Sheffield—particularly for juveniles—are markedly higher.

TABLE XVIII

	Unemployment percentages for January		Crime			
	Total	Juveniles	1	2	3	4
1934						
Leeds	15·5	2·8	4,363	537	8,962	302
Sheffield	26·5	13·1	3,264	460	4,678	147
1935						
Leeds	15·1	2·8	4,450	489	11,818	368
Sheffield	22·7	11·3	3,189	435	5,245	218
1936						
Leeds	14·4	2·7	4,773	518	12,552	339
Sheffield	20·5	8·8	3,324	376	7,655	261

Crime 1 = Indictable offences known to Police (Classes I*a* and II*a*).
Crime 2 = Persons prosecuted for non-indictable offences akin to indictable offences.
Crime 3 = Persons prosecuted for other non-indictable offences.
Crime 4 = Persons under 17 found guilty in Courts of Summary Jurisdiction.

Here, again, crime and unemployment do not at present go hand in hand.[1] Offences of an economic character as well as others are much less frequent in Sheffield in spite of its higher unemployment figures. This was not always so. Between 1920 and 1924, the relationship was of a different kind, Sheffield having more crime as well as more unemployment, until in 1925 the crime position changed. The unemployment figures do not supply an explanation for these fluctuations.

The sudden jump in crime which occurred in Leeds in the year

[1] The averages of persons found guilty of indictable offences per 1,000 of population (1934–36) are: Leeds: Juveniles 0·69, Adults 1·30. Sheffield: Juveniles 0·40, Adults 0·84. (Dr. E. C. Rhodes, *Journal Royal Statistical Society*, vol. cii, part iii, 1939, p. 391.)

of the General Strike finds its counterpart in Sheffield only two years later, although the General Strike seems to have affected Sheffield still more than its sister city, June 1926 showing 43,835 unemployed in Sheffield against a peak figure of 25,186 in Leeds (September 1926).

It seems but little short of a miracle that there should hardly have been any increase in indictable offences in Sheffield in years like 1926 and 1931 when unemployment nearly doubled—just as there is nothing in the unemployment conditions to explain the sudden "crime wave" in 1928.[1] And Leeds witnessed even a decline in crime in the first year of the great depression.

TABLE XIX

Year	Total numbers of unemployed (January figures)		Indictable offences known to the Police	
	Leeds	Sheffield	Leeds	Sheffield
1923	19,052	32,907	1,562	3,348
1924	18,718	26,412	1,823	2,773
1925	19,268	27,202	2,384	2,178
1926	15,574*	23,976†	3,474	2,220
1927	19,872	27,555	3,770	2,484
1928	17,636	26,750	3,643	3,414
1929	21,575	29,003	3,877	3,607
	Unemployment percentages (January figures)			
1930	13·2	18·6 (= 30,436)	4,355	3,452
1931	22·3	33·2	4,017	3,418
1932	19·6	33·6	4,360	3,516
1933	21·7	34·8	4,522	3,181

* Rising to 25,186 in September 1926. † Rising to 43,835 in June 1926.

It may be worthy of note that the rate of drunkenness offences in Leeds is usually two to four times as high as that in Sheffield.

[1] "The production of steel in Sheffield in 1927 was greater than in any other year in its history (if the war years are excepted), and though there was a slight falling off in 1928, this record was almost reached in 1929." (Mr. A. D. K. Owen, *A Report on Unemployment in Sheffield*, July 1932, p. 31.)

TABLE XX

	Unemployment percentages for January		Crime			
	Total	Juveniles	1	2	3	4
			1933			
Liverpool ..	30·8	23	13,370	1,499	22,301	896
Manchester ..	18·1	11·8	3,153	929	24,204	378
Birmingham ..	15·1	5·9	3,552	915	18,043	442
			1934			
Liverpool ..	29·1	24·5	14,554	1,470	24,168	1,360
Manchester ..	15·7	10·5	3,591	794	22,946	517
Birmingham ..	9·1	1·6	3,840	946	22,298	670
			1935			
Liverpool ..	29·9	33·4	14,512	1,429	29,011	1,631
Manchester ..	15·2	10·3	4,003	959	24,124	740
Birmingham ..	7·7	1·6	4,154	826	25,774	735
			1936			
Liverpool ..	28·7	30·5	15,700	1,322	27,635	1,814
Manchester ..	13·9	7·0	4,582	806	22,051	741
Birmingham ..	7·0	1·2	5,096	802	20,354	812

Crime 1 = Indictable offences known to Police (Classes I*a* and II*a*).
Crime 2 = Persons prosecuted for non-indictable offences akin to indictable offences.
Crime 3 = Persons prosecuted for other non-indictable offences.
Crime 4 = Persons under 17 found guilty in Courts of Summary Jurisdiction.

Population[1] (Census of 1931): Liverpool .. 856,072
Manchester .. 766,311
Birmingham .. 1,002,603

(*c*) For reasons which are not far to seek, a comparison between Liverpool and the two other English cities of similar size seems very tempting (Table XX).

A similar relationship between unemployment and crime

[1] It may be worth noticing that the number of insured persons was greater in Manchester than in Liverpool: (January 1934) Liverpool 333,320, Manchester 361,560, Birmingham 390,210.

figures has persisted in these three cities over a long period of years.[1]

It would be unwise to exaggerate the significance of these figures by maintaining that the local differences are wholly due to the unemployment factor. By doing so we would expose ourselves to the criticism of having overlooked some other factors which may be equally responsible for the particularly high crime rate of Liverpool and of which probably the most important is the unduly large proportion of *casual dock labour* in that city,[2]—a factor which, of course, is itself closely connected with unemployment. There is, moreover, the mixed racial and religious character of the population that has frequently been mentioned as a probable explanation. Finally, it is not unlikely that divergencies in Police methods may account for certain peculiarities of the Liverpool crime statistics.[3] With the material at our disposal it is impossible to allot to each of these factors its respective numerical significance. Nevertheless, when all is said, there are good reasons for believing that unemployment is one of the strongest among them.[4]

(*d*) John and Sylvia Jewkes, in their survey of unemployment with special reference to juvenile unemployment in five representative industrial towns in Lancashire,[5] point out that the unemployment rates in St. Helens and Burnley were exceptionally high between 1934 and 1936, while conditions in Warrington were much

[1] It must be noted, however, that the position becomes less unfavourable for Liverpool when the numbers of persons found guilty, not of crimes known to the police, are compared.

[2] The literature dealing with this problem is very extensive; see, e.g., Dr. H. Mess, *Casual Labour at the Docks* (1916); Sir W. Beveridge, *Unemployment* (1930), Chapter V; E. C. P. Lascelles and S. S. Bullock, *Dock Labour and Decasualisation* (1924); F. G. Hanham, *Report of Enquiry into Casual Labour in the Merseyside Area* (1930); *Report of the Royal Commission on the Poor Laws and Relief of Distress* (1909), vol. i, p. 450 et seq., vol. ii, p. 232 et seq.; Ministry of Labour (Employment Department), *Report on an Enquiry into the Conditions of Boy Labour on the Docks of Liverpool*, August 1920.

Conditions have been greatly improved in recent years; see Ministry of Labour, *Port Labour Enquiry Report*, 1931.

[3] See above, pp. 38, 74.

[4] See *Report of Unemployment Assistance Board, 1938*, p. 126: "The position in Liverpool is especially disquieting."

[5] *The Juvenile Labour Market* (1938). The towns are Ashton-under-Lyne, Atherton, Burnley, St. Helens, Warrington.

more favourable. They give the average percentages of juvenile unemployment as follows:[1]

	St. Helens	Burnley	Warrington
April 1934–35 ..	39·6	24·0	9·2
April 1935–36 ..	20·0	7·7	2·7

It is interesting to compare with these percentages the figures of *Criminal Statistics*:

TABLE XXI

	1	2	3	4
		1934		
St. Helens	475	151	1,159	95
Burnley	562	43	421	58
Warrington	236	61	580	25
		1935		
St. Helens	491	106	1,399	120
Burnley	548	77	1,276	81
Warrington	184	65	744	55
		1936		
St. Helens	603	87	1,682	88
Burnley	717	45	1,521	70
Warrington	260	20	939	36

Crime 1 = Indictable offences known to Police (Classes I*a* and II*a*).
Crime 2 = Persons prosecuted for non-indictable offences akin to indictable offences.
Crime 3 = Persons prosecuted for other non-indictable offences.
Crime 4 = Persons under 17 found guilty in Courts of Summary Jurisdiction.

Population: St. Helens .. 107,452
Burnley .. 98,258
Warrington .. 81,561

There are some striking features to be found in these figures: the sudden jump in offences of Class 3 in Burnley from 1934 to 1935, for which traffic and liquor laws offences as well as Police regulation offences are equally responsible, and the increase in Class 1 from 1935 to 1936 in spite of the fall in unemployment; the fact that economic crimes in Burnley are throughout more numerous than in

[1] Pp. 158–9.

St. Helens, in spite of the low unemployment rate in the former town and its smaller population. On the other hand, the crime figures for St. Helens and Warrington show a complete parallelism to the unemployment percentages of both towns, whilst for juvenile delinquency such parallelism even exists between all three places.

(*e*) Equally interesting is a comparison between *Cambridge* (70,169), *Chesterfield* (64,160) in Derbyshire and *Merthyr Tydfil* (71,108) in Glamorganshire:

TABLE XXII

	Unemployment percentages for January		Crime			
	Total	Juveniles	1	2	3	4
			1934			
Cambridge ..	9·7	—	291	48	1,369	18
Chesterfield ..	21·4	26·4	337	64	526	38
Merthyr Tydfil ..	59·2	54·6	247	132	325	62
			1935			
Cambridge ..	9·7	—	269	44	1,481	8
Chesterfield ..	19·8	16·1	296	58	753	25
Merthyr Tydfil ..	55·9	74·9	266	182	256	48
			1936			
Cambridge ..	9·8	—	296	76	1,440	32
Chesterfield ..	19·6	17·0	392	40	870	44
Merthyr Tydfil ..	52·5	61·1	229	135	324	45

Crime 1 = Indictable offences known to Police (Classes I*a* and II*a*).
Crime 2 = Persons prosecuted for non-indictable offences akin to indictable offences.
Crime 3 = Persons prosecuted for other non-indictable offences.
Crime 4 = Persons under 17 found guilty in Courts of Summary Jurisdiction.

It is once more only the figures for juvenile delinquency which are fairly consistent with the unemployment percentages. For adults, economic crime is lowest in the Welsh town in spite of its alarming number of workless people. The particularly high figures which Merthyr Tydfil shows in Class 2 are mainly due to the frequency of assaults, whilst Cambridge excels in highway offences. Entirely different, it is true, becomes the picture when we compare not "Crimes Known to the Police," but "Persons Found Guilty of In-

dictable Offences in Courts of Summary Jurisdiction." Dr. E. C. Rhodes gives the following figures:[1]

ANNUAL AVERAGES FOR 1934–36 PER 1,000 OF THE POPULATION

	Juveniles	Adults
Cambridge ..	0·38	0·73
Chesterfield ..	0·55	0·83
Merthyr Tydfil ..	0·77	2·50

Now the conformity between unemployment and crime figures is complete, but the question remains unanswered why so many more crimes go unpunished in Cambridge than in Merthyr Tydfil. This is a striking example of the fundamental importance which the interpretation of Criminal Statistics, as shown in Chapter 3 above, may have for criminological research. In order to arrive at fairly reliable conclusions in this particular case it would be indispensable to make a special study not only of the crime situation itself but also of the attitude of the local Police and the Courts in both towns. As far as Court Statistics are concerned, Merthyr Tydfil has always shown a much higher number of persons found guilty than Cambridge, whilst according to the *Police Returns* there is hardly more crime in the Welsh town, with the exception of assaults. The figures for the years immediately preceding and following the period 1934 to 1936 confirm the tendency shown above:

TABLE XXIII

PERSONS FOUND GUILTY OF INDICTABLE OFFENCES IN COURTS OF SUMMARY JURISDICTION

	1932		1933		1937		1938	
	Adults	Juveniles	Adults	Juveniles	Adults	Juveniles	Adults	Juveniles
Cambridge ..	47	17	55	14	49	32	60	45
Merthyr Tydfil ..	253	41	173	51	119	56	137	42
INDICTABLE OFFENCES KNOWN TO POLICE								
Cambridge ..	234		225		362		348	
Merthyr Tydfil ..	268		198		203		158	

[1] *Journal of the Royal Statistical Society*, vol. cii, part iii, 1939, p. 390.

Under the system adopted in the present *Criminal Statistics* it is impossible to say what may be behind these figures. The explanation may be that there is more gang activity in Mertyr Tydfil, which would account for the fact that many more persons could be found guilty of a volume of crime not greater, or even smaller, than that known to the Cambridge Police. Another possibility is that there is a fairly equal amount of crime in both places, but that the Cambridge Courts are more lenient in their dealings with accused persons. Just as well is it possible, however, that the Police and the public at large in Cambridge are more ready to prosecute in cases which would pass unnoticed in Merthyr Tydfil. This might perhaps be ascribed to a higher degree of heterogeneity in the social composition of the Cambridge population.[1] All this must, however, remain guesswork as long as the facts upon which interpretations of this kind could be based have not been properly established. The only thing that is fairly clear at present is that the unemployment factor by itself cannot offer an adequate explanation of the crime ratio in these towns.

Industrial transference from the Distressed Areas may have contributed towards keeping their crime rate low.[2] According to the figures given by the Commissioner for the Special Areas,[3] outward migration numbered between 1921 and 1935 from:

Cumberland	29,723
Durham	218,130
Northumberland	46,901
Glamorgan	203,973
Monmouthshire	88,380
Brecknock	9,666
Pembroke	11,112
	607,885

In some districts, in spite of these considerable losses, the total population remained fairly constant owing to the high birth-rate. The Census figures for Glamorganshire, for instance, are:

1901	859,931	1921	1,252,481
1911	1,120,910	1931	1,225,717

[1] See the reference to Ranulf above, p. 55, and *The Dilemma of Penal Reform*, p. 214 et seq. [2] See also *Criminal Statistics, 1930*, p. viii.

[3] *Third Report of the Commissioner for the Special Areas* (England and Wales), 1936, Appendix II. See also *Second Industrial Survey of South Wales*, vol. i (1937), pp. 16–19.

These figures may, however, be misleading when used for the purpose of Criminal Statistics. It is not so much the changes of the population totals, but rather that of certain age groups that is most likely to affect the crime rate. Industrial transference, which leaves the youngest and the eldest age groups almost completely untouched and thereby greatly changes the age composition of the population, may have profound effects on the extent of crime. "South Wales," it was said at a conference at Cardiff in February 1938, "was becoming a land of little children and old people."[1]

In 1931, important reductions were made in unemployment benefit involving, among other measures, a cut of 10 per cent and the introduction of the Means Test. It was estimated that, as one of the consequences of the "Anomalies Act" of 1931, 180,000 married women lost their unemployment benefit.[2] In the city of Sheffield alone these women numbered 2,910.[3] It might be appropriate to examine whether this deterioration in the economic position of the unemployed had any tangible criminological consequences.[4] Such an examination, which would have to deal in the first place with economic crimes such as larcenies and breakings in, has unfortunately become impossible for the Metropolitan Police District on account of the simultaneous abolition of the "Suspected Stolen Book," which changed the whole picture as far as greater London is concerned.[5] We must therefore restrict our investigation to the rest of England and Wales, and even here the rise was fairly substantial in spite of the fact that the further increase in unemployment was inconsiderable.

TABLE XXIV*

CRIMES KNOWN TO THE POLICE
(ENGLAND AND WALES WITHOUT METROPOLITAN POLICE DISTRICT)

	1931	*1932*	*1933*
Burglary and housebreaking	23,183	25,873	23,223
Larceny	87,493	95,851	95,141

* *Criminal Statistics, 1932*, p. ix.

[1] *The Times*, February 14, 1938.
[2] G. D. M. and M. I. Cole, *The Condition of Britain* (1937), pp. 205–6.
[3] *A Report on Unemployment in Sheffield* (July 1932), p. 32.
[4] See also Mr. H. T. F. Rhodes, *The Criminal in Society* (1939), p. 56.
[5] See above, Chapter 3, p. 72.

The number of persons dealt with for vagrancy offences declined in 1931–32, which is surprising enough in view of the following statement:[1]

> "The statistics for vagrancy show marked increase since the changes of October and November 1931. In Gloucester and Somerset the increase was from 4,615 in the quarter ending September 1931, to 11,404 in the quarter ending December 1931. . . . In Yorkshire the number in April 1932 was 10,463 more than in the corresponding month of the previous year. . . . The increase in vagrancy is no cause for surprise. An unemployed man without benefit or transitional payment or who has exhausted his credit may have no choice but to take to the road. . . . The encouragement of this anti-social mode of life is a danger to the community and must tend towards an increase in crime."

On the whole, it must be admitted that the rise in crime figures from 1931 to 1932 seems negligible when compared with the simultaneous deterioration of the economic position of the unemployed.

A valuable account of the impact of the unemployment factor in a middle-sized industrial town (Oldham, population in 1931, 140,314) is given in an unpublished "Report on an Enquiry into the Relationship of Juvenile Delinquency and Environment in an Industrial Town."[2] Oldham, it is pointed out, is wholly dependent upon the textile industry, which employed at the time about 60,000 operatives; in addition, 15,000 people were engaged in textile engineering.

> "In the days when the textile trade was prosperous, juveniles entered the cotton mills along with their parents and served until manhood or womanhood in the factory of the same firm. . . . The system then in vogue by which the juvenile served a kind of apprenticeship under his parent, added to the stability of the influence of employment."

[1] *Royal Commission on Unemployment, Final Report 1932*, Minority Report, p. 380.

[2] This remarkable Report, the work of Mr. Albert Royds, M.Ed., B.Sc., then Assistant Director of Education, County Borough of Oldham, was carried out under the auspices of the Oldham Council for Mental Health and completed in July 1936. I am grateful to Mr. Royds for permission to quote from this Report.

During the post-War slump, the majority of these workers were thrown out of the jobs in which many of them had been employed since childhood, and they had consequently to migrate from firm to firm, to accept short-time work or to become entirely unemployed. It is therefore not surprising that among the juvenile delinquents whose cases were examined in the course of the enquiry, unemployment and uncongenial placing ranked much higher than among Professor Cyril Burt's corresponding group of juvenile delinquents in London where there were better chances of finding alternative jobs (percentage frequency of unemployment among the juvenile delinquents in Oldham 20·2, in London 5·1).[1]

IV. The only conclusion which can safely be drawn from our statistical material is that unemployment as a causative factor of crime seems to play a widely varying role in different districts. Whilst in some cases there is to be found an almost complete harmony between the fluctuations of unemployment and crime, in some others not even the slightest analogy exists. In order to explain this apparent inconsistency we must have recourse—apart from the obvious weaknesses inherent in statistics of this kind—to certain deliberations of a psychological nature. Attempts have not been lacking to supply such psychological explanations, of one kind or other, for phenomena which would otherwise be wellnigh inexplicable.

On the one hand, it is generally taken for granted that unemployment, particularly when it lasts long, cannot fail to affect the moral powers of resistance against evil influences. There is "a rough progression from optimism to pessimism, from pessimism to fatalism,"[2] accompanied by that dreadful feeling of insecurity, of complete economic helplessness and failure.[3] It is no less a man than Lord Snell who writes in his *Autobiography*:[4]

[1] See Cyril Burt, *The Young Delinquent*, p. 130.

[2] H. L. Beales and R. S. Lambert in their Introduction to *Memoirs of the Unemployed* (1934), p. 26. Another description of "The Psychological Consequences of Unemployment" is given by Bohan Zawadzki and Paul Lazarsfeld with autobiographical material collected by the Institute for Social Economy in Warsaw (*Journal of Social Psychology*, vol. vi, 1935, p. 224 et seq.).

[3] A good account of these psychological effects of unemployment is given in the Report on Unemployment in Sheffield, p. 64 et seq.

[4] Lord Snell, *Men, Movements and Myself* (1936), J. M. Dent & Sons Ltd., p. 38.

> "Unemployment, which involves physical degeneration and the sense that a man is superfluous, is dismissed, unused and unwanted, is not ennobling, it is entirely debasing. It is more likely to turn a man into a loafer, a criminal or a revolutionist, than into a balanced and creative citizen. . . . The effect upon my life of continued unemployment might well have been disastrous. . . . I had not asked to be born, and if the world was free to let me starve, was I not equally free to adopt any effective means to prevent it from succeeding?"

Unemployment of long duration may not only increase the amount of offences of the usual type, but may also create some new forms of delinquency. The man in employment with a grievance may rob his employer or fellow-worker, whilst the unemployed may turn to offences against impersonal bodies, as railway companies, or try to cheat the authorities. Offences of the latter kind, which usually assume the form of unemployment insurance frauds, may frequently take the place of other economic crime. The numbers of frauds of this kind are not shown in the *Criminal Statistics*, where various categories of offences against the labour laws are jointly dealt with. More information can be gathered from the Reports of the Ministry of Labour and the Unemployment Assistance Board.[1] Statistics of prosecutions and convictions cannot, however, give a complete picture, as this kind of offence is very difficult to discover. Some interesting details are given in the Report of the Pilgrim Trust:[2]

> "Deptford offers special opportunities for fraud in connexion with Unemployment Insurance or Assistance, as it is one of the parts of London where hawking thrives most. The young men hire barrows and take them up to the West End of London for the evening, stocked with fruit. Or they become attached to street traders in Deptford, where street trading is a prosperous industry. . . . This form of fraud is difficult to check. . . ."

Observations of this kind may show that the frequent failure of

[1] According to the Report of the Board for the year 1935, Appendix X, 308 prosecutions of this kind took place during the year, whilst in minor cases only formal warnings were issued. See also *The Times*, December 29, 1937.

[2] *Men without Work* (1938), pp. 61 et seq., 198.

the crime figures to follow the upward movement of unemployment is, to a certain extent, simply due to a change in the character of economic delinquency from the traditional forms of stealing, house-breaking, etc., to more modern and perhaps less dangerous exploits which are less conspicuous in the columns of the *Criminal Statistics*. This explanation does, however, probably not go very far, with the possible exception of some large cities.[1] There are other more important factors which must be taken into account. Writers with first-hand experience of the Distressed Areas are unanimous in expressing their high admiration of the way in which people in these sorely tried regions have kept themselves free from crime.[2] Writing about Durham, Mr. Charles Muir calls this fact one of the most remarkable features of the post-War depression and attributes it mainly to two circumstances:[3]

> "The first is that the Northern worker is an aristocrat among manual workers. He has a long tradition of craftsmanship and steady living behind him. . . . It is this tradition of steadiness which has so far prevented the outbreaks of crime which might have been expected with so much distress and hardship. The second circumstance is the steadying influence of the trade societies."

In an enquiry undertaken in the autumn of 1922[4] it is stated with reference to Birmingham:

> "There have been no disorderly scenes or attempts at violence. This is said to be partly due to the huge number of small manufacturers and property-owners in the city. But the Chief Constable has another interesting theory—that the sober spirit of the Nonconformists, who crowded into Birmingham during the Jacobean period because it was one of the few towns to

[1] In small villages it is much more difficult to earn something extra because of "the neighbours who 'are on you at once, if they hear of you earning'" (*Men without Work*, p. 279).

[2] See, e.g., Bishop Welldon in his Foreword to Mr. Charles Muir, *Justice in the Depressed Area* (1936), p. 9.

[3] *Justice in the Depressed Area*, p. 32. See also Dr. A. E. Morgan, *The Needs of Youth* (1939), chap. xi, pp. 165 et seq., 170–1.

[4] *The Third Winter of Unemployment*, edited by the Hon. J. J. Astor and others (1923), pp. 108–9.

> which the Five-Mile Act did not apply, has been inherited by the population of to-day. . . . There has been no increase of crime. One relieving officer to whom I spoke, believed that in a roundabout way crime of the small type has grown owing to the temptations which present thmselves to men hanging about stations and public places in the hope of finding an odd job, but the statistics kept by one Chief Constable offer no corroboration of this view."

Mr. John A. F. Watson, commenting on the paradoxical fact that in one of the Welsh districts where unemployment was at its highest level the Prison Commissioners were able to consider the closing of a prison, offers two possible explanations:[1] first, the greater concentration of social effort in those areas, and, secondly, that the temptation to steal is less acute where poverty is common to all. Both these considerations would seem to be very much to the point. The aversion which the poor commonly feel from robbing their fellow-sufferers must be taken into account, and theft of luxury goods becomes unprofitable when there is no demand for them.[2] Moreover, in addition to the material help which the social services have been giving to the unemployed in the Distressed Areas, it is—at least for a selected group—equally the provision of educational facilities that may have saved many of them from despair.

> "Unemployment—writes a South Wales miner, one of the contributors to the *Memoirs of the Unemployed*[3]—has made me very bitter against society," but "the great thing that has kept me from doing something desperate is that I read a lot and have attended educational classes for the past four years."

This, however, is hardly the whole story. Other contributors confess that they would steal if there were some prospect of getting away

[1] *Meet the Prisoner* (1939), p. 68.

[2] The rise in "breakings in" was much less conspicuous in the Depressed Areas in the North of England than in the comparatively prosperous South, where "the spoils offer greater temptations to the lawless" (Introduction to *Criminal Statistics, 1930*, pp. viii, ix).

Professor Th. Sellin, *Crime in the Depression* (1937), p. 96, traces the decrease in auto thefts since 1929 in the U.S.A. back to the economic depression.

[3] Beales-Lambert, op. cit., p. 69. The particularly high development of adult education in South Wales has often been stressed; see, e.g., John S. Morgan, *Nineteenth Century and After*, August 1936, p. 160 et seq.

with it.[1] A village carpenter of 48 years who has "never stolen as much as a pin" flatly announces that if the dole stops and "if I'm not allowed to earn bread, I shall take it."[2] But only one out of these twenty-five men, a young electrician, has actually taken the decisive step and "turned burglar," and, though he does not write his story "in any spirit of boastfulness—there is nothing to boast about," he concludes by saying that "I feel I am *somebody*, and I certainly never felt that during my two years of honest idleness." It is this last remark that furnishes perhaps a further clue to the explanation of the phenomenon that there is comparatively little crime in some of the hardest hit districts. The more frequent unemployment becomes, the less humiliating is it for the individual, and even the unemployed can still feel that he is "somebody."

> "It is not only Alf Smith who is out of work now. Bert Jones is out of work as well, and both of them have been 'out' for years. It makes a great deal of difference when things are the same for everybody."[3]

Our conclusion is therefore: Where unemployment and crime both stand at a high watermark, it can safely be assumed that the latter is largely due to the former; where the crime figures remain low in spite of much unemployment, certain factors are obviously at work which counterbalance its evil effects. In other words, the fact that there is so often much unemployment with little crime does not prove that, wherever we find a great deal of both, crime has not resulted from unemployment.

There is still another aspect that cannot be properly investigated with the statistical material at our disposal. The connection between unemployment and crime is probably much closer in the case of the recidivist than in that of the first offender. The man with previous convictions is usually not only the first to lose his job in periods of depression but also the first to turn to crime during a spell of unemployment.

Finally, our material would seem to show that the connection between unemployment and crime is particularly strong in the case of juveniles. They are not only most likely to get into trouble when

[1] P. 60: a business man. P. 76: a skilled engineer. [2] P. 193.
[3] George Orwell, *The Road to Wigan Pier*, p. 87.

themselves out of work,[1] but also at times of general adult unemployment.

V. It has been commonly acknowledged in this country that *Poor Law Statistics* are of little value for investigations into the relationship between poverty and crime. Half a century ago the contention was even made by a criminologist of standing[2] that "as a rule there is least pauperism where there is most crime, and of course least crime where there is most pauperism." The writer referred to the fact that certain industrial counties, as Lancashire, Northumberland, Durham, etc., kept below the general level of pauperism, whilst their crime rate was well above; on the other hand, agricultural counties like Norfolk and Dorset with very little crime had almost twice the average amount of pauperism. The explanation given is that "applications for poor law relief are, as a rule, dealt with more rigidly in towns than in the country." Amongst other pitfalls pointed out by more recent writers are certain technicalities of book-keeping,[3] and, above all, the inroads made into the Poor Law by the varying schemes of Unemployment Benefit. Whilst the general trend of unemployment and Poor Law Statistics may, on the whole, show the same direction, there have been periods when a decrease in unemployment figures has coincided with a considerable increase of persons in receipt of Poor Relief,[4] a phenomenon which has led to the conclusion that "nowadays an increase in the amount of poor relief must not be taken as a measure of increase in poverty."[5]

[1] This point has recently been stressed by Dr. M. Fortes, *Sociological Review*, xxv (1933), p. 23, for London boys of 14 to 16, and by Mrs. Ruth Durant, *Watling* (1939), p. 74, for Watling boys of 16 and 17.

[2] The Rev. W. D. Morrison, *Juvenile Offenders* (1896), p. 34, and *Journal of the Royal Statistical Society*, vol. lx, p. 18 et seq. See also Cyril Burt, *The Young Delinquent*, p. 76, fn. 1 (Poplar). On the other hand, William Hoyle, *Crime and Pauperism. A letter to W. E. Gladstone* (1881), bases his argument mainly upon a comparison between both sets of figures.

[3] See, e.g., Robert Sinclair, *Metropolitan Man*, George Allen & Unwin Ltd., p. 161.

[4] See D. Caradog Jones, *Merseyside: The Relief of the Poor* (1936), p. 5: "Between the end of June, 1932, and June, 1935, the total of insured persons unemployed of ages 16 to 65 on Merseyside, in round numbers, fell from 108,000 to 97,000. During precisely the same period the number of persons in receipt of relief rose from 75,000 to 111,000."

[5] Professor A. M. Carr-Saunders, *Political Quarterly*, vol. vii, 1936, p. 111.

It may, therefore, be misleading to use the local figures of persons in receipt of Poor Relief for criminological investigations, particularly as the annual fluctuations are in some cases abnormally high. Only for the sake of illustration some figures may be given for some of the county boroughs referred to in our previous comparisons.

TABLE XXV*

NUMBER OF PERSONS IN RECEIPT OF POOR RELIEF (PER 10,000 OF POPULATION)

	November 1936	November 1937
Birmingham	186	176
Burnley	427	279
Cardiff	589	457
Gateshead	783	522
Leeds	419	267
Liverpool	1,073	641
Manchester	582	442
Norwich	702	416
St. Helens	552	493
Sheffield	675	426
South Shields	424	415
County of London ..	278	237

* Taken from the *Ministry of Labour Gazette*.

As can be gathered from this table, it would at present be untrue to say that the extent of pauperism shows no connection whatsoever with the crime figures. On the contrary, the high crime rate of Norwich, for instance, for which the unemployment percentages could offer no explanation,[1] assumes quite a different complexion if related to its sometimes exorbitant numbers of paupers.

VI. *Strikes*.[2]—Criminality due to strikes must be distinguished from criminality caused by unemployment because of certain sociological, psychological and economic differences between these

[1] Above, p. 136.

[2] For brief accounts of the various strikes that have occurred during the period under investigation, see the corresponding volumes of the *Annual Register* (published by Messrs. Longmans, Green & Co., Ltd.).

two phenomena. Unemployment may come to be accepted as a permanent condition, unchangeable and without any ultimate aims, often enough fiercely resented as something humiliating, but, nevertheless, promoting a distinctly passive and fatalistic attitude of mind. There has been comparatively little organization among unemployed workers which might have induced them to face their common problems in a more energetic and constructive way.[1] Of a corresponding character are the offences committed by unemployed, consisting as they mainly do of isolated acts of petty thieving, unemployment frauds, and only occasionally of a more serious crime like coining.

The striker's position is different. He is engaged not in trench warfare but in a lightning war which must be conducted with a concentration of all available strength upon one aim, against one enemy, and with the knowledge that the struggle will be lost if it cannot speedily be brought to a victorious end. This feeling and the almost inevitable minor clashes with the Police tend to produce a type of lawbreaking very different from that connected with unemployment: crimes of violence, committed by masses or at least by groups of strikers, as assaults against blacklegs, employers and the Police; rioting; burning and wilful damage—although it cannot be said that outrages of this kind are bound to happen in each individual strike. For the right interpretation of statistical figures it must be noted that offences by strikers are less likely to go unprosecuted than isolated breaches of the law committed by the unemployed.

In spite of such facts, even labour disputes, as the history of the English working-class movement proves, can be conducted, on the part of all parties concerned, in such a way as to leave behind but comparatively insignificant traces in the volumes of the *Criminal Statistics*. Much depends, of course, upon the temperament and the strength of political feeling of the individual historian, whether he endeavours to lay more stress upon the peaceful or the warlike aspects of the happenings he is describing.

[1] It is characteristic that one of the leaders of the National Workers' Unemployed Movement, Mr. Wal Hannington, complained that its membership had at no time approached even 10 per cent of the unemployed (*Unemployed Struggles 1919–36*, p. 323).

Already in the big London Dockers' Strike of 1889[1] the number of Police Court cases arising out of the strike is said to have been very small, less than twenty, and shortly after the strike the Recorder of London was able to congratulate the grand jury on the fact that not a single case on the charge sheet was connected with the dispute:

> "The whole history of the world did not afford so wonderful an instance of self-control on the part of suffering men with starving wives and children, and such discretion and forbearance on the part of the authorities."

There occurred but few strikes of any extent between the end of the nineteenth century and the last three years before the Great War. It was the era between 1905 and 1911 that produced, among other important Acts of social reform, the Trades Disputes Act of 1906, and thereby cleared the way for more widespread strike movements. Whilst the miners' strike of 1910 was confined to South Wales,[2] in the early summer of 1911 "the great unrest, which had been developing for some time below the surface, burst out in a flood of strikes.[3] The seamen, dockers and railwaymen began, and in February 1912 the national strike followed, involving over a million workers. For some time in August 1911 "Liverpool was almost in a state of civil war,"[4] in London "sporadic riots or fights were occurring in different districts."[5] Mr. Ben Tillett, on the other hand, speaking for the transport workers, maintains that "no single case can be cited against the Strike Committee or the men of any act of riot, recklessness or violence. . . . The elements of mischief were kept in order by the general discipline of the mass.[6]"

[1] For the following text see Sir H. Llewellyn Smith and Vaughan Nash, *The Story of the Dockers' Strike* (1889), p. 101 et seq.

[2] It led, however, to rather serious disorders. See Elie Halévy, *History of the English People*, Epilogue, vol. ii (1934), p. 445; Sir C. F. Nevil Macready, *Annals of an Active Life* (1924), vol. i, p. 136 et seq.; Home Office: *Colliery Strike Disturbances in South Wales* (Correspondence and Report, November 1911), p. 6.

[3] For the following text see G. D. H. Cole, *Short History of the British Working-Class Movement, 1789–1927*, George Allen & Unwin Ltd., vol. iii, p. 81 et seq.

[4] Cole, p. 84. See also the description given by Sir G. R. Askwith, *Industrial Problems and Disputes* (1920), p. 160 et seq. [5] Askwith, op. cit., p. 157.

[6] *History of the London Transport Workers' Strike* (1911), pp. 20, 35.

If we now consult the *Criminal Statistics* for the year 1911, we find a not inconsiderable decline in the total amount of convictions, particularly for crime against property and vagrancy, coupled with a slight rise in offences against the person.[1] Convictions for manslaughter rose from 105 to 187, for endangering railway passengers from 81 to 122, for intimidation and molestation from 0 to 33 and, before Courts of Summary Jurisdiction, from 86 to 192.[2] By far the worst was the position in Liverpool, where assaults rose from 2,255 to 2,924, rioting offences from 36 to 339 (against a total of 370 for the whole of England and Wales).

The national strike of 1912 coincided with a noticeable rise in crimes, particularly against the person and against property without violence.[3]

A special place amongst post-War strike movements is due to the Liverpool Police Strike in August 1919 with the almost unique opportunity it presents for studying the consequences of a temporary removal of the protection normally afforded by a well-disciplined Police Force.[4] The strike, which affected nearly one-half of the Liverpool Police Force, began at midnight on July 31st. In a later Official Report the following description of the chief events is given:

> "In this district the strike was accompanied by threats, violence and intimidation on the part of lawless persons. Many assaults on the constables who remained on duty were committed. Owing to the sudden nature of the strike the authorities were afforded no opportunity to make adequate provision to cope with the position. Looting of shops commenced about 10 p.m. on August 1st, and continued for some days. In all about 400 shops were looted. Military were requisitioned,

[1] See Table XIV above, p. 127.

[2] In the *Criminal Statistics* of 1911, p. 10, the opinion is expressed that these changes had been due to the labour disputes.

[3] See Table XIV, p. 127.

[4] The London Police Strike of August 31, 1918, which lasted only twenty-four hours, was not accompanied by any outbreak of lawlessness. According to Mr. Michael MacDonagh, *In London during the Great War. The Diary of a Journalist* (1935), p. 313, "not even a single shop was pillaged." His explanation: there were no criminals in those days.

special constables sworn in, and police brought from other centres."[1]

As the strike began in the middle of the year and was only of short duration, it is probable that the net result is completely shown in the *Criminal Statistics* of 1919, from which the following figures are taken:[2]

	Liverpool	The whole of England and Wales
Riots	395	415
Shopbreaking	1,030	6,742
Malicious woundings	97	557
Attempt to break into houses, shops, etc. ..	363	697
Larceny from the person	600	2,037
Entering with intent to commit felony ..	251	399

The literature dealing with the General Strike of 1926, enormous as it is, contains comparatively little material which touches directly upon the criminological aspects of this greatest of all modern labour struggles.

The following figures may serve to give an impression of the extent to which the year 1926 had to suffer from trade disputes.

The number of working days lost through strikes was:[3]

1902–9	.. 3·6	millions (annual average)
1910–13	.. 18	,, ,, ,,
1912	.. 40	,,
1919	.. 34	,,
1920	.. 26	,,
1921	.. 85	,,
1926	.. 163	,,

[1] Report of the Committee appointed to enquire into the Claims of the Men dismissed from the Police and Prison Services on Account of the Strike of 1919 (1924, Cmd. 2297), p. 20 et seq. See also W. H. Crook, *The General Strike* (1931), p. 245, and the Ministry of Labour (Employment Department) Report on an Enquiry into the Conditions of Boy Labour on the Docks of Liverpool, August 1920, p. 15; *Annual Register* for 1919, p. 100.

[2] It can be assumed, of course, that owing to the peculiar features of a Police Strike the cases actually brought before the Courts represented only a small percentage of the offences committed.

[3] The figures are taken from Professor Henry Clay, *The Problem of Industrial Relations* (1929), pp. 2, 16, and from *The Statistical Abstracts for the United Kingdom.*

The General Strike itself, involving about 1,580,000 workers with 15,000,000 lost working days, was of very short duration, whilst the miners' strike of the same year lasted about six months and resulted in the loss of 146,000,000 working days. It is, therefore, easy to understand that the harmful consequences of the miners' strike must have been far greater than those of the General Strike.[1] In the Introduction to the *Criminal Statistics* of 1926 it is stated[2] that the increase in indictable offences (73 per cent of which fell under the heading of simple and minor larcenies) occurred almost entirely in colliery districts.

> "During the period from May 1st to December 19th (when the Emergency Regulations expired) 7,960 persons in all were proceeded against for offences (whether indictable or non-indictable) connected with the coal stoppage and the general strike: 4,656 of them for offences against the ordinary law and 3,304 for breaches of the Emergency Regulations. Doubtless many other offences were connected less directly with the same events. Offences of simple larceny and minor larcenies rose from 66,976 in 1925 to 81,211 in 1926."

It is further stated that many of the larcenies were thefts of coal or other fuel, and that others may have been committed not by strikers but by persons who took advantage of the diversion of Police from ordinary duties. Probably for the same reason the number of non-indictable offences was slightly below that of 1925. Among the typical strike offences, charges of intimidation rose from 105 to 994 and those of malicious damage from 13,711 to 20,301. On the other hand, the various types of betting and gaming offences fell by almost 50 per cent.

Considering the masses of people involved in the General Strike as well as the long duration of the coal stoppage with its disastrous economic consequences for the miners, the above figures—serious as some of them are—can hardly be regarded as excessive. As a matter of fact, some close observers have expressed their admiration for the friendly spirit dominating the relations between strikers and Police, which even made a football match between them possible.

[1] See Wilfrid Harris Crook, *The General Strike* (1931), p. 467.

[2] Introduction, p. 5 et seq.

> "This extinction of the elements on either side which believe in violent methods is the sort of thing which astonishes foreign observers. They simply cannot understand it. On the Continent, in America even, it is the extremists who come to the top in crises. Here they have sunk out of sight."[1]

Another author quotes the following incident as "an example of response to principle on the part of plebeian Englishmen":

> "During the General Strike some mounted policemen were surrounded and isolated by an ill-tempered mob of strikers, brickbats were flying, and it seemed as if the constables were in for an ugly time. Then a man stabbed one of the horses with a pocket knife. The enraged policeman dismounted and, throwing caution to the winds, started after the culprit. The sympathy of the rioters was entirely with the horse, they parted to allow the pursuer free passage and made no opposition to the arrest and removal of the prisoner. There were countless examples of this kind of inexpedient actions by the strikers—and each one of them would have been a miracle under similar circumstances in a foreign country."[2]

When dealing with problems of mass mentality and criminality some sociologists have maintained that ordinary decent citizens, even as members of an excited crowd, are not likely to commit serious outrages.[3] This theory stands in marked contrast to the traditional view that great numbers of people, assembled for a common purpose, are always in grave danger of falling victims to unscrupulous agitators who may easily lead them to actions of which each of them individually would never be capable. The history of the English labour disputes rather seems to endorse the first view.

On the other hand, it should not be overlooked that strikes, just as unemployment, may show their criminological consequences only after several years. Thus, the General Strike of 1926 may have been partly responsible for the increase in crime which began in 1930.[4]

[1] Hamilton Fife, *Behind the Scenes of the Great Strike* (1926), pp. 53, 68. See also Lord Haldane's *Autobiography*, p. 247.

[2] John T. MacCurdy, *Mind and Money* (1932), p. 273.

[3] Kurt Baschwitz, *Du und die Masse* (Amsterdam, 1938), p. 264 et seq.

[4] A case of this kind is reported below, p. 282, no. 33.

CHAPTER VI

ALCOHOLISM[1]

THOUGH it would be of little use for our special purposes to repeat the whole arsenal of facts, figures and arguments concerning the Drink Problem, no discussion of the recent development of crime in England can be complete which did not pay at least some attention to this in former times all-important aspect of the matter.

I. The *statistical material* used for this chapter is taken from the annual *Criminal Statistics* and the *Licensing Statistics*. The latter represent a useful supplement, as they take into consideration several aspects not dealt with in the *Criminal Statistics* or other official publications. Drunkenness offences are non-indictable offences, and as such treated rather summarily in the *Criminal Statistics*. Important facts, as, e.g., the sex ratio and the local distribution of convictions or the distribution of convictions amongst the months of the year or the days of the week, are omitted, but can be collected from the *Licensing Statistics*. Of special interest for our investigation is Column 5 of Table VI of the latter, which gives the number of "Convictions for Drunkenness at the same time as other distinct offences."[2] As these convictions are not included in the *Criminal Statistics*,[3] they must, in order to obtain the number of convictions shown in the *Licensing Statistics*,[4] be added to the figures given in the former.

In addition to such data as can be found exclusively in the *Licensing Statistics*, the latter give, for the sake of comparison, in a convenient

[1] Dr. George B. Wilson's standard book, *Alcohol and the Nation* (Nicholson & Watson, London, 1940) was published just before this went to press and can therefore be referred to only in a few footnotes.

[2] See below, p. 175. [3] See above, p. 35.

[4] For 1936, e.g., the convictions as given in the *Licensing Statistics* number 44,525, whilst the corresponding figure in the *Criminal Statistics* is only 42,963; but to the latter the 1,558 shown in Table VI, column 5, of the *Licensing Statistics* must be added, which leaves only a very small discrepancy.

form several sets of figures which are also obtainable elsewhere, as, e.g., tables showing the relationship between drunkenness convictions on the one hand, and unemployment, strikes and lock-outs, consumption of beer and spirits, in former years, also suicides and "overlaid children," on the other.

In other respects, the *Licensing Statistics* are less detailed than the *Criminal Statistics*, in so far as they show neither any other methods of dealing with drunkenness offences apart from conviction nor the kind of sentence imposed. Though the total number of proceedings is also given, no explanation is offered for the gap between the number of proceedings and convictions. The reason for this omission may be that the editors of the *Licensing Statistics* may have failed to realize the growing significance of methods of dealing with offenders without a conviction.[1]

For the present investigation two aspects of the problem must be distinguished: the number and development of *drunkenness offences* within the period concerned and, secondly, the amount of *other crime* traceable to them. It would be a mistake to assume that it is only the latter aspect that matters to us; on the contrary, the very fact that a considerable proportion of the population comes into contact with the machinery of the criminal law as a consequence of drunkenness offences is in itself not without criminological significance.

After our previous discussion of the interpretation of Criminal Statistics in general, it is hardly necessary to emphasize that the greatest caution is necessary when dealing with these figures.[2] In several volumes of the *Licensing Statistics* themselves it is pointed out that "comparisons of convictions between Borough and Borough are well known to be useless and to lead well-meaning critics astray."[3] This official scepticism has even gone so far as to maintain that "the higher the civic standard of sobriety the higher, in all probability, the figures of convictions."[4] A real dilemma does certainly exist with regard to local investigations of the drink problem as well as of the crime situation in general. Local authorities—quite involuntarily—may be too much concerned with upholding the good reputation of their districts to be capable of carrying out completely

[1] See below, p. 183.
[2] See Chapter 3, p. 69.
[3] *Licensing Statistics, 1924*, p. xiii.
[4] Ibid., *1921*, p. xiii; see also *1927*, p. xiii.

impartial investigations, whilst research workers coming from outside usually lack the necessary intimate knowledge. Comparisons between different years or months referring to the same district are said to be somewhat more reliable, with the important reservation that "the governing conditions in that area remain the same."[1] The latter condition can, however, hardly ever be fulfilled. In the *Report of the Royal Commission on Licensing, 1929–31*, as well as during the whole of the proceedings of the Commission, references to statistics of drunkenness convictions were throughout treated with the greatest reserve, if not contempt.[2] As a matter of fact, legal conceptions as "drunk and disorderly" or "drunk and incapable" are obviously open to widely different interpretations, and there can be no doubt that, among many other points, there has been a great change in the attitude of the Police in this respect.

> "The Police of recent years—said an expert witness before the Royal Commission of 1929–31[3]—have learnt to be wonderfully tactful, kindly and conciliatory in dealing with such men, as indeed with all men under the influence of drink. . . . But for this greater tactfulness there would still be considerably more prosecutions for being drunk and disorderly and (I fear) more assaults on the Police."

There seems to be still another factor which may indicate that the movement of the figures of convictions, or even of those of proceedings, is not throughout representative of the actual fluctuations in the amount of drunkenness itself: the factor referred to is the increase of registered *Clubs* during the period under investigation.[4] The table on page 163 speaks for itself.

> "We regard the problem of the registered club as one of the most important of the subjects of our enquiry,"

stated the *Report of the Royal Commission*, deploring the weaknesses and gaps in the law of registration and supervision.[5] In the same

[1] Loco cit.

[2] See, e.g., Report pp. 9 and 149, *Minutes of Evidence*, No. 2407, 26528, sect. 4 ("drunken cases against arrests for drunkenness = a hundred to one").

[3] Dr. Thomas, Stipendiary Magistrate of Pontypridd and Rhondda, in his Memorandum, *Minutes of Evidence*, No. 6994 (sect. 10).

[4] On the problem in general, see George B. Wilson, op. cit., Chapter 14.

[5] Report, p. 103 et seq.

tenor, the Chief Constable of Liverpool writes in his Annual Report for 1938:

> "Until the law is changed, such clubs, with the social evils and difficulties which they create, will remain."[1]

It seems not unlikely that some of these clubs, while promoting private drinking, offer greater protection than the ordinary public-house against the risk of violating the law by being found drunk in a public highway, etc. That may well serve as an explanation for the statement made by the Chief Constable of Cardiff before the

TABLE XXVI

NUMBER OF CLUBS (ENGLAND AND WALES)*

Date	Number of Registered Clubs	Proportion per 10,000 of population
Jan. 1, 1910	7,536	2·11
Jan. 1, 1920	8,994	2·49
Jan. 1, 1930	13,526	3·42
Jan. 1, 1937	16,563	4·04

* *Licensing Statistics, 1937*, Table A (4).

Royal Commission: "There is more private drinking, but less public drunkenness."[2] The former Chief Constable of Carlisle put it rather strongly in his evidence:[3] "It is fairly obvious that if a man gets drunk in a club he is put into a chair and kept there until he is sober again. He is not fired out of the door as he would be if he were drunk in a public-house, or as soon as he began to get a little noisy."

The extent which club membership has assumed in some places may be gathered from the following figures:

Bristol, 1930 .. .. 10,260 members[4]

Middlesbrough, 1929 .. 20,071 ,, } = *ca.* 30·33 per cent of the entire male population[5]

Newcastle, 1929 .. 24,897[6] ,,

It must be added, however, that in a town like Middlesbrough all

[1] Report, p. 17.
[2] *Minutes of Evidence*, No. 9313.
[3] Ibid., No. 20572.
[4] Ibid., No. 8575.
[5] Ibid., No. 7752, sect. 45.
[6] Ibid., No. 8220.

male employees of certain large works almost automatically become members of the club attached to their firm.[1]

In spite of such considerations, there is little doubt that the decrease in drunkenness proceedings and convictions represents a very real decline in drunkenness itself. The figures showing the changes in alcohol consumption[2] are sufficiently indicative, particularly when taken together with the present decreased strength of intoxicating liquors. Dr. Alfred Salter, in his interesting Memorandum on the drink problem in Bermondsey,[3] emphasizes that "while the people of Bermondsey are spending on drink as much or more than formerly, they are actually consuming less alcohol."

II. Taking the statistical figures at their face value, we can divide them into five sections:

(1) The last years before the war of 1914–18, showing an apparently irresistible upward trend, with peak figures of over 17,000 monthly convictions in June and July 1914.

(2) The War period with its huge decrease from 1915 onward, due to restrictions of the sale of alcohol, to its increased price,[4] to the absence of a large proportion of the male population, and to a change in the habits and tastes of the people in general.

Although the statistics of convictions show, for males, a slight decrease already for the year 1914, the first months of the War seem actually to have seen a considerable growth of drunkenness. Quite

[1] Ernest Selley, *The English Public House as it is* (1927), p. 146.

[2] *Licensing Statistics, 1937:*

	Consumption of Beer	Spirits
1913 :	100	100
1937 :	51·1	30·9

See also *New Survey of London Life and Labour*, vol. ix, p. 245: the *per capita* consumption of beer in London had declined from about 46 "standard" gallons in a year in 1891 to 23 in 1928.

[3] Royal Commission on Licensing, *Minutes of Evidence*, No. 26041, sect. 21. Dr. Salter estimated the average weekly expenditure on drink at over 16s. per week and family, which meant considerably more in a particularly poor borough than the average drink bill for the whole country (sect. 25). See also Mr. W. Hamilton Whyte, *Political Quarterly*, vol. iii (1932), p. 108 et seq.

[4] "A bottle of ordinary whisky, which before the war could be bought for less than 4s., now costs 12s. 6d." (*Report of Royal Commission on Licensing, 1929–31*, p. 11).

apart from the fact that the drop in convictions is hardly proportional to the number of persons removed from civilian life, and that female convictions even increased, the difficulties confronting the

TABLE XXVII*

WAR AND POST-WAR STATISTICS OF DRUNKENNESS OFFENCES

Year	Convictions for drunkenness		Proportion per 10,000 population	Drunkenness at the same time as other distinct offences	
	Males	Females		Males	Females
1913	153,112	35,765	51·16	—	—
1914	146,517	37,311	49·28	—	—
1915	102,600	33,211	36·41	—	—
1916	62,946	21,245	22·57	—	—
1917	34,103	12,307	12·44	—	—
1918	21,853	7,222	7·79	—	—
1919	46,765	11,183	15·45	1,997	255
1920	80,517	15,246	25·46	3,453	459
1921	64,897	12,892	20·53	2,465	387
1922	63,253	13,094	20·01	2,261	337
1923	63,850	13,244	20·07	2,235	261
1924	66,139	12,943	20·41	2,471	266
1925	62,843	12,234	19·30	2,621	263
1926	55,836	11,290	17·18	2,279	257
1927	54,555	10,611	16·59	2,038	223
1928	46,798	8,844	14·09	1,228	182
1929	43,536	8,430	13·12	1,677	173
1930	44,683	8,397	13·40	1,767	142
1931	35,212	7,131	10·60	1,403	126
1932	24,303	5,843	7·50	1,035	111
1933	29,790	6,495	8·99	1,288	100
1934	33,227	6,521	9·82	1,314	88
1935	35,403	6,756	10·37	1,470	114
1936	38,017	6,508	10·90	1,462	96
1937	40,587	6,170	11·40	1,455	93

* Taken from *Licensing Statistics*, Tables C and VI.

Police in war-time must have resulted in a much higher proportion of cases left unprosecuted. A perusal of the daily Press and other periodicals of that time gives, at the first glance, the impression that

the beginning of the War must have been accompanied by a terrific outbreak of drunkenness. The indignation caused by this phenomenon, however, and the realization of its dangers seem to have led to certain exaggerations.

> "Everybody at present—we read in the *New Statesman and Nation*[1]—is either drinking or talking about drinking. First we had the drunken soldier; then we had the soldier's drunken wife; now we have the drunken soldier's drunken wife's drunken friends. If all trace of modern England were lost except files of the papers, the historian, on examining the evidence a thousand years hence, would be forced to the conclusion that in the year 1914 the population of the country was largely composed of spies and drunken women. Exaggerated though much of the talk may be . . . the movement against drinking is of interest as revealing an immense change in the attitude of mind, not only of the Puritans, but of the general public. Perhaps it is science more than morals or religion that has brought the change about. . . ."

The firm handling of the problem by the competent authorities —setting up of the Central Control Board, restrictions of hours, etc.—soon resulted in a definite improvement.[2] It is interesting to observe how authorities and members of the public concerned themselves sometimes by quite unconventional means with fighting the evil particularly as it affected the women. A magistrate promises a new dress to a woman charged for the thirty-ninth time with drunkenness, provided the Court missionary reported favourably about her conduct after six months (*The Times*, October 11, 1915). The Duchess of Bedford comments on a petition for the closing of public-houses during the War, signed by five hundred women discharged from Holloway Prison and who attributed their downfall solely to drink (*The Times*, August 13, 1915).

The Commissioner of Police for the Metropolis issued the following order:

[1] November 21, 1914, p. 160. See also R. H. Gretton, *A Modern History of the English People, 1910–22* (1922), p. 176.

[2] See the details in Dr. A. Shadwell's *Drink in 1914–22* (London, 1923): George B. Wilson, op. cit., chapters 13 and 23.

"When a woman is arrested for being drunk and incapable, drunk and disorderly or drunk in charge of children she will be detained at the police station until sober. If she is the wife of a soldier or sailor the station officer will not proceed with the charge, but will appeal to her better nature, warn her of the serious consequences . . . and urge upon her to prove herself worthy of the husband who is away fighting for his country. A record will be kept of such admonition having been given. Should the wife . . . be convicted in Court on a drinking charge after previous warnings, or of immorality, or other serious offence, the fact of the conviction will be reported" (*The Times*, December 11, 1914).

(3) The first post-War years, in particular 1919 and 1920, with their abnormal prosperity and the general urge to make up for chances lost during the War, lead to a partial revival of former habits, whilst the year 1921, which introduced an eleven-year period of almost unbroken decline in drunkenness convictions represents a rather complex picture. On the one hand, the Licensing Act of August 1921 abolished many war-time restrictions,[1] thereby contributing to the rise in convictions in the second half of the year (40,639 in the last six months against 37,150 in the first six months). On the other hand, wages and employment had been steadily going down,[2] which probably prevented a much more substantial increase in convictions.

(4) During the following eight years the rule that drunkenness convictions and unemployment move in the opposite direction no longer held good (both sets of figures going down), whilst since 1929 the traditional relationship has, on the whole, been re-established.[3] Particularly striking is the coincidence between the improvement

[1] See the Summary of the Act in the *Licensing Statistics, 1921*, p. xv. It would not be true, however, to say that the year 1921 saw a sudden and complete change in policy; ever since March 1919 there had been going on a gradual process in the same direction (see the table in Dr. Arthur Shadwell's *Drink in 1914–22*, p. 130).

[2] See above, p. 129.

[3] See above, p. 128. Dr. Alfred Salter, loco cit., stressed the fact that in Bermondsey the expenditure on drink did *not* go down in spite of a particularly high amount of unemployment in that district and the highest poor law relief bill in London.

in employment conditions and the increase in drunkenness convictions since 1933.

Although this does not mean that the unemployment factor is the only one involved, it is certainly important. It is not only the decline in spending power of the unemployed themselves; in periods of widespread unemployment those who are still in work appreciate their jobs too much to risk them by alcoholic excesses. Employment and high wages, on the other hand, lead to an increase in drunkenness convictions chiefly when they are not accompanied by an improvement in the cultural level of the people. A vivid picture of the consequences which such a failure must inevitably have was given by a witness from Wales before the Royal Commission of 1929–31:[1]

> "In the closing years of the last century, Glamorgan shared with two other mining counties, viz. Durham and Northumberland, the unenviable reputation of having the largest proportion of persons proceeded against for drunkenness. This in Glamorgan was 113·3 per 10,000 population for the quinquennium 1894–98 and 136·5 for 1900–4. . . . In 1912 there were 2,580 prosecutions for drunkenness in my division. In 1913, 2,585, but in 1929 there were only 212. The high ratio of prosecutions in 1894–1904 as well as the high figures for 1912–13 were largely due to the deplorable housing conditions in the coalfield, the absence of home comforts, overcrowding of unmarried lodgers in houses which had no proper accommodation for them, the utter lack of suitable facilities for the proper use of leisure and the absence of those humanizing amenities which we now recognize as indispensable for all large aggregations of people. These conditions, coupled with the then high earnings and an optimistic belief that 'coal would always be king' accounted for these high figures. . . ."[2]

The increase in betting referred to in Chapter 8 has also had its share in the decrease of drunkenness.[3]

[1] Dr. Thomas (see above, p. 162, fn. 3), No. 6994.

[2] It is interesting to note that high earnings go hand-in-hand with deplorable housing and absence of recreational facilities.

[3] See, e.g., *Report of Royal Commission on Licensing, 1929–31, Minutes of Evidence*, No. 6305.

During the period 1921–32 the improvement was chiefly ascribed to the fundamental change in the habits of the great masses that had undoubtedly taken place.

> "Drunkenness has gone out of fashion, and a drunken person is not tolerated as he used to be,"[1] and "We appear to have accomplished by public opinion what America completely failed to accomplish by rigorous legislation."[2]

Nevertheless, the Report of 1929–31 by no means failed to admit that the standard of sobriety reached at that time could not be regarded as satisfactory:

> "What appears to be beyond question, and is shown even by the figures of convictions with all their limitations, is that a substantial amount of excessive drinking, over the country as a whole, still exists. So long as that continues to be the case it cannot, in our view, be maintained that there is no problem of drunkenness."[3]

This was written at a time when the number of convictions was still below its present level (the Report bears the date of December 17, 1931).

(5) The new increase since 1933.

III. *Local Characteristics.*[4]—Some local features with regard to drunkenness convictions can be studied—with all due reservations[5]—from the following tables of the *Licensing Statistics*:

E: Convictions for Drunkenness in Areas grouped mainly on an occupational basis.

H: Comparison of Licensed Premises with Population.

J: Comparison of Convictions for Drunkenness with Population.

VI: Drunkenness. Number of Convictions for the various districts.

Some of the local differences which the figures reveal are really

[1] *Report of Royal Commission, 1929–31*, p. 9. The changes brought about by the modern teashop are rightly emphasized in *Minutes of Evidence*, No. 5800.

[2] Dr. Doris Odlum, *British Journal of Inebriety*, vol. 34, p. 57.

[3] Report, p. 18.

[4] See George B. Wilson, op. cit., Tables 34–6, and pp. 232–3.

[5] See above, p. 161.

enormous, ranging in 1937 for the *Counties* (excluding County Boroughs) from 0 to 20·03 convictions per 10,000 of population with a general average of 5·57 for England and Wales, and for the *County Boroughs* from 1·74 to 182·30 per 10,000 with an average of 11·40. There are 16 Counties and 6 County Boroughs with under 3 convictions per 10,000, and one County and 10 County Boroughs with above 20 convictions. On the whole, agricultural counties like Rutland, Wiltshire, Somerset, Norfolk, Suffolk have the lowest, whilst industrial and mining counties like Glamorgan, Yorkshire, Durham, Northumberland have the highest rates. There are a few exceptions, industrial Nottinghamshire, for instance, being low (2·06) and agricultural Lincolnshire fairly high up (9·09).

With regard to the County Boroughs, it is not true to say that the rate of convictions throughout increases with the size of the town.[1] Though London (County 37·30, City 182·30), Birmingham (38·24), Newcastle (34·06) are by far the worst, cities like Bristol (3·49) or Sheffield (6·52) show much better figures than middle-sized towns like Tynemouth (27·21) or Middlesbrough (26·22). With regard to Tynemouth the explanation may be that it is not only an "old-fashioned town and a pleasure city," but also "to a considerable extent a dormitory area for Newcastle and for Wallsend and other Tyneside towns."[2]

Nor do the *seaports* as such belong to the worst categories; some of them show, on the contrary, greatly improved conditions:

	1921	1935	1936	1937
Southampton	—	—	1·75	2·52
Portsmouth	13·02	7·79	8·83	7·06
Cardiff	4·99	6·78	7·36	7·54
Birkenhead	26·65	7·36	7·84	5·57

On the other hand, still very high are among the seaports:

[1] This is in conformity with the interesting figures given by Dr. E. C. Rhodes for the juvenile and adult delinquency rates in general (*Journal of the Royal Statistical Society*, vol. cii, part iii, 1939, p. 390).

[2] Dr. Henry A. Mess, *Industrial Tyneside* (1928), p. 19.

	1921	1935	1936	1937
Liverpool	79·52	29·95	27·37	25·37
Middlesbrough ..	82·68	19·50	26·43	26·22
Newcastle-on-Tyne ..	62·70	26·96	27·07	34·06
Tynemouth	31·98	14·50	19·01	27·21

With regard to conditions in Cardiff it is interesting to examine the evidence of the Chief Constable before the Royal Commission of 1929–31. There it is pointed out that Cardiff, in spite of being one of the most cosmopolitan ports in the world and of the "vicious habits of a section of the floating population, is, and has been for some years, a sober and well-conducted city and port."[1] About 33 per cent of the drunkenness convictions are stated to have arisen from that alien seafaring part of the population. Exactly the same point is made by the Chief Constable of Middlesbrough, who estimated that *ca.* 45 per cent of the persons annually proceeded against for drunkenness were non-residents, mainly alien seamen or "birds of passage" and visitors from outlying districts. When it was indicated to him that these explanations did not seem entirely sufficient to explain the exceedingly high rate of convictions, he admitted that "Middlesbrough is noted for three things—the workers work hard, they drink hard and they play hard. . . . To a man employed in a blast furnace weak beer is very little good. He goes in for strong ale."[2] In spite of this bad record, the crime rate of Middlesbrough is, according to the *Criminal Statistics*, not above the average for a town of this size, which seems to confirm the Chief Constable's claim that the Licensing Act of 1921 brought about "a most satisfactory reduction in the number of serious crimes of violence . . ., assaults on constables, brawling and fighting in the streets, etc."[3]

The number of licensed premises does not show any relationship to the percentage of convictions for drunkenness. The counties of Rutland and Oxford, for instance, which are amongst the three counties with above 50 licences per 10,000 of the population, have the lowest conviction rates, whilst towns like Bootle, Kingston-

[1] *Minutes of Evidence*, No. 9437. [2] Ibid., Nos. 7752 (sect. 21), 7794, 7873.
[3] Ibid., No. 7752, sect. 21.

upon-Hull, Birmingham, with fewer than 10 licensed premises per 10,000, head the list of convictions for 1937.

Carlisle, as the centre of the famous experiment in State ownership and disinterested management of public-houses,[1] requires some special remarks. When the new scheme was first introduced in 1916, the figures of drunkenness convictions—as a consequence of the foundation of the Gretna Green munition factory—had just reached the figure of 953 (as against a pre-War average of *ca.* 250), and even this "could easily have been trebled, but for the fact that nearly half the Police Force had joined the army, and the special constables (mostly elderly business men) could not be expected to deal with the abnormal situation that arose. In that year the assaults to the police rose to 37 against 4 two years later. . . ."[2] Owing to the satisfactory working of the new system, conditions in Carlisle soon became normal, and the town now takes its place amongst the category of moderate conviction figures (1936, 7·96; 1937, 13·61 per 10,000).

In previous years it was quite common to find in the *Licensing Statistics* remarks to the effect that the tables of Drunkenness Convictions were "dominated by Greater London and 'Northern England,' i.e. the counties north of a line drawn from the mouth of the Severn to the Wash." According to the *Licensing Statistics* of 1920, for instance, London and Northern England together, with a population of about 70 per cent of the total for England and Wales, accounted for 89 per cent of the total convictions, Greater London showing about 20 per cent of the population and 32 per cent of convictions and Northern England 50 per cent of the population and 57 per cent of convictions.[3] In the meantime, as Table XXVIII shows, the position, as far as the four "Northern Counties" and Lancashire and Cheshire are concerned, has undergone considerable changes: these six counties, which, in 1920, were responsible for 36·2 per

[1] As to the Carlisle scheme, see, e.g., *Report of Royal Commission*, p. 77 et seq.; Henry Carter, *Control of the Drink Trade* (1919); A Shadwell, *Drink in 1914–22*, p. 56 et seq.; Dr. H. M. Vernon, *The Alcohol Problem* (1928); Gilbert Slater, *Poverty and the State* (1930); Ernest Selley, *The English Public House* (1927), chapters viii and ix; Viscount Snowden, *Autobiography* (1934), vol. i, p. 382.

[2] A former Chief Constable of Carlisle, *Minutes of Evidence*, No. 20486.

[3] P. 7.

cent of all convictions for drunkenness, represent only 23·7 per cent in 1937, whilst London and in particular the "Midland mining and manufacturing counties" show considerable increases. Partly at least, increases of this kind may simply have been due to inter-war changes in the population.[1] On the other hand, when we bear in mind that, during the period 1921–29, crime in general was increasing in the North much more than in the rest of England (34 per cent against 24 per cent) as a result of the industrial depression,[2] it might be suggested that the particularly striking decrease in convictions for drunkenness in the northern counties has been due to the same cause. Similar considerations apply to the decrease in drunkenness convictions in Wales and to the increase in the Home Counties and adjacent agricultural counties.

TABLE XXVIII*

CONVICTIONS FOR DRUNKENNESS IN AREAS GROUPED MAINLY ON AN OCCUPATIONAL BASIS

Area	1913	1920	1929	1937
Four Northern Counties	9·8	14·1	8·5	8·9
Lancashire and Cheshire	20·4	22·1	15·7	14·8
Yorkshire	10·0	10·5	11·3	10·5
Midland Mining and Manufacturing Counties	9·1	6·8	9·2	13·4
Glamorgan and Monmouth	4·7	4·4	2·9	2·9
London Administrative County ..	28·9	27·0	34·8	33·0
Home Counties	7·1	5·8	7·0	6·8
Adjacent Agricultural Counties ..	1·4	1·1	2·0	2·5
Eastern Agricultural Counties ..	2·5	2·4	2·1	2·0
Western Agricultural Counties ..	1·9	1·5	1·7	1·8
South-Western Agricultural Counties	2·5	2·5	2·9	2·2
Remainder of Wales	1·7	1·8	1·9	1·2
Total	100	100	100	100

* Taken from *Licensing Statistics*, Table E.

[1] On this complicated problem, see now the interesting paper by G. D. A. MacDougall, "Inter-War Population Changes in Town and Country," *Journal of the Royal Statistical Society*, vol. ciii, part i, 1940, p. 30 et seq.

[2] See *Criminal Statistics, 1929*, p. xvii, and above pp. 134–5.

Rather striking are some local differences as regards the relative frequency of convictions for simple and aggravated drunkenness. Whilst the total figures for England and Wales are:

	Simple drunkenness		Aggravated drunkenness	
	Males	Females	Males	Females
In 1936 ..	13,880	3,587	22,675	2,825
In 1937 ..	15,356	3,447	23,776	2,630

certain districts show an abnormally high percentage of aggravated drunkenness, as, e.g.

	Simple drunkenness		Aggravated drunkenness	
	Males	Females	Males	Females
Durham County:				
1936	83	8	912	20
1937	83	8	1,006	29
West Riding of Yorkshire:				
1936	141	10	1,583	24
1937	174	21	1,610	47
Birmingham:				
1936	517	71	2,522	175
1937	640	113	2,920	171

This is by no means only a recent tendency; similar figures are recorded for many previous years, as, e.g., 1920:

	Simple drunkenness		Aggravated drunkenness	
	Males	Females	Males	Females
Durham ..	275	70	2,887	167

As we can hardly assume that the behaviour of drunken persons should really be so widely different in various localities, the explana-

tion offered in the *Report of the Royal Commission*[1] that some Police forces, owing to difficulties of procedure, refrain as far as possible from the institution of proceedings for simple drunkenness seems the most probable. In a written statement from the Assistant Commissioner of the Metropolitan Police to the Royal Commission[2] it is frankly admitted that "in practice we never charge a man unless he is either (*a*) disorderly, or (*b*) incapable. Incapable generally means immovable."[3]

IV. *Drunkenness as the Cause of Crime.*—To assess the extent to which drunkenness has been the cause of offences other than infringements of the intoxicating liquor laws must necessarily be very difficult. Neither the *Criminal Statistics* nor the Annual Reports of the Prison Commission make any attempt to collect pertinent data of this kind.[4] We have again to turn to the *Licensing Statistics* which offer at least some material in Table VI, Column 5: "Drunkenness at the same time as other distinct offences." The *Criminal Statistics*, as we remember,[5] select for tabulation—if there be several convictions —the offence for which the heaviest punishment was awarded. Consequently, a drunkenness offence is hardly ever recorded when it is accompanied with another offence. This gap has been filled by the *Licensing Statistics*. Of course, not in every case of this kind would it be justified to conclude that the other offence registered had been due to the drunken condition in which the offender had been found. Nevertheless, a strong presumption to this effect might exist at least in the case of certain offences, as assault, wounding and some sexual offences. It is therefore a matter of regret that these "other offences" are not distinguished according to types in Table VI.

[1] P. 149; see already above, Chapter 3, p. 72.

[2] See *Minutes of Evidence*, Written Statements, etc., p. 70.

[3] Similarly the Chief Constable of Leeds, loco cit.

[4] The Reports of the Prison Commission for Scotland used to publish "Short accounts of male . . . and . . . female convicted prisoners recorded in the order in which they were received in prison." Although the Reports made it clear that these accounts were compiled from the prisoners' own statements and that their accuracy had not been tested, they are not without interest as showing the tremendous part which alcohol had played in the lives of the majority of the inmates. The publication of these accounts was discontinued in 1932.

[5] See above, pp. 35 and 160.

As may be seen from our Table XXVII, the percentage of "other offences" in relation to drunkenness convictions has only slightly fallen since the War of 1914–18, the proportion being for male offenders approximately 5 per cent in 1919, less than 4 per cent in 1921, and *ca.* 3·5 in 1937. For females, the proportion has always been somewhat lower, being *ca.* 2 per cent in 1919, 3 in 1921, and 1·5 in 1937. The reason may be that women are less inclined to commit acts of violence when intoxicated.

Here, too, local differences are rather considerable, Liverpool having a particularly high rate of "other offences":

			1935			
Liverpool	..	215	out of	2,559	total	convictions
Manchester	..	30	,,	1,841	,,	,,
Birmingham	..	84	,,	2,466	,,	,,
			1937			
Liverpool	..	115	,,	2,122	,,	,,
Manchester	..	70	,,	1,793	,,	,,
Birmingham	..	94	,,	3,938	,,	,,

Most of the Chief Constables who gave evidence before the Royal Commission of 1929–31 stated that in their view drunkenness could at that time be regarded only as a minor factor in the causation of crime in their respective districts.[1] In Cardiff, however, out of 1,112 offenders committed for trial at Assizes and Quarter Sessions between 1922 and 1929, no less than 256 were known to the Police as addicted to drink,[2] and a witness, Mr. G. B. Wilson, submitted to the Royal Commission a summary of cuttings from Lancashire newspapers containing 1,600 cases of crimes, suicides and similar "anti-social acts" connected with drink.[3]

It might be advisable to examine at least for one year all cases registered in Table VI, Column 5, of the *Licensing Statistics* in order to discover the real connection between the intoxicated condition of the offender and the other offence committed. Even such an investigation would, of course, be unable to throw light upon the

[1] See, e.g., for Bristol No. 8557, for Newcastle No. 8220, sect. 9.
[2] No. 9180, sect. 51–2.
[3] *Minutes of Evidence*, pp. 1381, 1425 et seq.

question how far undue expenditure of money on drink, quite apart from offences directly due to alcohol, does sometimes lead to delinquency of an economic character.

SPECIAL TYPES OF OFFENCES

Assaults.—Whilst for the Welsh District of Pontypridd and Rhondda it was stated before the Royal Commission that a high percentage of *assaults* on women and children had been committed under the influence of drink,[1] a comparison between the rates of drunkenness convictions and those of persons prosecuted for assaults in various other districts shows that the figures do not always move in the same direction; whereas, for instance, Liverpool and Manchester have now almost exactly the same rate of drunkenness convictions (1937, Liverpool 25·37, Manchester 24·34 per 10,000), the annual average (for 1935–37) of persons proceeded against for assaults is:[2] Liverpool 9, Manchester 3·6 per 10,000. On the other hand, the enormous differences in drunkenness convictions found between Southampton, on the one hand, and Newcastle and Middlesbrough, on the other,[3] do not find their counterpart as far as assaults are concerned: the annual averages of persons proceeded against for assault (1935–37) numbered for

Southampton	..	4·2 per 10,000
Newcastle ..	..	3·8 ,,
Middlesbrough	..	5·0 ,,

In spite of such apparent signs of missing causal relationship there can hardly be any doubt that the decline in assaults (persons dealt with) from an annual average of 55,033 for the years 1900–09 to 18,537 in 1938 hangs together with the corresponding decrease in drunkenness.[4] That the latter was not *solely* responsible for this improvement can also be concluded from the fact that assaults have begun to become less frequent already since the beginning of the

[1] No. 6994, sect. 17. [2] Above, p. 139. [3] Above, p. 170–1.

[4] See, e.g., J. F. Moylan, *Scotland Yard* (1929), p. 290, who stated that as a result of this diminution of drunkenness the number of metropolitan policemen injured in effecting arrests had fallen to about a fifth of what it had been thirty years before.

present century, whilst the persistent fall in drunkenness offences dates from the Great War only.

Motoring Offences.[1]—The connection between alcohol and crimes involving the use of motor vehicles is obviously of a twofold character. In so far as the motor vehicle is used for the commission of *deliberate* crimes, mainly against property, that relationship is of a strongly negative character, i.e. for the successful commission of such a crime complete abstinence from alcohol is almost essential. On the other hand, crimes due to *negligence*, mainly assuming the form of manslaughter or of "driving under the influence of drink or drugs," are usually alcoholic crimes, and it is therefore exclusively with this latter type that we are here concerned.

Whilst the *Criminal Statistics* do not give any separate figures for the offence of "driving under the influence of drink" (Road Traffic Act, 1930, sect. 15), the annual Returns of Offences relating to Motor Vehicles, published by the Ministry of Transport, supply the necessary information.

In 1929, before the coming into force of the Road Traffic Act, 1930, convictions under the Criminal Justice Act, 1925, sect. 40, for "drunkenness while in charge of a motor vehicle" numbered 1,230. Under the Act of 1930 offences of this kind increased as follows:

1933	2,064	1935	2,478	1937	3,040

The contention has repeatedly been made, however, that the numbers of convictions for this type of offence are far below their actual occurrence, because they represent only those cases that were *obviously* due to drink or drugs.[2]

Cruelty to Children.—This is an offence which has undergone very striking changes as far as the part played by drink is concerned. According to estimates published by the National Society for the Prevention of Cruelty to Children,[3] the percentage of this Society's

[1] The following text is neither concerned with motor offences in general nor with the question of penalties.

[2] Dr. H. M. Vernon, *British Journal of Inebriety*, vol. 34 (1937), p. 159; Dr. C. C. Weeks, vol. 28 (1931), p. 163; Chief Constable of Lancashire before the Select Committee of the House of Lords on the Prevention of Road Accidents, Report (1939), p. 110.

[3] Report for the Jubilee Year 1933–34, p. 44; Report for 1936–37, p. 16.

cases due to drink numbered 40·27 per cent (=19,755) in 1914–15 and only 7·33 per cent (=3,376) in 1936–37—in the words of the Director of the Society "not merely a reformation, but a complete transformation."[1]

In this connection mention should be made of the results of an enquiry into "The Social and Economic Aspects of the Drink Problem," which was carried out by a private Committee at approximately the time when the Royal Commission was sitting.[2] The information consisted of the results of some special investigations carried out in Liverpool, Leeds and York, of data collected from the case records of a Probation Officer, and of a statement prepared by a former governor of a convict prison. Their conclusions were that the percentage of crime directly or indirectly caused by drink "may be put at about 40 per cent of all the more common offences . . ., 25 per cent of all cases of violent crime . . . and 15 per cent of the cases of cruelty to children."[3] The chief weakness of this enquiry is the small number of cases investigated, which is particularly conspicuous with regard to the Probation Records (only 42 cases were examined). Moreover, the exact meaning of the term "directly or *indirectly* caused by drink" has not been made sufficiently clear.

V. *Drunkenness among Women and Juveniles.*—It is impossible to find out the exact figures of *Women* found guilty of drunkenness offences. The *Licensing Statistics* distinguish according to sex, but only for convictions, whilst the *Criminal Statistics* either do not give any sex ratio at all for non-indictable offences or confine themselves to showing the total of females proceeded against, which figure includes not only those convicted or placed under probation or found guilty and dismissed, but also charges withdrawn or dismissed owing to insufficient evidence. Moreover, in order to make an accurate estimate it would be indispensable to know how many individual women were proceeded against for drunkenness in a given year, which again is impossible under the existing system.[4]

[1] William J. Elliott, *British Journal of Inebriety*, vol. 26 (1929), p. 226.
[2] The Report, published in 1931, was edited by Mr. Wallas Meakin.
[3] P. 159.
[4] See above, p. 33.

The following figures for 1936 present a typical picture:

Proceeded against for simple drunkenness	Aggravated drunkenness
4,932 women	3,524 women

Convicted of drunkenness: 6,508 women.

Received in prison for drunkenness: 1,772 women, out of whom 456 were committed without the option of a fine, and 1,316 women in default of fines imposed.[1] (In 1913, 15,116 women had been committed to prison for drunkenness.)

What happened to the rest of 8,456 — 1,772 = 6,684, whether they were discharged or placed under probation or fined, we do not know. On the other hand, we are informed that out of those 1,772 women received in prison, only 320 were not known to have previous sentences of imprisonment or penal servitude, whilst the rest of 1,452 were known to have such sentences.[2] The number of previous sentences was:

One	Two	Three	Four	Five	Six to ten	Eleven to twenty	Above twenty
101	85	94	90	103	199	284	496

In other words, over a third of these women had over twenty previous sentences each. These figures are apt to be misleading in so far as the 496 cases may in fact represent not 496, but only 20 or 30 women who each had returned to prison 20 times during that year.[3] The same, *mutatis mutandis*, may apply to the other categories. It is to be hoped that the Prison Commissioners may in future supply information on this point. The Royal Commission of 1929–31 took great trouble to obtain reliable evidence on the matter, but it can hardly be said that the material collected gives a uniform impression. Nevertheless, a few facts seem to have emerged fairly clearly. Public drinking among women has become more widespread since

[1] *Report of Prison Commissioners for 1936*, p. 7. [2] Ibid., p. 124.

[3] Dr. J. Hall Morton, a former Governor of Holloway Prison, reported numerous cases of women who had been committed up to seventeen times in the course of a year (*Howard Journal*, 1929, p. 307). B. L. Jacot (*Quarterly Review*, July 1938, p. 101) even mentions the case of a woman who used to return to Holloway Prison up to forty times a year. Each time she entered in rags and, according to regulations, had to be provided with a complete outfit of clothing, which after discharge she at once sold to a secondhand dealer. With the proceeds "she drinks herself unconscious, returning in due course to Holloway for a new outfit."

the war of 1914–18, but, owing to the milder quality of the intoxicants they consume, drunkenness and consequently convictions have become less frequent.[1] Whilst in 1913 almost 19 per cent of all drunkenness convictions related to women, the corresponding figure in 1937 was only 13·2 per cent.

The female share in drunkenness convictions is usually much higher in large cities than in other districts. In 1937, it was

	Per cent
For the whole of England and Wales	13·2
For the Counties (excluding county boroughs) ..	6
For the County Boroughs	16
For the County of London	22
For the City of Manchester	20

As seems hardly surprising, it is usually the older female drunkard who goes to prison. In 1937, for instance, the sex ratio among prison inmates of this category was[2]:

For the age group 21–30	1 female : 8·3 males
For the age group 30–40	1 female : 3·4 males
For the age group 40–50	1 female : 3 males
For the age group 50–60	1 female : 2·3 males
For the age group 60 and above ..	1 female : 2·2 males

The number of *Juveniles* charged with offences against the Intoxicating Liquor Laws is negligible, though there has been an increase in recent years[3]:

1932	2	1934	26	1938: Boys 14–17	35
1933	3	1935	30	Girls 14–17	8
				Boys under 14	–
				Girls under 14	1

It is exceptional to read a report like the one of a Liverpool boy of 16 who, having drunk 7½ pints of beer, stabbed a girl of the same age and was placed on probation on condition that he touched no alcohol.[4] Generally speaking, "drink is not a serious problem with the adolescent boy or girl."[5]

[1] See *Minutes of Evidence*, Nos. 9180, 9328, 9364, 6994, 5797, 26301, 26528 (sect. 5), etc.; Ernest Selley, *The English Public House*, p. 128.

[2] See also Chapter XI.

[3] No figures are given for 1936 in the *Criminal Statistics*.

[4] *The Times*, May 2, 1939.

[5] Dr. A. E. Morgan, *The Needs of Youth* (1939), p. 255.

VI. *Distribution of Drunkenness Convictions over the Days of the Week and the Months of the Year.*—(1) In England and Wales *Saturday* occupies by far the first place in arrests leading to convictions for drunkenness, the percentages varying between 29 and 33 in England excluding Monmouthshire, whilst for Wales and Monmouthshire, owing to Sunday closing, the percentage climbs even to 39.[1] The second place is usually held by Friday with up to 16 per cent, the third by Monday which usually takes about 12 per cent, whilst Sunday shows between 9 and 11 per cent (in Wales and Monmouthshire usually only 5 per cent). The influence of the Friday pay day system thus makes itself strongly felt, whilst Sunday, even outside Wales, remains somewhat below average. This latter feature is in distinct contrast with similar Continental, in particular German, statistics of offences against the person,[2] which always show a great predominance of Sunday arrests.[3]

TABLE XXIX*

MONTHLY CONVICTIONS FOR DRUNKENNESS: TOTALS FOR 1922–37

January	67,533	May	76,438	September	74,208
February	56,176	June	76,840	October	74,588
March	72,304	July	81,354	November	67,102
April	73,697	August	81,698	December	75,685

* Taken from *Licensing Statistics*, Table D.

(2) Table XXIX, which is compiled from Table D of the annual *Licensing Statistics*, shows that the peak months of drunkenness convictions for the years 1922–37[4] have been July and August, i.e. usually the hottest months of the year, with May, June and December following, whilst February has, even in proportion, the fewest numbers, January and November also being fairly low. It is, therefore, clear that summer heat more than winter cold is responsible for this type of delinquency, though the difference is not particularly marked.

[1] See also Royal Commission of Licensing, *Minutes of Evidence*, No. 25759, 26914 et seq.

[2] Statistics of drunkenness convictions are usually not available.

[3] *Handwörterbuch der Kriminologie*, vol. i, pp. 706–7; F. Exner, *Kriminalbiologie* (1939), p. 224.

[4] The years before 1922 have not been taken into consideration because of the many special factors which probably influenced the seasonal fluctuations.

There are no corresponding figures for assaults and other offences against the person. An investigation carried out by the author in a London Police Court showed that, over a period of six years, 180 persons had been dealt with for assault in January and 411 in July.

VII. *The Treatment of Persons Found Guilty of Drunkenness.*— Although we are here not especially concerned with questions of treatment, it is difficult to resist the temptation to dwell at least briefly in the present chapter upon this aspect of the matter. Have Court methods of dealing with drunkenness cases undergone any changes during the period under investigation? From certain remarks in the *Minutes of Evidence* of the Royal Commission of 1929–31 one might receive the impression that this has been the case and, in particular, that Probation has become fairly widely used for offences of this kind.[1] Such a view, as is clearly proved by the *Criminal Statistics*, would, however, be erroneous; Probation Orders for drunkenness offences have hardly ever within the last ten years exceeded the insignificant figure of 200 per annum. The sometimes considerable differences between the number of persons proceeded against and the number of convictions are not, as some witnesses before the Royal Commission apparently believed, due to Probation Orders, but to simple dismissals of charges proved or, to a much smaller extent, to binding over without a Probation Order. The favourite method of dealing with such offences has up to now remained the fine, and, to a less extent, imprisonment, which means, with very few exceptions, prison terms of less than one month. Simple dismissals have considerably increased of late, and it is fairly obvious that this method frequently occupies the place which might be filled by Probation.[2] The great value of supervision by a Probation Officer for suitable cases was strongly stressed by one of the witnesses before the Royal Commission.[3]

[1] See, e.g., *Minutes of Evidence*, Nos. 2596, 2769, 2771, 6302.

[2] Before the Royal Commission of 1929–31 a witness from Birmingham expressed the view that dismissal with a caution is "practically the same thing" as probation and pointed out that in the case of first offences, when there are extenuating circumstances, the Justices frequently adopt the policy of adjourning the case for four weeks and requiring a Police Report at the end of the time with a view to discharging the offender if the report is favourable (Nos. 3341, 3464).

[3] Dr. Thomas, No. 6994, sect. 9.

As the published statistics do not contain any information as to the *amount* of fines imposed for drunkenness, the author has collected some figures covering the years 1910–35 from two Police Courts in different areas of London.[1] They show that certain changes have taken place between the years 1916 and 1928, in so far as the majority of fines, which before 1916 had been between 1s. and 5s., was in 1916 raised to 5s. to 10s., with even a not inconsiderable percentage between 10s. to 20s., and 30s. to 40s. Since 1928, however, a gradual diminution in the amounts of fines has taken place with the result that the position is now not very different from the last years before the war of 1914–18, the great majority of all fines not exceeding 10s.

Neither fines nor short sentences of imprisonment nor even Probation are suitable methods for the more serious cases of *habitual Alcoholism*, and the question cannot, therefore, be entirely shelved whether English law at present deals effectively with the habitual drunkard. There is no need to recapitulate the details of the history of the Inebriates Act of 1898 (which established State and Certified Inebriates Reformatories for compulsory detention of habitual drunkards up to three years). That story has been admirably told in a Home Office Memorandum submitted to the Royal Commission of 1929–31[2] as well as by Dr. R. W. Braithwaite,[3] who had been chiefly responsible for the administration of the Act, and by Dr. W. Norwood East,[4] and, at an earlier stage and from the layman's point of view, by Mr. Thomas Holmes.[5] Judging from these accounts, it is not altogether easy to distribute the responsibilities for the gradual breakdown of the scheme. It would seem, however, as if it may have been due partly to difficulties created by the Act itself, partly to the disinclination of local magistrates to administer the Act properly, partly to insufficient attention to the special

[1] The author wishes to express his gratitude to Sir Rollo Graham Campbell, former Chief Magistrate of the Police Courts of the Metropolis, to Mr. Geoffrey Rose, Metropolitan Magistrate, and to the Chief Clerks of the Courts concerned as well as to their staffs for the facilities kindly extended to him in this matter.

[2] *Minutes of Evidence*, Written Statements, p. 67 et seq.

[3] *British Journal of Inebriety*, vol. 25 (1927), p. 5 et seq.

[4] Ibid., vol. 35 (1938), p. 156 et seq.

[5] *Known to the Police* (1908), p. 45 et seq.

medical problems and, finally, to the fact that only wellnigh hopeless cases were sent to the Reformatories. As much as one may be inclined to agree with the prevailing view that many cases of habitual alcoholism are, in fact, cases of Mental Deficiency and better treated as such, it does not seem to have been established beyond doubt that for certain categories of offenders the setting up of separate Institutions under special legal provisions might not be preferable.

CHAPTER SEVEN

METHODS OF BUSINESS ADMINISTRATION

THE criminologist who tries to lay bare the principal driving forces making for crime in a given society cannot fail to place a rather heavy responsibility at the door of this "acquisitive society" itself. This verdict is by no means intended to relieve the individual concerned of any blame for his criminal actions, but it nevertheless implies that the share of the individual may become comparatively insignificant from the sociological point of view. It is not only true that, generally speaking, every type of society gets "the criminals it deserves,"[1] but even beyond that it can be proved in a much more specialized way that certain methods of large-scale business administration are bound to produce corresponding types of lawbreaking. Such methods of conducting business may cover the whole range of values from the manifestly criminal ones to those that, in themselves, are not only perfectly honest and useful, but even indispensable for the well-being of the community at large. And such usefulness is not in the last irreconcilable with the fact that legitimate activities of this kind may prepare the ground for anti-social actions by other members of the same community. This, it might be said, is nothing but an enlargement of the old commonplace dictum that there can be no theft without private property, and the more conspicuous the latter is, the stronger will be the temptation to commit the former.

The administration of criminal justice represents, to a wide extent, nothing but an annex to the economic activities of the community and cannot therefore be entirely separated from the economic life of the individual citizen. This seems to have been tacitly recognized by a decision of the Commissioners of Income Tax that

[1] See Mr. Henry T. F. Rhodes, *The Criminals we Deserve* (1937).

bookmakers who pay fines imposed upon their runners for street betting offences are allowed to deduct such fines as expenses for the purpose of income-tax assessment.[1] The Chancellor of the Exchequer, in his statement before the House of Commons, did not raise any objections against this decision, provided that the fines were paid "wholly and exclusively for the purposes of the bookmaker's business."

The whole problem narrows down to the simple question how far it is economically possible to conduct the administration of business and that of criminal justice in such a way as effectively to prevent certain widespread forms of delinquency. An American criminologist[2] who has grasped this dilemma very clearly argues that to suspend a driver's licence might well be an efficient method of dealing with motoring offences, but if it were done on a very large scale, it would greatly diminish not only the turnover of motor-car manufacturers, but also the Government's revenues from automobile and gasoline taxes.

Sometimes it may be possible, however, to buy off certain types of crime without expenses so high as to make the particular branch of business altogether unprofitable. If forgeries of banknotes become too frequent, there are various ways of stopping them. Supposing that these acts are the work of only one or a few master forgers, the banks involved may find it worth while compounding with these enemies by paying them a handsome pension for the rest of their lives.[3] If the banks are, however, confronted with a large number of small craftsmen who indulge in banknote forging mainly in times of unemployment, it may be more practicable to change the system by stopping the issue of notes which can too easily be imitated. This is what seems to have happened in England in 1818,[4] when forgeries of banknotes were said to have increased from 1,602 in 1798 to 30,476 in 1818.[5] "The bank directors held a meeting imme-

[1] See the report of the debate in the House of Commons, *The Times*, July 19, 1939.

[2] Nathaniel Cantor, *Crime and Society* (1939), p. 248, fn. 1.

[3] This is the method reported by Henry T. F. Rhodes, *The Criminals we Deserve* (1937), p. 106, as used in America.

[4] See, e.g., William Andrews, *Bygone Punishments* (1899), p. 31 et seq.

[5] C. G. Oakes, *Sir Samuel Romilly* (George Allen & Unwin Ltd., 1935), pp. 296–7.

'diately upon the subject, and after that they issued no more one-pound notes, and there was no more hanging for one-pound notes. . . .''[1]

THE INFLUENCE OF INSURANCE

The development of the possibility of insuring against the risk of economic losses caused by fire, death and theft has created not only several entirely new types of crime but also certain habits which have greatly facilitated the commission of offences of the older types.[2] Amongst the criminological types of crime connected with the existence of insurance the most important ones are murder, arson, burglary and fraud. *Murder* committed for the sake of getting the insurance money has become a fairly regular, though not frequent event. A recent German analysis of 124 murder cases in which death sentences had been imposed within the three years 1928–30,[3] showed no less than four murders of this type, involving five victims. Perhaps the most interesting feature is that one of these murders, the Tetzner case of 1929, was imitated in England very soon after its commission, in spite of the execution of the death sentence imposed on the culprit.[4]

The frequency of *arson* committed in order to get the insurance money can fairly easily be assessed in a country like Germany, where this speciality is treated as a separate crime in the Penal Code (§ 265). Here it can be shown in every detail how closely the statistical fluctuations of this crime have been connected with certain changes in the economic situation. Arson of this kind means economically an exchange of goods for money, and this becomes unprofitable when goods are scarce and money cheap and unstable. Consequently, the number of convictions for this crime, which averaged *ca.* 30 annually before the War, fell to almost zero during the Inflation (1920, 2; 1921, 6; 1922, 5; 1923, 3), in order to

[1] Andrews, loco cit.

[2] On the influence of insurance upon the *Criminal Statistics*, see above, p. 37.

[3] *Reichskriminalstatistik, 1931*, p. 32 et seq.; Ernst Roesner, *Monatsschrift für Kriminalbiologie, 1938*, p. 220.

[4] See the detailed report of the "Blazing Car Case" in Helena Normanton, *Trial of Alfred Arthur Rouse* (1931, Notable British Trials Series).

reach rather high figures after the stabilization of the German currency (1925, 39; 1926, 75).[1]

English *Criminal Statistics* give no information for this particular type of arson (Offences against the Person Act, 1861, sect. 3). If we follow the interesting account given by Mr. Henry T. F. Rhodes, it must be very frequent in this country, too.[2] Only as the result of the activities of Leopold Harris and his accomplices,[3] however, did this type of crime come into the full limelight of publicity.

There is, lastly, the equally popular form of cheating the insurance companies by means of fictitious *burglaries*. In the course of his work as a *juge d'instruction* (*Untersuchungsrichter*) in Berlin, the author had—shortly after the stabilization of the Reichsmark—permanently to deal with unsuccessful experiments of this kind, staged at times when trade was particularly slack, and usually combined with fraudulent bankruptcy. They do not seem so prominent in this country, and the Commissioner of the Metropolitan Police testifies that they are "comparatively rare."[4] On the other hand, Mr. E. H. Grout[5] states that "one of the greatest risks in burglary insurance is that of collusion. There are many people who would not allow their own dainty fingers to be polluted by criminal activities in the first person but who are perfectly willing to use their brains to plot ingenious schemes for others to execute."

It sometimes happens that criminals who are in the act of carrying out an act of robbery try to overcome the resistance of their victims by reminding them of the existence of their insurance policy. In a recent case of jewel robbery in a flat in the West End of London one of the prisoners told the attacked woman: "You know what we want. You are insured, you won't miss it." In spite of this encouragement, he did not find the friendly reception which he seems to have expected. At the trial the prisoners brought forward the—obviously unfounded—defence that they had taken part in a "faked robbery," staged to enable the victim to claim the insurance money, to which

[1] *Handwörterbuch der Kriminologie*, vol. ii, p. 957. See above p. 106.

[2] *The Criminals we Deserve*, p. 191 et seq.

[3] See, in addition to Mr. Rhodes's report, Mr. Loughborough Ball, *Trial and Error* (1936).

[4] Report for the year 1935, p. 6. See also E. H. Grout, *Burglary Risks* (1927), p. 26.

[5] Op. cit., p. 231.

accusation the owner replied that "as she underwrote herself for a quarter of her policy she did not think any one in their senses would try to get on the wrong side of the law."[1] One might imagine that cases of faked robbery are less frequent than corresponding burglaries, since a "burglary" can be staged by the owner himself without any assistance of third persons, which latter makes faked robberies rather risky.

As regards simple frauds, as for instance the making of fraudulent claims for alleged larcenies of motor cars, etc., there is no evidence that they are so frequent in this country as in the United States, where Professor Hall, in his fascinating study of the subject,[2] described their number as "enormous."

The following is an example of a bogus claim for alleged damage to property:

> "Found guilty at the Central Criminal Court yesterday of conspiring to defraud and attempting to obtain money by false pretences, T. J. M., aged 60, street trader, was sentenced to twenty months' imprisonment. It was stated that M., who had had a number of convictions, had been suspected since 1922 of making bogus claims against insurance companies. His son, aged 23, also a street trader, who was similarly found guilty, was sentenced to eight months' imprisonment. The case for the prosecution was that the accused men made bogus claims for compensation in respect of alleged damage to ponies and vehicles. Detective-sergeant C. said that T. M. was first convicted in 1898 for stealing a horse. In 1904 he was sentenced to three and a half years' penal servitude for a similar offence. The witness went on to say that the first claim which he had been able to find out since the beginning of the present investigations was in August 1922. He had traced nearly twenty claims, and was of opinion that there might be many more. The sums of money which T. M. and various members of his family had had from insurance companies from that date amounted to £1,272. In the majority of the claims the Police had had a difficulty

[1] *The Times*, May 9 and 10, 1939. Another case of this kind is reported in the *Journal of Criminal Law*, January 1940, p. 3.

[2] Jerome Hall, *Theft, Law and Society* (1935), p. 277.

because there was always an accident, but the injuries might have been self-inflicted."[1]

Of greater significance to the sociologist than such clearly criminal, but more or less isolated, actions are the gradual changes in habits which considerable sections of the population undergo as a consequence of their being insured against some risk or other. As soon as a third party becomes strongly interested in the prevention of crime and in the recovery of stolen property, this must obviously change not only the balance of the economic factors involved but also the whole behaviour of the owner. He may lose a good deal of his normal devotion to the protection of his property or even become distinctly "careless."

> "It may be that the system of insurance against thefts of all kinds endangers carelessness. . . . Those who rely on insurance fail to realize perhaps that premiums would be lower if thefts were fewer. That is a small matter, and there are far more important considerations. I venture to say that people who are careless with their property are acting almost as much 'anti-socially' as those who are tempted by their carelessness to start a life of crime."[2]

It is easy to understand that Chiefs of Police are greatly concerned at this "happy-go-lucky attitude" which tends to facilitate the commission of those offences which the Police jargon has labelled as "preventable," such as thefts from vehicles, car stealing, bicycle stealing, house-breaking, etc., in contradistinction to those which are merely "detectable", as forgery, fraud, shoplifting, larceny by servants.[3] The Police, quite rightly, take great pains to point out that a better protection of houses, cars, etc., should be obtained, and is obtainable without prohibitive cost by mortice locks and similar precautions.

It might be interesting if the Police Forces would occasionally publish figures indicating the relative frequency of thefts of all kinds as these concerned insured and uninsured property respectively.

Whilst the private citizen may get into the habit of neglecting

[1] *The Times*, September 29, 1939.

[2] *Report of the Commissioner of Police of the Metropolitan Area for the year 1935*, p. 16.

[3] See, e.g., the Report quoted in the foregoing footnote, p. 5.

precautionary measures on account of his insurance, business firms —though not insured against simple larceny[1]—may do the same in order to save the expenses of employing a larger staff and to attract customers. Only too well known are the complaints about the increasing opportunities for theft offered by certain methods of displaying goods in cheap multiple stores.[2]

> "Costly stocks are exhibited in profusion, and customers are encouraged by the large departmental stores to use the premises as their own, so that it is perfectly easy for an astute thief to study the habits of staffs, to ascertain the location of desirable goods, and to arrange for a confederate to make enquiries about a particular line of goods that will keep an assistant occupied away from the thief's scene of action. The management also assists the thief by inviting the customers in large numbers at sale times, so that the attention of staff is distracted by the imperious necessity of attending to the wants of the huge crowds before their counters, whilst the thief is afforded every opportunity for submerging his individuality after he has completed his transactions."[3]

These shops, it has repeatedly been said by magistrates, are "absolute snares for children. Everything is spread out before their eyes and they can take what they want."[4] The Council of the Magistrates' Association even passed a resolution, which was sent to the Home Office, stating:

> "That this council is gravely concerned at the widespread thefts from popular stores, and is of the opinion that upon those traders who display goods on open trays rests the responsibility of doing all that is practicable to prevent petty theft."[5]

For the stores concerned the problem is mainly one of business

[1] Business firms are generally unable to insure their stocks against simple larceny (see E. H. Grout, *Burglary Risks*, 1927, p. 134).

[2] Already in the *Report on the Police of the Metropolis, 1828*, a witness complains of "the increased competition in trade, and consequent exposure of property offering temptation to persons to commit crime" (*Minutes of Evidence*, p. 67). See also *Matthew Davenport Hill before the Select Committee of the House of Lords, 1847*, p. 20.

[3] E. H. Grout, op. cit., p. 135.

[4] Mr. John A. F. Watson, Chairman of the Southwark Juvenile Court, according to the *Evening Standard*, November 18, 1938.

[5] *The Times*, March 23, 1939.

organization. Firstly, does it pay to attract customers by openly displaying the goods at the risk of some losses through shoplifting? Obviously it does, and this open display is without any doubt most convenient for the great masses of the population who are now in a position to choose the goods they want without being molested by officious shop assistants. Secondly, would it pay to employ a larger staff in order to exercise better supervision? According to a statement made to the author by the managing director of one of the largest enterprises of this kind, shoplifting has already been diminished by this method. This can, however, be apparently true only up to a certain limit, since an excess of supervision would frighten away the customer.

Apart from shoplifting, certain other types of offences are also made comparatively easy through lack of control which again has its roots in the desire of many firms to avoid anything that might offend or inconvenience their customers. Here is to be mentioned in the first place the *impersonating fraud*, which can be carried out by anyone who knows the name and address of customers who have a current account with the firm. Whilst certain firms require some identification papers from persons purporting to have an account or to act for the owner of the account, other firms carry out small orders without enquiries of any sort.

Reflections of this kind are not altogether limited to the much-blamed cheap multiple store. It is just the luxury trade that has to pay particular regard to the sensitiveness of its customers. The *Justice of the Peace and Local Government Review*[1] seems to be justified in making the following comment on the famous Mayfair robbery case of 1938:

> "We find it hard to understand the sending by any firm of £16,000 worth of diamonds to a private suite in a hotel, in response to a telephoned request from an unknown customer. . . . No doubt, some risks must be run in luxury trades. . . . But is there any sufficient reason for a firm to send out one of its senior representatives alone?"

Here we find our problem quite clearly stated. Some risks must be run in order to avoid giving offence to prospective customers; this

[1] February 26, 1938, p. 130.

consideration should, however, not be pushed so far as to give actual encouragement to serious crimes.

It is interesting to note that within the last decades a considerable change in the type of shoplifters is said to have taken place in the big departmental stores in London as a consequence of closer supervision. Previously, so the author was told by the Chief Enquiry Officer of one of the largest firms of this kind, professional shoplifters who used to concentrate on silk and fur coats numbered at least thirty. Now there are only two of them, whilst the number of amateur petty shoplifters, mainly "better-class people," has greatly increased.

The methods of administration used in the *postal service* are also of great importance for the development of special types of crime. In countries where special postmen have to carry with them considerable amounts of money they become easy targets for special types of robbery with violence or even murder. Criminals rent furnished rooms under fictitious names and address postal orders or registered letters to themselves in order to force the postman to enter their room. In his book *The Psychology of Murder*, the late Swedish criminologist Andreas Bjerre describes a typical case of this kind, and his English translator makes the following comment:[1]

> "In Sweden and other foreign countries money orders, registered insured letters are delivered by a special postman, who carries with him cash and notes to pay against receipt the value of money orders. He thus offers considerable temptation to thieves."

In England, where the addressee has to fetch from the Post Office money sent to him by money or postal orders, this type of crime is very rare, although postmen delivering registered letters and packets have sometimes fallen victims to this type of crime.[2]

A good deal of attention has been paid in recent years to *Industrial Assurance*, i.e. "the business of effecting assurances upon human life, premiums in respect of which are payable at intervals of less than

[1] English translation (1927), p. 25, fn.

[2] A case of this kind is reported in *The Times* of December 11, 1937.

two months and are received by collectors,"[1] or—to use an American definition—"a form of life insurance especially designed to meet the requirements of the wage-earning or industrial population."[2] The potential criminological implications of the system have been well known for a long time. In 1853 the Reverend John Clay, the famous Prison Chaplain of the Preston House of Correction, published a pamphlet *Burial Clubs and Infanticide in England*, where he quoted several cases of alleged murder for "burial money."

The right to take out "life-of-another" policies is now restricted to certain categories of "permitted relatives." The number of policies in force in Great Britain and Ireland at the end of 1930 exceeded 80 millions, and the sums assured exceeded £1,250,000,000.[3] The family relationship of the proposer to the life assured person was stated to be as follows (for 1931):[4]

	per cent
Self, husband or wife	45·3
Son and daughter	41·8
Parent	5·8
Brothers and sisters	4·5
Grandchild	2·5
Grandparent	0·1
	100·0

This shows a very high percentage of children who take out policies on the lives of their parents.

There are two aspects of the subject which are apt to arouse the special interest of the criminologist. First, the danger that assurances taken out on the lives of children or of old people, and possibly even without the knowledge of the latter, may occasionally lead to murder or, at least, persistent neglect and ill-treatment. And there is, secondly, the precarious economic position of the agents, which, however, does not represent a special feature of the insurance business and will, therefore, be discussed in another connection.[5]

[1] See the Report of the Committee on Industrial Assurance and Assurance on the Lives of Children under ten years of age, 1931–33, under the chairmanship of Sir Benjamin Cohen, K.C.; and particularly Sir Arnold Wilson and Dr. H. Levy, Industrial Assurance (1937). A brief historical account of the system is to be found in Percy Cohen, *The British System of Social Insurance* (1932), chapter vi.

[2] Solomon S. Huebner, *Life Insurance* (1929), p. 286.

[3] Report of the Committee, 1933, p. 4. [4] Report, p. 6. [5] See p. 207.

The danger of assurance murders was certainly in the minds of members of the Departmental Committee of 1931, although hints to this effect were usually accompanied by the protestation that it seemed impossible to believe in the reality of such possibilities.[1] Actual facts that might have decided the issue were hardly available, and everybody was naturally afraid to base definite accusations upon mere suspicion. The weight of the economic and psychological factors involved is, nevertheless, considerable and should be sufficient to convince anybody conversant with the working of the human mind of the dangerousness of the situation. Life assurances taken out on the lives of persons whose deaths cannot be regarded as an economic loss for the insured are not only a detestable form of gambling,[2] but may, in individual cases, even become an incentive to crime. In the case of children the law (Industrial Assurance Act of 1923) provides the safeguard that the maximum sum which can be assured—whether under one or under a number of contracts—is £15 if the child dies under 10 years of age, £10 if it dies under 6, and £6 if it dies under 3 years. Children over the age of 10, however, can be assured for any sum, and, moreover, the Committee of 1931 found that the limitation as regards children under 10 was in fact widely disregarded. It was officially estimated in 1929 that there were 200,000 children over-insured in England.[3] The provisions in sect. 1(5) and (6), Children and Young Persons Act, 1933, and previously in sect. 7 and 12, Children Act, 1908, prove that the existing dangers have been recognized.

Still less effective are the existing safeguards in the case of older persons. It is even lawful to withhold from the knowledge of those assured the fact that policies are being effected on their lives, and the Committee of 1931 was certainly justified in demanding that this should be altered:[4]

[1] See *Minutes of Evidence*, No. 33933.

[2] An Act of 1774 (14 Geo. III, ch. 48) provided: "Whereas it hath been found by experience, that the making insurances on lives, or other events, wherein the assured shall have no interest, hath introduced a mischievous kind of gaming . . . be it enacted . . . that . . . no insurance shall be made by any person or persons, bodies politick or corporate, on the life or lives of any person or persons, or on any other event or events whatsoever, wherein the person or persons for whose use, benefit, or on whose account such policy or policies shall be made, shall have no interest . . ." [3] Report, pp. 17, 98. [4] Report, pp. 10, 56.

"Even if it be assumed, though the indications are much the other way, that all the persons who take out such policies have a well-founded expectation of incurring expenses on the decease of the relatives whose lives they assure, it would still seem desirable that the latter should know of the transaction," and one of the witnesses (an agent) is quoted as having stated that "70 per cent to 80 per cent of the life-of-another business of my agency would not exist to-day if you had to get the consent of the person whose life is to be assured."

Although the maximum amount of a policy is limited, "there is no attempt to limit the number of policies on the same life."[1] The Report of 1933 mentions the story of an insolvent tradesman who, having eighteen industrial assurance policies on the lives of himself and members of his family, was asked by the Official Receiver in the Bankruptcy Court why he should be paying premium on his grandfather's life. His reply was: "I thought it would come in handy if anything happened."[2]

The Annual Reports of the Industrial Assurance Commissioner give some details as to offences against the Act of 1923 brought before the Courts in the course of the year. During the year 1936, for instance, five prosecutions involving nine defendants were undertaken in England by the Commissioner:[3] two for knowingly assisting in effecting illegal policies (sect. 5), one for taking possession of a policy and premium receipt book without giving a receipt (sect. 22) and making a false entry in a premium receipt book (sect. 40); two for making false entries in and omission from a collecting book (sect. 40). A case in which proposals were obtained by fraud of the company's agent is also reported (p. 25).

The development of the use of *automatic machines* for the sale of goods must be regarded as a further example of how the growth of crime follows specific methods of business administration. The automatic machine, whilst convenient for the customer and economical for the shopkeeper, Transport Board, etc., at the same time removes certain barriers, physical and psychological, to the commission of crime. The offender, faced with an impersonal machine instead of

[1] Report, p. 13. [2] Report, p. 12. [3] Report for 1936, p. 40 et seq.

human being, is apt to lose his feeling of risk and of shame. In many of these cases there may even exist lack of imagination which prevents the offender from grasping the fact that behind the machine there stands some person who owns the property concerned and has to bear the loss. It is not only the juvenile to whom this kind of petty stealing is "awfully fascinating,"[1] there are many adults who, whilst they would be reluctant to commit ordinary thefts, make a living by robbing machines. In the Pilgrim Trust's Survey *Men Without Work* an unemployed man is reported as having said: "I used to rob the coin meters in empty houses. Of course, I didn't want to take anything that belonged to anyone."[2]

At Croydon Police Court a man was charged with stealing cigarettes from automatic machines by using filed farthings. "It was stated that there had been hundreds of cases in the district of cigarettes being obtained in this way. The magistrates sentenced him to three months' imprisonment with hard labour."[3]

The recent invention of change-giving machines, as is not difficult to understand, exerts particular attraction.

> "Arrested at Tottenham Court Road Tube Station on Tuesday night, C. M., 24, shop assistant, of L Street, W.C., Teresa W., 25, shop assistant, and Jacqueline C., 19, waitress, both of S Street, W.C., were charged at Marlborough Street Police Court yesterday with being concerned in stealing or attempting to steal money from change-giving machines, of having in their possession 65 false coins, and of uttering one counterfeit coin resembling a current shilling. Detective-sergeant R.B., of the L.P.T.B. Police, said that on Tuesday evening he and Detective C. saw the three accused at a change-giving machine. He saw M. insert a coin in the 1s. slot. C. and W. stood close behind him. 'I pushed my way between them and saw a counterfeit shilling in the hopper of the machine,'

[1] *Manchester Guardian* of January 27, 1915, on the "pernicious automatic machine."

[2] *Men without Work* (1938), pp. 161–2. The authors of this most interesting Report quote this case as one of the instances of a clear causal connection between unemployment and crime, whilst in most of the other cases of unemployed offenders they regard it as possible that the men were unemployed because they had criminal tendencies. See also above, pp. 113–14. [3] *The Times*, July 12, 1937.

said the officer. 'C. pushed her right hand to the 6d. slot machine, and I saw that the coin she was about to use was a counterfeit sixpence. I took hold of her right hand.' The accused were taken to the left-luggage office. In M.'s pocket were found 36 counterfeit sixpences and 21 counterfeit shillings. Detective-sergeant B. went on to say that later on Tuesday night he went to S Street, where in a room occupied by W. and C. he found an attaché case containing a 5s. copper bag which contained 153 counterfeit sixpences and another copper bag containing 143 counterfeit shillings. The case also contained pliers, metal cutters, wire brushes, pieces of lead and a piece of sheet copper."[1]

According to the *Criminal Statistics* for 1937, there were in that year no less than 2,522 males and 91 females found guilty of larceny from automatic machines and meters. The age distribution was as follows:[2]

TABLE XXX

	Males	Females
Under 14 years	674	17
14 and under 17 years ..	712	8
17 ,, 21 ,, ..	402	3
21 ,, 30 ,, ..	413	20
30 ,, 40 ,, ..	215	26
40 ,, 50 ,, ..	70	12
50 ,, 60 ,, ..	29	3
60 and above	7	2

In 1938 the figures had risen to 3,330 males and 168 females.

Here, again, the figures for the age groups under 17 are disturbingly high. In a case before the Liverpool Juvenile Court in 1934 it was stated that in that city alone during seven weeks over 18,000 metal discs had been used illicitly to obtain goods from penny-in-the-slot machines. "It should surely be possible for the automatic machines companies—writes the *Penal Reformer*[3]—to devise some machine a little more selective and less omnivorous in its taste."

[1] *The Times*, September 22, 1938. Another case: *The Times*, November 14, 1939.
[2] Table X (A). [3] *Penal Reformer*, October 1934, vol. i, no 2, p. 9.

Another interesting instance of the close connection between the technique of business administration and that of crime refers to the methods of paying the bill in restaurants, teashops, etc. On the Continent, customers usually have to pay to their waiters or waitresses who, in their turn, pay to the manager for the goods they receive. Consequently, every waiter or waitress is personally interested in watching the guests to prevent them from leaving without payment, and frauds of this kind by customers are therefore not very frequent, particularly as the latter know that the employee concerned would have to bear the loss. On the other hand, waiters and waitresses have to handle comparatively large sums of money, which exposes them to the temptation to embezzle. Under the English system where—at least in most of the cheap teashops and restaurants—waiters and waitresses are not entitled to receive cash, the temptation of falling foul of the law is largely shifted from the staff to the customer, who may try to pass the cashier's counter without paying, or to pay only one of several bills, or to falsify his bill, knowing that the cashier has hardly any means of checking the material facts and that any losses will be borne by the firm. Collusion between the staff and fraudulent customers is, of course, possible in the way that the waiter or waitress may wrongly fill in the bills, but since this requires an understanding between two persons it is probably not frequent. On the whole, it may be said that the English system offers a greater amount of temptation to a greater number of individuals and may therefore lead to a larger number of offences. Nevertheless, it is regarded as impossible to make any changes on account of the necessity of rapidly catering for very great masses of people at the same time—a necessity which is largely due to the fact that lunch time is almost invariably fixed at one o'clock.

The great demand on the part of consumers for home delivery of goods is one of the factors responsible for the growth of blind-alley jobs for boys of 14 to 16, which has, in its turn, contributed to the increase in unemployment and delinquency among adolescents.[1]

In an article in the *Evening Standard*,[2] Patrick Monkhouse has

[1] See, e.g., *An Industrial Survey of Merseyside* (by the University of Liverpool), 1932, p. 95, and below, pp. 236, 243, 249.

[2] March 10, 1939.

vigorously denounced the practices of what he calls "*The Cut-Price Racket*" as a source of crimes of various kinds, and particularly as an incentive for stealing, receiving and forgery, and he quotes a magistrate as saying when sentencing a man found stealing goods to sell to cut-price shops:

> "If only the public would realize that in buying at these cut-price shops they are lending their help to criminal activities, they would think more carefully about where they buy."

The possibility of carrying out successful *railway frauds* is almost entirely dependent upon the system of control and of grading the prices of tickets. Where, for instance, as under the tariff used by the London Transport Board, the amount of the fare payable changes according to the length of the journey, varying almost from station to station, the temptation is strong to travel in excess of the fare. Under a zone tariff, where the cost of a ticket remains the same whether the traveller covers two stations or ten, petty frauds of this kind are much less frequent. It was only recently that this point of view was publicly stressed by Mr. Frank Pick, former Vice-Chairman of the London Transport Board, before the Consultation Committee of the Railway Rates Tribunal. According to a report in the *Evening Standard* of May 24, 1940, he declared himself against the adoption of a minimum penny fare for one stage, instead of raising the minimum fare to three-halfpence for two stages, because fares for one-stage journeys were likely to lead to fraud. He added that more than three hundred cases of railway frauds of a serious character were brought before the London Transport Board's solicitor every week. It can be assumed that a system of fares based on longer stages would substantially reduce this figure, though it would obviously have other disadvantages for the public.

HIRE-PURCHASE

There can be hardly any more convincing evidence of the incompleteness of existing researches into the social aspects of crime than the fact that no systematic investigation has as yet been made into the criminological implications of the hire-purchase trade. This

omission is all the more regrettable as those implications represent what is probably the best instance of the extremely close connection between certain methods of business administration and crime.

The recent debates on the English Hire-Purchase Act, 1938, have been largely concerned with the problem whether Hire-Purchase is in itself an evil or under certain conditions only, and the prevailing opinion, as expressed by the promoter of the Act, Miss Ellen Wilkinson, M.P., leaned rather to the second opinion.[1] It is questionable whether there might not be room for a third view: the Hire-Purchase system might be regarded as an evil only under certain conditions, which latter are, however, largely fixed and unchangeable. Future experience with the practical working of the Act of 1938 will show whether this pessimistic view is right.

There is no need for us to deal with the Hire-Purchase system as a whole, as this has recently been done in a very competent manner.[2] We can therefore concentrate upon a discussion of the criminological danger-spots of the system.

(*a*) There is first the *hire-purchaser* himself. Why is his position to such a degree fraught with the peril of infringing the criminal law? The answer is: because, through his agreement, he is brought into a relationship with the property of others for which there is scarcely any analogy. Persons to whom the possession of other people's property is entrusted are, under ordinary circumstances, either under more or less permanent supervision (as domestic servants, shop assistants, etc.) or chosen for their reliability, and perhaps even required to make deposits. They know that the goods they have to handle are in no way intended to become their own at some future date, and that any abuse of the confidence placed in them will probably cost them their jobs. On the other hand, the same relationship of trust which places these persons in charge of the property usually guarantees them a fixed income. The relations of these classes of persons towards the owner of the goods are

[1] Mr. Aylmer Vallance, *Hire-Purchase* (Discussion Books, No. 29, Nelson, 1939), in his careful discussion of the system, expresses the same view, with some cautious reservations; see, e.g., pp. ix, 38, 51.

[2] See the parliamentary debates on the Act of 1938 and Mr. Aylmer Vallance's book; briefly, Miss Dorothy C. Keeling in the *Liverpool Quarterly*, April 1938, p. 75 et seq.

governed by an agreement as simple as to be comprehensible even to persons of low intelligence and education. There are exceptional cases where one or other of these points do not apply; as a rule, however, they can be taken as giving a fair picture of the situation of persons placed in temporary charge of the property of others. None of these protective safeguards exist to prevent possible lapses of the hire-purchaser. The latter, on the contrary, without being properly selected or in any way restrained, perhaps even without any financial means, is exposed to the strain of having to make regular payments under an agreement that he probably does not understand, and under conditions which easily lull him into the belief that he is the actual owner of the goods—in one word, he is placed within the centre of a criminological danger zone of the first order.

There are no statistics to give an accurate account of the extent to which these facts have left their trail in the criminal records. Under English law,[1] a hire-purchaser who fraudulently converts the goods to his own use, or the use of any person other than the owner, is guilty of simple larceny (larceny as a bailee, Larceny Act, 1916, sect. 1 and 2). It would be interesting if future volumes of the *Criminal Statistics* might, if only over a period of a few years, take the trouble to devote a special column to this category, just as some other forms of larceny have recently been singled out for special consideration. At present, we have to be content with occasional observations and newspaper reports. Mr. Aylmer Vallance[2] has already quoted some illustrative cases from the local Press, which give the impression that there are a great many cases of this kind before the London Police Courts. Mr. Basil Henriques also states that a lot of trouble among East End youths is caused by the thoughtless conclusion of such agreements. One type of hire-purchase delinquency he describes as follows:[3]

> "Often the boy gets tired of the bicycle before he has finished paying for it and manages to find another purchaser. If he de-

[1] See *The Law Relating to Hire-Purchase*, by Robert Dunstan. Third edition by E. Holroyd Pearce (1932), p. 144.

[2] Op. cit., p. 75 et seq. Similar cases are reported in the *Hire Purchase Journal*, April 1938, p. 4, and June 1938, p. 4.

[3] *The Indiscretions of a Warden* (1937), Methuen & Co. Ltd., p. 200.

faults after selling the bicycle, he is liable to be charged with a crime he had not the least intended committing when he first bought and sold the bicycle."

Nobody will be biased enough to assume that every hire-purchaser who comes before the Courts belongs to one of these types. An expert like Mr. Aylmer Vallance admits that hire-purchase firms "have often been victimized by unscrupulous customers," but he emphasizes that even here "the fault lies in the methods of high-pressure salesmanship which such firms have employed, and the complete failure on their part to take adequate precautions to verify the credit-worthiness of applicants for credit.[1] True as this probably is in the majority of cases, there are also to be found certain fraudulent methods against which even the most cautious firms can hardly be expected to protect themselves. This refers especially to the type of customer who secures various goods on the hire-purchase system from different firms so that each individual transaction seems to keep well within the limits of his economic position.

"A fishmonger was committed for trial at the Central Criminal Court, charged, among other offences, with stealing as bailee a refrigerator, valued at £49, a radiogram valued at £37, and a wireless set valued at £20 from three different firms."[2]

It is hardly possible for the firms concerned to take adequate steps in order to obtain reliable information with respect to a customer's total obligations. The fault lies with a system which enables unreliable persons to obtain credit without securities. A possible remedy might be the introduction by the firms concerned of a central system of registration cards under which every hire-purchase transaction entered into by the owner of the card would have to be registered.[3] Even such a system, however, would hardly be sufficiently protective without more thorough methods of checking the economic position of the hirer. The cases are numerous of persons renting houses or flats merely to enable them to obtain valuable furniture, pianos, wireless sets, motor cars, etc., on the

[1] Op. cit., p. 74.

[2] *The Times*, July 2 and 15, 1938.

[3] In the *Hire Purchase Journal*, March 1938, p. 1, such a system is regarded as going too far and a central black list is suggested.

hire-purchase system and to sell the goods immediately to second-hand dealers.

When the prospective customer is required to bring guarantors, signatures of friends or relatives may be forged for this purpose.[1]

Another criminal abuse of hire-purchase credit facilities was mentioned in the public discussions before the passing of the Act of 1938:[2]

> "Landlord A lets to confederate B premises at a fantastic rent; B proceeds to obtain all the goods he can on hire-purchase; the rent accumulates; A then steps in, distrains on the goods, and A and B share the spoils."

Manœuvres of this kind should, however, be extremely difficult under the present civil law.[3]

(*b*) We may now turn to offences committed by hire-purchase *firms* and their *employees*, *agents*, *representatives*, etc.

There is no special need to deal with possible acts of false pretences committed by delivering goods of a quality inferior to that which the hire-purchaser was entitled to expect. Offences of this kind are not peculiar to the Hire-Purchase trade, though they may have been somewhat more marked on account of the high profits which are a well-known feature of the system.[4]

It is otherwise with the notorious method of "*snatching back*." Its legal foundation was the previously existing possibility, which is now greatly restricted by sect. 11 of the Act of 1938, to recover possession of the goods without a Court order and without having to return any previous payments if the instalments be not punctually made. Quite apart from the injustices which had occurred in cases where the amount actually paid almost equalled the purchase price, clauses of this kind seem to have frequently led to assault and malicious damage.[5] A particularly revolting figure then made his

[1] A case of this type: *Hire Purchase Journal*, April 1938, p. 8.

[2] Mr. John P. Dennis, *The Times*, December 18, 1937.

[3] See *Stone's Justices Manual, 1939*, p. 1183, fn. *d.*; Hire Purchase Act, 1938, sect. 16; Law of Distress Amendment Act, 1908.

[4] Examples showing the extraordinary differences between cash prices and hire-purchase prices are quoted by Mr. Aylmer Vallance, op. cit., pp. 49–50; Miss Keeling, loco cit., p. 78.

[5] *Hire Purchase Journal*, March 1938, p. 4: man fined on a charge of wilfully damaging a window of a garage. Magistrate's comment: "most outrageous and quite inexcusable."

appearance: the "repossession bully," usually an ex-boxer who knew how to dispose of the hire-purchaser's possible objections.[1] The "snatch-back" system, it was said, was "a social menace of first importance."[2] When cases of this kind first came before the Courts, judges and magistrates seem to have been inclined to regard them as comparatively harmless mistakes, committed by ignorant employees too zealous to serve their masters.[3]

In the course of time, it became only too apparent, however, that at the bottom of excesses of this kind there was to be found something like a well-established system, in so far as hire-purchase agreements were concluded by certain firms not with a view to their mutual fulfilment, but in the all too certain hope that instalments might become overdue and the goods might revert to themselves. Still further to extend the scope of such activities the system of "doubling up" of agreements (or system of linked agreements) was invented,[4] which is now also rendered harmless by sect. 9 of the Act of 1938. The criminal law was usually helpless against deceptive agreements of this kind. Hardly ever was the odd principle that *leges vigilantibus scripta sunt* more abused.

Likewise unsatisfactory are the methods of dealing with offences of the agent or sales representative or door-to-door salesman, or whatever he may be called. Men of this type have to play the miserable role of buffers between the hire-purchase firm and its customer, and are therefore in the grave danger of offending against both of them. Whilst the Criminal Courts have frequently to deal with offences of agents against the firms, offences against hirers have, for obvious reasons, but very rarely formed the object of criminal proceedings. The briefest consideration of the economic position of these men and of their functions will suffice to illustrate this point. In an anonymous article in the *New Statesman*[5] it is pointed out that usually no fixed salary is paid to canvassers of this category, except by a few firms who offer drawing accounts of 20s. to 30s.

[1] See Aylmer Vallance, op. cit., p. 60 et seq.; *The Times*, May 5, 1938.

[2] Mr. B. Astbury, *The Times*, December 16, 1937.

[3] A case of this kind was reported in the *Daily Mail*, April 8 and 9, 1924.

[4] Aylmer Vallance, p. 66, *The Times*, May 5, 1938.

[5] *New Statesman and Nation*, May 21, 1938, p. 863 et seq. See also Aylmer Vallance, op. cit., p. 86.

a week for the first few weeks. As a rule, the men are entirely dependent upon their sale commissions. As a consequence, they have to use whatever method they can to secure the necessary number of sales; failing this, the only alternative is to convert to their own use money or goods belonging to their employer.

> "Anyone who watches the Police Reports and the local Press will be surprised at the large number of cases that arise in one way or another from the *Hire-Purchase system*. In a recent case that came up at the Sutton Police Court, two young men failed to get a single order in three weeks' canvassing. Not having a penny between them, they disposed of one of the machines they were supposed to be selling, for 15s., and eventually gave themselves up to the Police. In this case the magistrates took a lenient view and even arranged to send one of the men back to his home town. Most canvassers only keep the job for a few weeks; they get a few orders out of their friends and relatives and are then sacked. Larceny cases are frequent. Canvassers put customers' names on the forms, pocket the few shillings of commission, and then sell or pawn the goods. A recent prosecution revealed nineteen such cases. Sending the men to prison does no good at all. When they come out they have nothing to live on but their wits. The law might insist on reasonable conditions of payment for canvassers."[1]

Whilst offences of this kind are easy to prove and to prosecute, the position is entirely different as far as frauds against the hirer are concerned. Although canvassers are said to use all sorts of tricks to secure the necessary number of orders,[2] their victims are, as a rule, much too poor and inexperienced to institute criminal proceedings.

It may be mentioned in this connection that the position of agents engaged in *Life Assurance* work[3] has recently been investigated in connection with the surveys made of this branch of the insurance trade. It has been stated that this profession, to which no less than seventy thousand men belong, is overcrowded to an extent which must react unfavourably on their business methods.[4] The agent who

[1] *New Statesman and Nation*, August 15, 1936, p. 214; see also *Justice of the Peace, 1935*, p. 590.
[2] See Aylmer Vallance, p. 78 et seq.
[3] See above, p. 195.
[4] See Wilson-Levy, op. cit., p. 231 et seq.

cannot increase the volume of business is said to be in perpetual danger of dismissal, a pressure which may drive him even to the stage of forging proposals "for people who do not exist and for addresses which do not exist."[1]

To sum up: the available material makes it clear beyond any dispute that the usual hire-purchase system is in many ways faulty, and lends itself readily to abuses which are bound to result in criminal offences. This does not mean that every hire-purchase firm and every salesman is guilty of malpractices of this kind. Although it may be futile to speculate about the percentage of "undesirables" in this branch, it is not without interest that—on the eve of the passing of the Act of 1938—a London firm of the highest possible reputation, in one of their regular articles in *The Times*,[2] estimated that, out of a total volume of hire-purchase trade in England of approximately £200,000,000 a year,[3] "not more than £50,000,000 —this is more difficult to estimate, but our guess should be of some value—is done along lines that are undesirable, and which would be prohibited by the Bill." It is further pointed out in that article that of these £50,000,000 about one-half would then be diverted into more desirable channels, while the other half "would be lost to the country," with the consequence that "those who are engaged in producing it and selling it will lose their source of livelihood." The writer concludes: We agree it should be prohibited, but the responsibility of destroying that trade is a heavy one and must be borne by those who decide to do so." In other words: any suppression of those undesirable forms of hire-purchase trade, which must inevitably produce a mass of criminal offences and human misery, has economic disadvantages which, in their turn, may lead to other disturbances of the economic and social structure. The question whether it may not be possible to replace those undesirable forms of

[1] See Report of Departmental Committee, 1931–33, *Minutes of Evidence*, Nos. 8286, 8350; Wilson-Levy, op. cit., pp. 260–1. For a general review of the position, see Albert E. Sharpe and Charles Taylor, *Industrial Insurance Salesmanship* (Pitman, 1936), chapter iv: "The Morality of Salesmanship."

[2] *The Times*, February 19, 1938.

[3] Mr. Aylmer Vallance, op. cit., p. 20, gives the figure of £100 millions, whilst the *Hire Purchase Journal*, April 1938, p. 5, regards even £200 millions as too low.

business entirely by more decent ones, in other words, whether the imposition of certain higher rules of conduct in business affairs must necessarily destroy a considerable part of the trade itself—this question does not yet appear to have been satisfactorily solved.

In this connection mention may be made of the much-discussed subject of defalcation by *solicitors*, which have become rather frequent, though certainly not so numerous as may appear from the amount of Press publicity devoted to the matter. According to a written statement made by the Attorney-General in the House of Commons,[1] during the ten years 1929 to 1938 inclusive, eighty-three solicitors were convicted in the English Criminal Courts in respect of misappropriation of clients' moneys, and an estimate made by the Law Society arrived at an approximate figure of £574,544 as the total amount involved over the five years 1933 to 1937 inclusive. These are certainly serious figures, though it may be true that the solicitors convicted may number no more than 1 per 1,000 a year out of a total of *ca.* 17,000 practising members of the profession.[2] The sentences imposed by the Courts in such cases are uniformly severe, being almost invariably at least three years of penal servitude. Nevertheless, it can hardly be maintained, as was done in a letter to *The Times*,[3] that "the criminal law is quite strong enough to deal with wrongdoers," and the Law Society has therefore rightly been considering adequate preventive and curative steps. Amongst the suggestions aiming at *prevention* the following may be particularly mentioned:[4] to render more effective the rules made under the Solicitors Act, 1933, whereby every solicitor is required to keep money entrusted to him by his clients in a separate banking account, by making greater use of the power of control and inspection given to the council of the Law Society. Whilst the council had exercised this power only in sixty-three cases since 1935, it is now proposed that every solicitor shall have his accounts examined periodically by a qualified accountant. Such a change in administration would obviously not only prevent the majority of defalcations altogether, but

[1] *The Times*, July 6, 1939.
[2] See *The Times*, July 18, 1939.
[3] August 2, 1939.
[4] See *The Times*, July 15, 1938, July 18, 1939, and August 21, 1939.

would at least make it impossible for such defalcations to continue over many years.

In a case tried at the Central Criminal Court in January 1938 the prisoner pleaded guilty to three charges of fraudulent conversion and asked that fifty-three other cases should be taken into consideration. The Judge, sentencing him to seven years' penal servitude, said that the conversions had been going on for seven years and amounted to £130,000 to £140,000.[1]

As "*curative*" measures have been suggested, among other proposals, the creation of a fund, out of which victims of defalcations might receive some compensation, and some form of guarantee or insurance. The first of these suggestions, however, has met with the objection that the honest members of the profession should not be made to suffer for the crimes of a dishonest minority.[2] The existence of such a fund might indeed in some cases act as an incentive to crime, and it would seem to be more effective to use contributions from individual solicitors to strengthen the existing possibilities of control.

Be that as it may, the fact which is of particular interest for our present consideration is the existing unanimity of opinion that crimes of this type can largely be prevented by more effective and, of course, more expensive, administrative methods of control.

[1] *The Times*, January 15, 1938.

[2] *The Times*, August 1, 1939.

CHAPTER EIGHT

GAMBLING

THERE is nothing new in the contention which has inevitably to be made in this chapter that gambling has been one of the most prolific sources of petty crime in England. On the other hand, it belongs to that category of statements which are accepted with but little enthusiasm, and from which one is strongly disinclined to draw the consequences. Nor is a discovery of this kind likely to be regarded as a result worthy of serious scientific study, which latter —as many might argue—ought to concern itself rather with problems of greater subtlety. Last but not least, the vested interests involved are of such magnitude that for this reason, too, great difficulties are to be expected. It may suffice to quote some recent estimates of the annual turnover in Great Britain for betting and gambling: £350,000,000 to £450,000,000 with annual profits of probably far more than £50,000,000. "The total," writes Mr. Henry Durant in his interesting chapter on the subject,[1] "is larger than the turnover in any single industry in this country with the possible exception of the building trade."

The extremely complicated history of the English gambling legislation has been admirably told in the *Final Report of the Royal Commission on Lotteries and Gambling, 1932–33*,[2] and in the Memorandum supplied by the Home Office to the Commission,[3] as well as by several private investigators of the gambling problem, as Mr. Gilbert Slater[4] and particularly by the Reverend Ernest Benson Perkins in his various books on the subject.[5] Two facts seem to stand out very clearly from the narrative told by our guides through the historical maze: first, that the extent of the evil has early been

[1] *The Problem of Leisure* (1938), p. 158. [2] P. 4.
[3] *Minutes of Evidence*, p. 1 et seq. See also p. 218 et seq.
[4] *Poverty and the State* (1930), chapter xiii.
[5] *The Problem of Gambling* (1919); *Betting Facts* (1925); *Gambling and Youth* (1934).

recognized, and, secondly, that it was not deemed possible to put up a straight fight against it, until it had become almost too late.[1]

Beginning with the first enquiry into the subject made in the present century, the Report of the Lord's Committee of 1902,[2] we find that already then most of the essential points had been clearly stated. First, the increase in betting is entirely out of proportion to the growth and increased prosperity of the industrial population. Even when due allowance is made for these changes and for the operation of the Betting Houses Act of 1853, which, by closing these houses and driving the bookmakers into the streets, brought their business more to the notice of the Police—even then, it was said in 1902, must betting be regarded as more widespread than it used to be.[3] Secondly, the increase in crime, as Sir A. de Rutzen, a Metropolitan Magistrate, testified,[4] was to a great extent due to betting. "After the case is over, I almost invariably find that betting has been at the bottom of the crime,"[5] stated one of his colleagues, thereby refuting the frequent allegation that betting had only been put forward by prisoners as an excuse in order to get a more lenient sentence. Thirdly, offences due to betting were very rarely prosecuted. It was not only the welsher who, according to the testimony of the Chief Constable of Manchester, escaped in ninety-nine out of a hundred cases.[6] "If you heard the masters come to complain about their servants who are not prosecuted, whom they have had to discharge for taking money for betting purposes, it would astonish you." And finally, we find already the question[7] put by the Chairman, the Earl of Durham, to the Chief Constable of Manchester: "Do you not think some of these more stringent measures that you have suggested for the purpose of suppressing betting would be extremely unpopular amongst the working classes?" Whereupon the witness replied: "Well, I do not know—I do not think we should legislate for popularity; I think we ought to legislate for what is

[1] See, e.g., Henry Durant, op. cit., p. 179.

[2] Report by the Select Committee of the House of Lords appointed to inquire into the increase of Public Betting amongst all classes, 1902.

[3] Report, p. v.

[4] *Minutes of Evidence*, p. 24.

[5] Ibid., p. 27.

[6] Ibid., p. 15.

[7] Ibid., p. 20.

right." What, however, is here right? "On the moral issues relating to gaming there is a complete absence of consensus."[1] If there had existed, or were now in existence, a fairly unanimous body of public opinion on the merits of this problem, its solution would have been easy. We shall have to return later to this aspect.

As a result of the Report of 1902, which had exposed the failure of the local By-Laws to check the growth of cash betting in the streets, the Street-Betting Act, 1906, came into operation. As this statute has exerted a most powerful influence on the criminological aspects of the gambling problem, its principal contents and consequences may briefly be summarized. Whilst the previous local by-laws, dealing with street betting as a form of obstruction, could only be brought into operation if three or more persons assembled together in the street for the purpose of betting, the Act of 1906 provides penalties for "any person frequenting or loitering in streets or public places . . . for the purpose of bookmaking, or betting or wagering." That this provision has largely remained ineffective owing to the opposition of the great masses of the population is common knowledge, and has been impressively demonstrated by the most experienced witnesses who appeared before the Commission of 1932. Sir Ernley Blackwell, Legal Assistant Under Secretary of State, Home Office,[2] pointed out:

> ". . . the number of offences that are prosecuted are infinitesimal as compared with the number of offences that are committed. . . . There is more street betting now in London, I believe, allowing even for the growth in population, than there was in the year before 1906. . . ."

Sir Trevor Bigham, Assistant Commissioner of the Metropolitan Police, told the Commission:[3]

> ". . . these particular laws have a bad influence on police administration. They put the police, who should be the friends of the law-abiding public, in a position of antagonism to a very large part of it. . . . Such a position must lessen their usefulness in more important matters. Moreover, both the police and the public know that, even if strictly enforced,

[1] Mr. A. S. Diamond, *Law Quarterly Review*, vol. liv, July 1938, p. 419.
[2] *Minutes of Evidence*, p. 27. [3] Ibid., p. 34.

these laws would operate mainly against the humbler class of gambler, and this does not foster a feeling of respect for them."[1] Although the Act makes betting illegal not only for the bookmaker, but also for the better, the latter is practically never prosecuted.[2]

In spite of this state of affairs, the number of convictions has greatly risen under the Act of 1906. Whilst the annual average for 1905–09 of persons dealt with for betting and gaming was 3,118, it was 16,830 in 1936. This increase,[3] though substantial a part of it can probably be ascribed to new legal provisions (as the Ready Money Football Betting Act, 1920, and the Betting and Lotteries Act, 1934), must nevertheless be regarded as indicative of a considerable growth in betting offences. In Birmingham, the number of persons convicted for street betting rose from 251 in 1910 to 626 in 1933.[4]

On the other hand, convictions for gaming under the Vagrancy Act (Amendment Act), 1873, sect. 3 ("playing or betting in any street . . . or other open and public place, etc., at or with any table or instrument of gaming or with coins, cards, etc., at any game or pretended game of chance") fell from an annual average of 24,971 in 1910–14 to 5,554 in 1938 for England and Wales. In Birmingham, sixty-nine juveniles were charged with gaming in 1913, and none in 1933.[5] This decline may be due to the fact that the particular type of offence to which the Vagrancy Act applies is becoming out of date or even impossible owing to the changes in street life as well as to the growing dislike of police authorities to take proceedings for gaming under the Vagrancy Act which might result in a conviction as a rogue and vagabond. Preference is therefore given to prosecutions under the local Police Acts under which penalties for gaming can also be imposed.[6]

It has sometimes been suggested that the failure of the Street Betting Act to suppress street betting may have been due to the leniency of the penalties which it provides. A Metropolitan Magistrate of great experience, Sir Chartres Biron, thinks that the evil

[1] *Minutes of Evidence*, p. 34.

[2] E. B. Perkins, *Betting Facts*, 1925, p. 35 et seq.

[3] There was a slight fall in recent years: 13,845 in 1938.

[4] See Annual Report of the Police Establishment and the State of Crime in the City of Birmingham for the year ended December 31, 1933, p. 14.

[5] Report, p. 15.

[6] See *Minutes of Evidence, 1932*, p. 62.

would have been largely stopped if the offence were made punishable by imprisonment in the first instance, instead of the present maximum penalties of £10 for the first and £20 for the second offence.[1] This can hardly be accepted in the face of the situation indicated above; the number of prosecutions would probably rather have dropped to a still lower percentage if the police and the public had known that even a first conviction might lead to imprisonment. Sir Chartres' argument against the legal differentiation between cash betting and credit betting[2] that "if a rich man likes to bet he can afford it, whereas to the poor man it means . . . the crippling and not infrequently the ruin of the home," would seem to overlook that even the rich man may, through betting, come to a stage where he can no longer "afford it" and, by using his credit, may bring ruin to many other homes, whilst the poor man, owing to his limited credit, usually can do harm only to himself and his family. If betting is to be completely suppressed, the prohibition ought to bear equally upon all. From the psychological point of view most illuminating are those numerous voices in the literature that attempt to explain why gambling is to be tolerated among the poorer classes as a necessary evil. It acts—according to these writers—as a narcotic for all those defects in the economic and educational make-up of the "have-nots" for which modern life has as yet provided no higher substitute. To the poor who will never be able to obtain a decent income by their labour it represents the only "get-rich" possibility and a chance of satisfying the universal need for security which is the foremost wish of the masses. As, however, the way to this goal is plastered with improbabilities well known to all concerned, gambling simultaneously caters for the second need of humanity, excitement. And because it is usually done in common with other congenial souls, it serves as a link between the participants, and thereby satisfies their herd instinct.[3] From William Latch's, the inn-keeper's, outcry in *Esther Waters*: "Why shouldn't the poor man 'ave his 'alf-crown's worth of excitement? . . .

[1] See Sir Chartres Biron, *Without Prejudice* (1936), pp. 255–6.

[2] Ibid., p. 255, and in his evidence before the Commission of 1932, *Minutes of Evidence*, p. 213.

[3] Mr. H. Durant rightly stresses this point (pp. 183–4).

Them hypocritical folk. . . . Rot, says I!" to Hugh Massingham's *I Took Off My Tie* and Mark Benney's *Low Company* almost all those authors who have been trying to make the reader familiar with the poor man's way of thinking have unanimously stressed this point of view. The social investigator has come to the same conclusion. "The contented man does not gamble. In other words, men who are paid what they consider to be a fair return for their labour . . . do not as a rule recognize any appeal in the most attractive tipster's circular . . ." wrote Charles E. B. Russell.[1] In Mr. M. G. Dickson's interesting account on "The Factory Worker's Philosophy,"[2] the pros and cons of gambling among the working classes are carefully balanced: it is "one of the major causes for conflict with the police"; nevertheless, "there is a lot to be said for gambling. . . . It would be a dreary prospect (for poor people) if there were no greyhounds or racehorses." Mr. John Martin, the author of the chapter on gambling in the *New Survey of London Life and Labour*,[3] and a witness before the Royal Commission of 1932, refers[4] to that impressive passage in one of Lord Oxford and Asquith's letters where the statesman describes himself watching the workers of a factory at Oldham leaving the workshops: "Civilization and religion," the writer says,[5] "have done something for them—given them paved streets, water-tight houses, board schools, chapels, and even (in Oldham) an art gallery. But life in its real sense they have never known and to their dying day will never know. . . ." From this and from his own daily experience of the dreariness of working-class life, Mr. Martin concludes that gambling cannot be condemned as an wholly injurious pastime.

Professor John Hilton[6] wanted to find out why so many people waste their time by gambling: "There are better things to do than that," but from young labourers he got the replies:[7] "Yes, but what else could we do with our time?" and "Can you tell me how I can

[1] *Social Problems in the North* (1913), pp. 108–9.

[2] *Sociological Review*, July 1936, p. 295 et seq.

[3] Vol. ix. [4] Report of 1932, *Minutes of Evidence*, p. 144.

[5] The letter, written between 1891 and 1894, is printed in *The Life of Herbert Henry Asquith, Lord Oxford and Asquith*, by L. A. Spender and Cyril Asquith, vol. i (1932), pp. 102–3.

[6] *Why I go in for the Pools* (George Allen & Unwin Ltd., 1936). [7] Pp. 21–2.

use my talents?" Things being as they are, is not Mr. R. C. Mortimer right when he claims[1] that, as an antidote to monotony, to the absence of chance and surprise, gambling has its justification? And does this not even apply to a world from which—as from our own—chance and surprise are by no means eliminated? Or are arguments of this sort perhaps apt to overlook the utter shallowness and futility of the gambling habit?

Most impressive is the picture painted in the Pilgrim Trust's Report[2] with regard to gambling and its place in the lives of unemployed people in Liverpool. More conspicuous than anywhere else, it is stated, is in that city

> "the all-pervading atmosphere of football pools, greyhounds and horses. . . . The extent to which the interests and indeed the whole lives of so many of the Liverpool unemployed centre round the pools must be seen to be believed. . . . The unemployed man has more time to spend on these things than the employed man, and for him betting has a very definite function . . . this is the field where 'they stand as good a chance as anybody else' and where they feel they are fairly treated."[3]

The gambling business as the supreme agency for social justice in preference to Courts, Church, Unemployment Board, and the other social services!

Some writers used to stress the close psychological and economic link between gambling and drink: "Drink and betting," says Canon Peter Green,[4] "go hand in hand. A man stays off two days to drink, another day to rest his head, and then he had two and a half days to draw at the end of the week; it is not worth taking home by the time he has paid what he owes to the public house, so he speculates."

Now that drinking is on the decline, this explanation probably holds no longer good in the majority of cases. It is not so much the drunkard who bets; gambling has become the sober man's pastime, and often his second profession. This explains why the figures for drunkenness convictions and gambling move in the opposite direction. The change in the attitude of the public towards drinking has

[1] *Gambling, in Personal Ethics*, edited by Kenneth E. Kirk (Oxford, 1934), p. 136.
[2] *Men without Work* (1938), p. 98 et seq. [3] See also John Hilton, p. 44.
[4] *Betting and Gambling* (1935), quoted by Mr. Perkins, *Betting Facts*, p. 104.

not yet affected its twin brother. It may be that, as Mr. John Martin suggests,[1] all this represents "a little step forward in the advance of civilization." More probable is it, however, that the economic depression which has brought down drinking, has, at the same time, promoted gambling, because it is by gambling, and not by drink, that people hope to improve their position.

The criminologist, who has to face such a chorus in praise of gambling, must necessarily become somewhat discouraged when attempting to solve his particular problems. The theory that gambling works as an antidote against criminal tendencies and that without it many people would resort to more criminal forms of excitement is so strongly embedded in some persons' minds that any opposition against it may appear ill-advised. As the crucial test has never been made, it is, in fact, impossible to decide whether gambling, taking everything into account, causes more crime than it prevents, and whether the anti-gambling movement is to be welcomed under criminological aspects. Moreover, the question is purely academic, as the suppression of gambling will never be achieved unless sufficiently attractive alternatives—economic, educational, etc.—could be brought into existence that would change the whole social fabric. Our present task is rather to give an approximate estimate of the amount and character of crime actually due to gambling.

The material available is insufficient for any exact statements to be made. More or less, we have to content ourselves with the by no means unanimous opinions of experts. Some of them are inclined to blame gambling unconditionally, others make certain reservations. Representatives of the first category are Canon Peter Green,[2] Gilbert Slater,[3] and E. B. Perkins, whilst the witnesses before the Royal Commission of 1932–33 expressed themselves with somewhat greater caution. This may have been due partly to the scepticism of the members of the Commission who quite obviously did not conceal their attitude in this matter. It indicates the strength of the

[1] *Minutes of Evidence, 1932*, p. 141.
[2] *Betting and Gambling* (1935), p. 40 et seq.
[3] *Poverty and the State* (1930), p. 299 et seq.

connection between crime and gambling that, in spite of this original lack of belief, the Report itself[1] admits that "gambling is responsible for a considerable proportion of criminal cases where fraud or embezzlement are involved." One of the difficulties which appear to have attracted the special attention of the Commission was the old problem whether statements of prisoners to the effect that gambling had been the cause of their downfall can, as a rule, be regarded as trustworthy.[2] This is, indeed, a crucial point, and one of great psychological interest.

Which are the reasons that might induce a person charged with larceny, embezzlement, fraud, etc., to plead gambling as an excuse contrary to the truth? In the discussion of the problem before the Royal Commission it was suggested[3] that this may be due to the same mentality that causes children in the Juvenile Court to say that they were mislead through the pictures. Moreover, the prisoner may hope to attract more sympathy if he depicts himself as the innocent victim of the wicked bookmaker, particularly when he appears before magistrates who themselves indulge in betting. There is probably a certain amount of truth in such speculations. Nevertheless, the significance of this factor seems to have been somewhat exaggerated. Just as experts have now become inclined to underrate the evil influence of the pictures, mainly because they had before erred in the opposite direction, the same psychological process seems to be taking place with regard to gambling. There is no justification for discarding it altogether as a possible cause of crime, only because it may sometimes be put forward by prisoners without sufficient reason. Sir Josiah Stamp (as he then was) has stated quite definitely that, according to his experience as an administrator, where betting is used as an excuse for peculation, it

[1] Report, p. 60.

[2] Already before the Committee of 1902 the doubt was raised: "Is not betting the easiest plea to make and the most difficult to prove?" (*Minutes of Evidence*, p. 24). The witness in question, however, could not be brought to admit that prisoners used betting as pretext to soften the heart of the magistrates. Mr. Sidney Burgess, Court Missionary and Probation Officer at Highgate, when giving evidence before the Royal Commission of 1932, was asked: "Can you draw the inference safely that it is because a man has gambled that he has embezzled? . . . are you merely repeating what defendants often say?" (*Minutes of Evidence*, p. 145).

[3] Ibid., p. 206.

is probably true because "it is not in extenuation of the trouble; it is an addition to it."[1] The Probation Officers who appeared as witnesses before the Royal Commission, have offered what is perhaps the best account of the actual position. One of them said:[2]

> "I am speaking from a definite knowledge of a large number of men placed upon probation, where the part played by gambling has not been placed before the magistrate, but has come to our notice in the course of our visiting the home during the period of probation. Very often it will leak out from the wife rather than from the man himself."

And another uttered the same view:[3]

> "The actual incidence of gambling in relation to crime would be almost impossible to demonstrate because experience shows the probation officers that it is often not until after months of acquaintance with the probationer that the actual causes of crime will be disclosed. . . . I think gambling has its repercussions in all kinds of ways. It is not always possible to say that crime is directly caused by gambling; but I was talking only the other day to a prisoner who was sentenced to nine months. . . . It could not be said that the reason of his present position was gambling, but two or three years ago he embezzled money; and he told me that he went to the dogs with it and he won £8. That made him feel very rich, and he began to spend; he got ideas quite beyond his position, and then he stole to satisfy his craving for things that he could not afford."

This is one of the few attempts to recognize the actual bearing of the gambling habit upon the matter, resulting as it may in a gradual deterioration of the whole personality.[4] It goes without saying that any method is wrong which demands from Probation Officers and other Social Workers definite statements as to the percentage of criminal cases directly "due to gambling." It is a slow

[1] *Minutes of Evidence*, Report of 1932–33, p. 524.
[2] Mr. Sidney Burgess, Ibid., p. 145.
[3] Mr. Sydney G. Boswell, Ibid., p. 230 et seq.
[4] Nobody has stressed this point more emphatically than Peter Green, *Betting and Gambling* (1935 edition), p. 108.

process of undermining the moral forces of resistance that paves the way to crime, without being susceptible of accurate statistical formulation. The onus of proof is on the side of those who question the power of gambling as a crime producing factor, and not on the other side.

Even apart from the Probation Officers' evidence, the Commission of 1932 was able to collect some relevant information. Sir Chartres Biron described the mischievous activities of the welshers, whom he called the "most dangerous criminals we have,"[1] particularly as they co-operate with "pickpockets, racing gangsters and so on."[2] Another expert witness[3] testified that there were "numbers of cases where the habit of betting leads to fraud and dishonesty." Mr. John Gulland, Secretary of the Anti-Gambling League, estimated the percentage of crime due to gambling as above one-fourth of the total amount.[4] Moreover, the following statements are worth mentioning. In Mr. E. B. Perkins' *Betting Facts*, an unpublished memorandum by Sir Ernley Blackwell, Home Office, submitted to the Committee on Betting Duties, 1923, is quoted as stating: "It is an undoubted fact . . . that a very large proportion of offences of dishonesty committed by first offenders are attributable to excessive betting." Mr. Basil L. Q. Henriques, in his *Indiscretions of a Warden*,[5] complains very bitterly about the evil which is being done by gambling to his social work in the East End of London, and out of eleven prisoners, who passed before Mr. Leo Page when he attended a meeting at Wormwood Scrubs Prison, two had got into trouble through gambling.[6] Mr. John Martin[7] puts himself the question: "How far is gambling a direct stimulus to crime?" The word "direct," as we have seen, means a very considerable narrowing of the problem. The author then goes on to distinguish between the ordinary and the professional gambler. The latter, as he rightly points out, i.e. bookmakers (or at least the lower strata of them),

[1] *Minutes of Evidence*, p. 212.

[2] Chief Constable of Birmingham, *Minutes of Evidence*, p. 72.

[3] Mr. E. B. Knight, of the firm of solicitors who act as legal advisers to the Commissioner of the Metropolitan Police (Ibid., p. 220).

[4] Ibid., p. 181.

[5] Pp. 209, 274, 302.

[6] Leo Page, *Crime and the Community* (1937), pp. 146–7.

[7] *New Survey of London Life and Labour*, vol. ix, pp. 282–3.

touts, runners, are particularly liable to acquire delinquent habits, owing to their being in permanent touch with the criminal classes. It is an old criminological experience that members of a social group who have to follow their occupation in the borderland between lawfulness and illegality, as prostitutes, street bookmakers, etc., run a special risk of becoming enemies to the State, on account of their unceasing fight against the Police.[1] As they are punished for the exercise of a vocation which, as they are well aware, is not altogether condemned by the man in the street, their capacity for distinguishing between right and wrong is bound to become somewhat enfeebled. The public themselves, on the other hand, though by no means opposed to street bookmaking as such and to its potential blessings, but resenting its great profits, may adopt the attitude of mind that "anything is allowable which will enable you to win from a bookie."[2]

Another serious aspect of the matter lies, by common consent, in the danger that betting, as now regulated by the law, may lead to attempts to bribe police officers. The *Minutes of Evidence* taken before the Royal Commission, 1932–33, offer some material to this point.[3] In *The Times* of July 8, 1938, a Police Court case is reported where a bookmaker and his employee were sentenced to three months' imprisonment each for corruptly giving £4 to a police sergeant.

On December 30, 1938, another case is reported of a labourer, employed as a street bookmaker's tout, who was sentenced to six weeks' imprisonment for attempting to slip a £1 note into the hand of a policeman who arrested him for obstruction.

The daily Press abounds with Court reports that illustrate the close connection between gambling and crime. After our previous remarks on this point, it need hardly be repeated that we do not unreservedly regard reports of this kind as full weight evidence of the true motives of an offender, but it were at least as mistaken to fall into the opposite extreme.

Even a superficial and by no means systematic combing of one or two newspapers over a period of twelve months or so yields a fairly

[1] See Chapter 9, p. 247.

[2] See E. B. Perkins, *Betting Facts*, p. 99 et seq. ("spoiling the bookie").

[3] See, e.g., Nos. 11, 387 et seq., 2051 et seq.

rich harvest, of which some instances may be given. We can easily distinguish two different types of offences committed in connection with gambling:

I. Offences committed in order to obtain the necessary money for gambling purposes or to recoup losses sustained through gambling;

II. Offences connected with the process of gambling itself.

It seems indispensable to go somewhat more into the details in order to show the type of offender who falls under these headings:

ad I. Here we find the branch manager of a building society with a salary of £300 a year, aged 31, sentenced to three years' penal servitude for obtaining £20,000 from the society by false pretences for gambling purposes. He obtained the money by stating that several investors wished to withdraw their deposits. An examination showed that he had been losing about £175 a week on horse and dog racing for about two years.[1]

A Metropolitan Police Officer, aged 29, pleaded "guilty" to pavilion breaking and theft and was sentenced to twelve months' imprisonment. He stated: "I have been betting heavily and lost all my money which I saved for my wedding. . . . I was absolutely at my wits' end for money." A police witness testified that the prisoner had lost £110 from his Savings Bank account since the beginning of the year.[2]

A salesman, aged 31, formerly an insurance agent with an income of £6 a week, was sentenced to fifteen months' imprisonment for obtaining money from his former employer, an Assurance Company, by means of forgery. He obtained the money by saying that some of his clients wished to surrender their policies. It was stated in his defence that "a friend took him to dog racing and he thought it would be quicker to win money in this way than by saving. He began gambling heavily, and at one time won £150, but lost it all and got into debt. After a final plunge, with £30 on one dog, he absconded in 1934 . . . and tried to earn a living by selling things, but frequently he had to sleep out. . . ."[3]

[1] *Evening Standard*, September 8, 1938; *The Times*, September 9, 1938.
[2] *The Times*, March 31, 1938.
[3] Ibid., May 19, 1938.

An accountant, aged 55, was sentenced to five years' penal servitude at the Central Criminal Court on charges of falsification of accounts, extending from 1920 to 1937. His defalcations were said to amount to £20,000. In the last three years his salary had been £568, but he had been living far beyond his means. He started betting, but "only got deeper into the mire." A detective inspector stated that the prisoner was "passionately fond of greyhound racing," and had been bound over in 1937 not to frequent gaming-houses.[1]

A former licensed victualler, aged 30, was bound over for an offence under the Bankruptcy Act. "He was accused of materially increasing the extent of his insolvency by gambling unconnected with his trade," and it was stated for the prosecution that betting losses over two years accounted for £1,800.[2]

A street works assistant, aged 28, employed by a Borough Council, was sentenced to nine months' imprisonment on three counts of embezzlement, after thirteen years' service with public authorities. He went to a bank to draw wages to the amount of £1,763 and disappeared. It was stated that he had spent his time "travelling from race meeting to race meeting and losing large sums"; when he was caught only £95 were found on him.[3]

"Stated to have been earning £1,000 a year as a company director, X.Y., 35, was sentenced to three years' penal servitude at the Central Criminal Court yesterday on being found guilty of conspiracy and obtaining money by means of forgeries . . . the extent of the fraud was stated to be £7,044. . . . X.Y. admitted in his evidence that he had been gambling heavily."[4]

A merchant, aged 47, "described as an incurable optimist," was sentenced to two years' imprisonment. He was said to have gone to the Continent as an undischarged bankrupt and to have gambled with money which he should have paid to his creditors, anticipating a share in £300,000

[1] *The Times*, May 17, 1939.
[2] *Evening Standard*, March 17, 1939.
[3] *The Times*, June 2, 1939.
[4] Ibid., September 22, 1938.

profits to be made on armament deals with the Spanish Government.[1]

Nor is suicide lacking to complete this collection. There is the strange story of an "acting headmaster, aged 43, who was found gassed in the school kitchen on Friday morning. His salary was £438 a year, and according to his statement his debts totalled £529, but that was probably not a complete statement." Giving evidence, a fourteen-year-old pupil at the XY School said that on Thursday the acting headmaster took him to London and later to greyhound racing, where he did some betting and gave him 2s. to bet with. The Coroner said "it was difficult to understand why a man with the headmaster's attainment and salary and a bachelor should be so involved. It is possible he lived beyond his means in one way or another and tried to recoup by going dog racing. That seems to be the usual path in the descent from grace," added the Coroner.[2]

ad II. Among offences directly connected with the process of gambling itself, the most interesting is the crime of antedating telegrams. The idea itself is probably as old as the telegram. It is already mentioned in the proceedings before the Select Committee of 1902.[3] Before the Committee on Betting Duties of 1923 "the Controller of the Central Telegraph Office . . . spoke of the great care that had to be taken in the correct timing of telegrams, in order to prevent any fraudulent telegrams."[4] The evil seems to have become very widespread, until the climax was reached in the sensational civil proceedings, lasting from May 23 to June 3, 1938, in which a well-known London firm of bookmakers, in a case before the King's Bench Division, claimed damages from a newspaper racing correspondent, a Post Office telegraphist, and others for conspiracy to obtain from the plaintiffs money by fraud in respect of horse races.[5] The plaintiffs alleged, and the special jury found, that

[1] *The Times*, April 28, 1938. [2] Ibid., July 5, 1938.
[3] *Minutes of Evidence*, p. 24.
[4] Quoted by E. B. Perkins, *Betting Facts*, p. 101. See also G. Gardiner, *Notes of a Prison Visitor*, p. 41.
[5] The proceedings are fully reported in *The Times*, May 24 to June 4, 1938.

the racing correspondent with the assistance of the telegraphist had "caused telegrams dispatched from racecourses making bets to be timed as having been handed in before the time of the races . . ., whereas the telegrams in fact were dispatched from the racecourse after the results of the races were known." The evidence is particularly valuable as giving an illuminating account not only of the methods used but also of the state of mind existing in some members of the racing world. It can be expected that the material collected in the course of the proceedings will lead to an improvement in both the technique employed by fraudulent backers and the preventive measures used by the authorities and bookmakers. At present, it seems doubtful which party will win this race.

A former Police officer and private detective, aged 44, a widow of 44 and a girl of 26 who had been employed by a firm of football pool promoters were sentenced to various terms of imprisonment for conspiring to defraud the firm of football pool prize money. The girl had inserted a coupon bearing a winning line in the pool sent in by the widow.[1]

Another popular method is to use envelopes with ante-dated postmark stamps. In the *Daily Telegraph and Morning Post* of December 16, 1937, an exact description of this trick is given which, however, is apparently not entirely without its risks. According to *The Times* of August 27, 1938, a man aged 22 was sentenced to three months' imprisonment on a charge of attempting to defraud a firm of bookmakers of £666 in this way. Unfortunately for him, it is stated, the envelope prepared by him according to prescript was again stamped with the actual date, and the difference of both dates was noticed by the addressee.

Another fairly definite type is represented by those offenders who prey on credulous individuals by collecting money for ingenious lottery schemes, etc., of their own invention. Some of them are fanatics or people of subnormal intelligence, who embark in good faith on enterprises of the most fantastic

[1] *Daily Telegraph and Morning Post*, November 1, 1938, and December 7, 1938.

nature. There is, however, nothing absurd enough to deter candidates for a new system of gambling.

A bookmaker, aged 58, was sentenced to five years' penal servitude for conspiring with another man to defraud, and for stealing cheques from two men whose names were not disclosed. He made friends with the two victims and represented himself as a man of considerable means. "The victims were told that large sums of money were invested by a syndicate on bets on horses . . . and that the profits were made by the bets being hedged, and therefore there was no risk of loss." One of the victims was taken to a horse race where he was induced to bet and was afterwards told he had lost £11,000.[1]

A clerk, aged 30, was charged with stealing by a confidence trick £1,000. It was alleged that he told the victim he could get racing tips from a jockey, and as the tips failed, he suggested that he should become a bookmaker, financed by the victim.[2]

Not infrequently the gambling fever induces people to embark upon lottery schemes of their own invention. In 1938, the case of the wife of an unemployed blast furnaceman in Yorkshire gained some notoriety who was fined £500 under the Betting and Lotteries Act of 1934 for having run a borrowing scheme which was in fact an illegal lottery. The financial transactions disclosed in the course of the proceedings appeared so fantastic that, it was stated, neither the Bank of England nor the Exchequer could have afforded to run such a scheme without serious risk.[3] In a "whirlwind letter" case dealt with under the same Act by the Sunderland magistrates it was alleged that "the sum required to carry the scheme to its logical conclusion would be equal to the cost of five European wars."[4]

The very fact that lotteries are illegal creates many temptations for the commission of offences quite apart from the violation of the lotteries legislation itself. People who buy tickets cannot enforce their claims, and there is a great temptation to the seller or his agents to keep the money and the prices for themselves.[5]

[1] *The Times*, April 28, 1938.

[2] Ibid., September 3, 1937. Another case is reported in the *Daily Telegraph and Morning Post*, September 5, 1938.

[3] *The Times*, June 1, 2, 3, July 16, 1938.

[4] Ibid., March 29, 1938.

[5] See *Minutes of Evidence*, 1932–33, p. 454.

One branch of the gambling business seems to require special attention: *Dog-racing* with a mechanical hare, brought to England in 1926. Through its fantastic development—five years after its birth there were already eighteen million paid attendances within one year[1]—it has lured into its ambit multitudes of the poorer population who had not before been interested in gambling. Dog tracks can be established almost in the centre of a crowded industrial city, and race-going rendered temptingly cheap. "At a greyhound track, as many meetings are held in four months as are held at Epsom in ten years."[2] On the other hand, the claim put forward on behalf of the interested parties that greyhound racing has diminished street betting is regarded as unfounded.[3] On the contrary, it is probably safe to say that those who have once taken to betting on the "dogs" will indulge in other forms also. The Secretary of a Boys' Club in the East End of London, giving evidence before the Royal Commission of 1932, drew a depressing picture of this state of affairs and stressed the point that it was betting on the dogs that "has in its train brought on a fever to gamble on other things. . . ."[4]

It seems rather euphemistic to say that greyhound racing "provides cheap entertainment in the open air, easily available to the working men."[5] The same half-crown, spent on a trip into the country, provides an immeasurably greater amount of fresh air. The final judgement expressed in the *New Survey of London Life and Labour* is therefore, rightly, to the effect that "there is much to be said for the view that Society would be better without the dog tracks."

Again, the criminological inferences are almost too obvious to need any detailed account. A solicitor "who goes all over London prosecuting for firms in cases of embezzlement and larceny" is reported to have stated that he had more embezzlement charges in close proximity to the greyhound racecourses than anywhere else.[6] Unfortunately, the Royal Commission did not hear this solicitor

[1] *Minutes of Evidence*, 1932, p. 108 et seq. See also Collier and Lang, *Just the other Day* (1932), p. 114.
[2] *Minutes of Evidence*, 1932, p. 190.
[3] Ibid. 1932, p. 44.
[4] Ibid., p. 251 et seq.
[5] *New Survey of London Life and Labour*, vol. ix, p. 278.
[6] Royal Commission, *Minutes of Evidence*, 1932, p. 232.

personally, nor was his statement checked in order to refute a possible criticism that the local distribution referred to was a matter of pure chance. However, this allegation received strong support from the evidence of one of the Probation Officers who described the usual type of prisoner in embezzlement charges as "of the roundsman or collector class engaged in one of the distributive trades who as a rule attends a greyhound race meeting after working hours."[1] Here, again, all the probabilities are so strongly on the side of these accusations that the defence must bear the burden of proof.

Particularly dangerous for younger people are the *automatic machines*. Nobody who walks with his eyes even half open through the streets of London can fail to realize the amazing dimensions that gambling at pin-tables, etc., has assumed. The sums which are being spent there can certainly not be anything like the losses in the other form of gambling, since it takes a certain amount of time to get rid of a single penny.[2] On the other hand, there are some particular pitfalls attached to this form of the evil. The messenger boy or schoolboy who may find it difficult to go to the "dogs" can easily steal a few moments for the pin-table saloon between his errands or on his journeys to and from school. Moreover, even the slightest hope of recovering any losses of money is lacking where—as is mostly the case—there are only prizes of cigarettes, etc., obtainable. No wonder, then, that the Juvenile Courts have become thoroughly familiar with the boy who embezzles or steals from his employer to indulge in this doubtful pastime.

The fight of the Police authorities against this state of affairs seems hopelessly handicapped by the vacillating attitude of some of the Courts.[3] As Mr. E. B. Knight put it before the Royal Commission: "Practically speaking, all, or nearly all, automatic machines where the player . . . has the chance of winning something . . . are illegal. . . . They are, however, so universal and such very varying views are held about them by different authorities . . . that it is

[1] *Minutes of Evidence*, 1932, p. 145.

[2] Nevertheless, it has been estimated that there were in 1938 from 200,000 to 300,000 machines in use in Great Britain with annual takings of £10,000,000 to £15,000,000 (*The Times*, March 4, 1938, quoting from a report by the Christian Social Council Committee on Gambling).

[3] See the example quoted in Chapter 3, p. 68.

almost impossible for the police to deal effectively with them."[1] In London, the position is evidently much worse than in the country, the Metropolitan Police being particularly reluctant to prosecute. This reluctance is sometimes ascribed to the lack of appropriate by-laws, whilst other experts point out that in some provincial cities, as Sheffield, these machines have been suppressed without any special legislation,[2] and the Lord Chief Justice has stated that the law is "perfectly clear" and it is in the power of the Police to suppress this "mischievous pest."[3]

Mr. Basil L. Q. Henriques, Chairman of the East London Juvenile Court, and the editor of *The Times*, have recently performed an important public service in launching a vigorous attack against the Fun Fairs, and the support they have found among competent observers has been impressive enough.[4] No practical results have so far come from this pillorying of a social evil of the first order, although it was unanimously denounced in that correspondence as an important source of juvenile delinquency. There has, however, become apparent some divergency of opinion among youth leaders as to the practical consequences to be drawn from this insight. Would it be enough merely to offer some other and healthier outlets for youthful energies, or is the complete suppression of Fun Fairs and the like a *conditio sine qua non*? If scouting and other forms of social and sporting activities should become accessible to wider sections of the boy population, this, it is believed by scout leaders, would do a great deal to counteract the lure of the machines. Other experts point out, however, that even among their club members, and sometimes just among the most promising of them, the gambling habit has already become too strong: "We may build as many clubs

[1] *Minutes of Evidence*, 1932, p. 222. See also *The Magistrate*, September–October 1939, p. 236.

[2] A summary of the results of an enquiry carried out by the Magistrates' Association is given in *The Times*, March 3, 1939, whilst reference to Sheffield is made by Mr. F. B. Dingle in *The Times*, March 15, 1939, and in the Report on Licensing, 1929–31, *Minutes of Evidence*, No. 3823, sect. 26.

[3] *R. v. Kirby* (1927), 20 Cr. App. R. 12. Mr. Howard A. Street, *The Law of Gaming* (1937), p. 80, who criticizes this decision adversely, does not seem to have succeeded in finding any valid arguments against it.

[4] See *The Times* (March 1, 2, 3, 4, 13, 15, 16, 17, 1939).

[5] Lord Somers, Deputy Chief Scout, *The Times*, March 3, 1939.

and gymnasiums as we like, and finance national fitness schemes on an extensive scale, but if this evil is allowed to go on unchallenged . . . the evil effects on the rising generation will be very far-reaching."[1]

Similarly, striking disclosures have been made with regard to the devastating effects of the *Football Pool* mania. Here it was the *Daily Telegraph and Morning Post* which, first in a special series of articles, reprinted in pamphlet form,[2] later in an article by Mr. George S. Royds,[3] has done excellent spade work through exposing the damage done to the national economy by the rapid growth which the Pools have shown after the coming into force of the Betting and Lotteries Act of 1934. The annual expenditure on football pools is now estimated at £40,000,000 to £50,000,000,[4] coming from *ca.* 9,000,000 individuals and yielding an annual profit of at least £2,000,000 to the promoters after the deduction of almost £7,000,000 for expenses. The utter shallowness of the arguments brought forward by the defenders of this "cheap pleasure" is truly amazing. Among the organizations which have recently demanded immediate steps against the pools are the Christian Social Council Committee on Gambling[5] and the National Chamber of Trade.[6] A proposal which promises to eliminate at least a few of the evils of the present situation is the suggestion that the State should receive its proper share of the profits, either by a special tax on betting[7] or on the lines of the Swedish system. In Sweden,[8] "it has long been realized that penal legislation is of no use in tackling problems of this nature." Therefore, the whole betting business was taken over by the State and the communities which receive 33 per cent of the total turnover plus 5 per cent on tax on winnings, whilst the winners get 45 per cent and the rest is spent on expenses. The share of the Exchequer—*ca.* 11,000,000 kronor within three years—has been

[1] Mr. J. Butterworth, "Clubland," *The Times* of the same day.

[2] *The Public and the Football Pools. An Enquiry.* [3] November 30, 1938.

[4] *The Public and the Football Pools*, p. 2; *The Times*, March 16, 1939; Mr. Royds, loco cit. [5] *The Times*, March 16, 1939. [6] Ibid., May 11, 1939.

[7] Mr. J. W. Hall, *Daily Telegraph and Morning Post*, April 29, 1939.

[8] *Football Pools in Sweden, The Flowing Tide* (published by the Liverpool Council of Social Service), October 1938, p. 77; *The Public and the Football Pools*, p. 18.

used partly for general purposes (2,000,000 kronor), but mainly for the provision of playing-fields, swimming-pools, etc.

Gambling legislation, of course, is a very individual subject which can hardly be dealt with for every country alike. In Japan, for instance, an average of about fifty thousand convictions for betting and lottery offences are registered annually, three to five times as many as larceny convictions, and amounting to about one-third of all convictions.

Since the outbreak of the present War, renewed efforts are being made to conquer the evil of gambling—hitherto without success.[1]

[1] See *The Times*, January 15 and 16, 1940, and May 27, 1940.

CHAPTER NINE

JUVENILE DELINQUENCY. I

It is essential that the problem of juvenile delinquency should be seen in its true perspective and in its appropriate historical, psychological and legal setting. Nineteenth-century writers were sometimes inclined to regard the whole phenomenon too exclusively as the outcome of the Industrial Revolution, whilst in recent years, naturally enough, there was a tendency to interpret it wholly as a sequel to the War of 1914–18. Again, for many years to come it will be to the present War that we shall have to turn when trying to understand certain anti-social forms of behaviour among the younger generation. Such upheavals of the very first order usually bring in their wake a host of other disturbances which prolong and accentuate their immediate consequences. The historian who interests himself in the forms, causes and extent of juvenile delinquency in the period between the Wars must take all of them into account. The individual offender may appear to be a product of the last War—the contemporary phenomenon of juvenile delinquency as such, however, cannot be fully understood if interpreted exclusively in terms of that period.

To deal here with all, or even with the more important aspects of the matter, would greatly exceed the space at our disposal and it would, moreover, lead to useless repetitions of the matter given in many official and private publications on the subject. A few special aspects may, however, be dealt with—some of which do not yet seem to have received the attention they deserve.

(A) EMIGRATION

It can hardly be doubted that the growing restrictions imposed on emigration from the British Isles must have considerably increased the extent of juvenile delinquency in this country since the War of 1914–18. At the beginning of the nineteenth century, when,

after the Napoleonic Wars, crime among children went up appallingly, one of the principal remedies adopted by the authorities was the shipping of juvenile delinquents overseas.[1] After the establishment of the juvenile prison at Parkhurst in 1838, "all the boys from Parkhurst were eventually sent to the Colonies, which was then the recognized method of disposal from reformatories as well."[2] The history of immigration of British children into Canada has recently been told in the League of Nations *Report on the Placing of Children in Families*,[3] where it is stated that between 1868 and 1928 no fewer than ninety thousand children—the great majority of them, of course, certainly not delinquents—went to Canada. Ten agencies in Great Britain were engaged in this work, and the children sent out by them came from various homes, orphanages or other institutions caring for neglected and destitute children of all types, and, finally, "to some extent from the authorities caring for delinquent children." In 1925, however, it is further stated, the whole movement had to be greatly restricted. In the *Second Report of the Home Office, Children's Branch*,[4] emigration is dealt with as "a very suitable form of disposal for many children from Home Office Schools," and it is reported with regret that this course could be adopted only in about ninety cases in the year under review. Opposition on the part of the parents is mentioned as one of the chief obstacles, but there is also a reference to the unsympathetic attitude of some of the immigration authorities. In the *Notes on Imprisonment, etc.*, issued by the Home Office,[5] it is emphasized that the emigration of criminals ought not to be facilitated. Though no reference is made to juvenile delinquents, they are, on the other hand, not excluded from this discouragement. Moreover, it is common knowledge that most of the Dominions have become completely closed for persons convicted, though not for those placed on Probation without a conviction.[6] It can therefore be assumed that emigration has, for

[1] See the figures given by Stanley C. Johnson, *A History of Emigration from the United Kingdom to North America, 1763–1912*. (London, 1913), pp. 273, 281, 285.

[2] *Report of the Departmental Committee on the Treatment of Young Offenders* (1927), p. 8. See also Micaiah Hill, *Prize Essay on Juvenile Delinquency* (1853), p. 254.

[3] 1938, vol. i, pp. 49 et seq., especially 62 et seq. [4] 1924, p. 42.

[5] Second edition, 1930, p. 20 (H.M. Stationery Office).

[6] See the quotations in the author's *Dilemma of Penal Reform* (1939), p. 145.

the last fifteen years or so, ceased to play any part as a method of disposal of juvenile offenders. The consequences of this fact are obvious. Thousands of young persons who, for one reason or other, were in danger of becoming delinquents or of relapsing into criminal habits, may have found themselves debarred from what they may have regarded as an attractive outlet for the energies for which there seemed to be no scope at home. In some of the Borstal Records quoted below,[1] it is fairly apparent that frustration in attempts to emigrate and the ensuing disappointment had been amongst the most powerful factors making for delinquency, though there are also other cases reported where the criminal habits were continued in the new country or after return at home.[2] There is a high degree of probability that juvenile delinquency, at least in the over school-age groups, would have been considerably reduced by removing the restrictions on emigration, though this can, of course, not be regarded as the decisive aspect in the problem of emigration for delinquents.

(B) EMPLOYMENT OF CHILDREN

Another factor which cannot have failed to exercise the greatest influence upon juvenile delinquency before the last War and, to a lesser degree, even after, is unsuitable employment, especially street trading. Though most of the facts discussed below belong to the era before 1914, street trading by juveniles between 14 and 16 years was not entirely prohibited before 1933. Moreover, children who had been employed as street traders previous to 1918 could help to swell the ranks of juvenile and adult delinquents after the end of the War. The boy street trader of 1912 may easily have become the young hooligan of 1920. In spite of the great improvement that has undoubtedly taken place during the period under review, it would therefore be wrong to overlook the significance of this factor altogether.

The investigator studying the significance of unsuitable employment for juvenile delinquency is at once struck by the vast amount

[1] See e.g., No. 2.

[2] For a particularly serious case of the latter type, see Donald Carswell, *The Trial of Ronald True* (1925), p. 2.

of information to be found in the general literature on social history as compared with the dearth of specifically criminological research into the matter. There is hardly any other problem that has attracted with such force the attention of English social reformers. The first decade of the present century, for instance, has not only produced the *Report on Employment of School Children, 1901*, and the Employment of Children Act, 1903, the *Report on the Employment of Children Act (1903)*, *1910*, and Mr. Cyril Jackson's "Report on Boy Labour," contributed to the *Poor Law Report*, *1909*, all these official or semi-official publications paved the way for an abundant amount of private research between 1910 and the beginning of the last War.

It is, with a few exceptions, only one part of the whole problem of child labour that occupies the mind of the social reformer of that period. "While in factories and workshops the position of children and young persons is satisfactorily regulated by law," it is stated in the *Poor Law Report*,[1] "the problem of juvenile labour outside the great industries has become more serious." As is only too well known, the decline of apprenticeship and the predominance of "blind alley" jobs are at the root of the evil. "The very serious fact emerges that between 70 and 80 per cent of boys leaving elementary schools enter unskilled occupations. . . . The problem owes its rise in the main to the enormous growth of cities as distributive centres—chiefly and most disastrously London—giving innumerable openings for errand boys, milk boys, office and shop boys, bookstall boys, van, lorry and trace boys, street sellers, etc."[2] This is, in brief, the list of those occupations that seem to have decisively influenced the character of juvenile delinquency of that epoch.

I. *The Legal Position.*—It may be advisable to deal first with the legal position,[1] in particular as regards street trading and allied occupations: (*a*) Whilst the Prevention of Cruelty to Children Act, 1894, restricted street selling and performing by boys under 14

[1] *Poor Law (Majority) Report*, *1909*, vol. i, p. 416. [2] Report, p. 417.

[3] See the excellent survey in the *First Report of the Children's Branch of the Home Office*, 1923, p. 72 et seq. See also Grace Abbott, *The Child and the State* (1938), vol. i, part 2, p. 79 et seq.

and by girls under 16 to the hours between 6 a.m. and 9 p.m. and prohibited it altogether for children under 11 years, the Employment of Children Act, 1903, prohibited it for children under 11 and gave local authorities power to make By-Laws prohibiting employment of children in specified occupations and regulating street trading by persons under 16. This Act was in force during the last War. "It was the common practice previous to 1918 for authorities to raise the age at which girls could engage in street trading to 16, with an exception for girls of 14 to 16 accompanying their parents."[1] According to the By-Laws made January 29, 1910, by the London County Council, boys under 14 and girls under 16 were not allowed to be employed in or to carry on street trading. Boy street traders had to procure a badge, which they had to wear whilst engaged in street trading and which could be withheld or withdrawn if the boy was convicted of any offence or if he used his badge for the purpose of begging or receiving alms or for any immoral or improper purpose. Similar By-Laws were made in many other cities.

(*b*) The Education Act, 1918, completely prohibited the employment of children under 12 years, with the exception that employment of children by their parents could be permitted. Street trading by children under 14 became unlawful. These provisions could be supplemented by By-Laws under the Act of 1903, and the Secretary of State, in a circular letter of July 1919, proposed by means of model By-Laws to prohibit street trading for boys under 15 and for girls under 16. "These By-Laws," writes Sir E. Troup,[2] "which . . . usually raise the age to 15 for boys and 16 for girls, are now in force in two hundred and fifty districts, but it would be well if street trading could be entirely forbidden to young persons and left as a last resource for older men who have failed in other occupations."

(*c*) The final stage, after the Education Act of 1921 had consolidated that of 1918, was reached when the Children and Young Persons Act, 1933, sect. 20, prohibited street trading by persons under 16. Local authorities have the power to extend this prohibition to persons under 18, whilst, on the other hand, young persons under 16 may be employed by their parents in street

[1] Report, 1923, p. 80. [2] Sir E. Troup, *The Home Office, 1925*, p. 173.

trading. According to the *Fifth Report of the Children's Branch of the Home Office*[1] ninety-five local authorities have made By-Laws under the Act of 1933, but in some important places, as, for instance, Manchester, there are no such By-Laws, and it is stated in a Report by the Director of Education on the operation of the Act of 1933 that there is no evidence to suggest that the regulation of street trading by persons over 16 is urgently necessary.

II. *The Actual Amount of Street Trading Among Children and Young Persons.*—One fact seems to emerge quite clearly from the existing material, i.e. the considerable increase in the amount of street trading done by children and young persons between 1900 and the last War. Whilst the *Report on the Employment of School Children, 1901*, estimates the number of children employed as street traders at 25,000,[2] in the Census of 1911 the following comparison is made:

> "In 1911, 146,417 children between 10 and 14 were returned as occupied (97,141 boys, 49,276 girls). Of the boys, 24,870 were messengers, etc., 23,399 employed in textile manufactures . . ., 8,252 were newsboys. . . . Of the 3,881 boys under 12 years returned as occupied, 1,756 were newsboys, and 1,667 messengers. The only occupation in which there was a serious increase in the numbers employed under 14 years of age was that of newsboys.[3] . . . In 1901 only 3,219 males under 15 and a further 5,238 between 15 and 20 were classified as 'costermongers, hawkers, street sellers'; but in 1911 this heading, together with 'News-Boys, Vendors,' contained 10,766 under 15 and a further 7,526 between 15 and 20, the newspaper sellers at these ages numbering 10,174 and 3,715 respectively. . . . This enormous increase from 3,219 to 10,766 in the number of boys returned under these headings does doubtless represent a real increase in the number of newspaper sellers . . . but it is also probable that the returns for 1911 were more complete than were those of 1901."[4]

[1] 1938, p. 111.
[2] Report of 1901, p. 16.
[3] *Census of 1911, General Report* p. 164.
[4] Ibid., p. 145.

Still higher, however, are the figures given in the *Report on the Employment of Children Act (1903), 1910*[1]: "In London 10,486 boy traders are aged between 11 and 14, and only 3,387 are between 14 and 16. In England and Wales, outside London, there are 15,321 licensees below 14, and only 6,704 between 14 and 16." In London, it was stated that "out of about 100,000 boys between 11 and 14 years of age, there are just over 10,000 street traders."[2] There are considerable local differences: "While in Bolton, states Mr. Cyril Jackson,[3] only 7·70 per cent of the boys occupied under 15 are messengers, in Liverpool 44·4 per cent are so employed. The difference is, of course, due to the superior attraction of the spinning mills in the former town," and, we may perhaps add, to the difference in size. It is also interesting to note that, whilst the street trading licences issued to persons under 16 numbered in 1908:[4]

In Liverpool	..	686
In Birmingham	..	1,260
In Manchester	..	2,057

Mr. F. Keeling wrote a few years later:

> "The evils of street trading by children are even to-day more obvious to a visitor in Liverpool than in any other English town. They are the natural concomitant of the enormous mass of casual labour connected with the port. . . ."[5]

After the War there was a great decline in juvenile street trading as a consequence of the new legislation. The *Second Report of the Children's Branch of the Home Office*, issued in 1924, quotes the following figures of young persons (nearly all boys between 15 and 16 years), licensed to trade in the streets:[6] London 378, Birmingham 29, Liverpool 400, Manchester 310.

[1] Report of 1910, p. 11, and Appendix I, Table C.

[2] Ibid., *Minutes of Evidence*, No. 9014.

[3] *Report on Boy Labour, 1909*, p. 5.

[4] Report of 1910, p. 379 et seq.

[5] F. Keeling, *Child Labour in the United Kingdom, 1914*, p. 256 et seq.

[6] P. 56. See also the figures given for "six of the Principal Industrial Areas" in the *Occupation Tables, 1924*, p. 205, of the Census 1921. The Census of 1931 (Vol. Occupations, Table 18, p. 584) gives the number in groups 720–2 (roundsmen, hawkers, newspaper sellers) in one collective figure, and thereby makes a comparison with previous years impossible.

III. *Street Trading as a Causative Factor in Juvenile and Adult Delinquency.*—It has been regarded by the writer as indispensable to go into the statistical details of the problem, since it is only by doing so that we can hope to justify the following conclusions with regard to street trading as a causative factor in juvenile and adult delinquency.

The criminological aspects of the matter have been tackled in a rather haphazard way in most of the publications quoted above. It is, therefore, rather difficult to challenge the statement of a recent writer[1] that "the significance of child labour conditions in predisposing youth towards crime appears to have been much neglected." Nineteenth-century investigators, as, for instance, Henry Mayhew and, later, W. D. Morrison, were, more or less, satisfied to give a general picture of the social and moral conditions of street trading children, from which the conclusion could be drawn that this occupation was bound to lead to delinquency. The pre-War Reports of the twentieth century tried to go farther. It might, however, be appropriate to ask which other methods were available at that time. The problem could have been attacked in two different ways: first, the delinquency of a sufficiently large number of juvenile street traders could have been studied and compared with a control group taken from other occupations. This method would have suffered from the disadvantage that only those effects that came to the surface during the period of adolescence itself, not the after-effects, could have been studied. Secondly, the life histories of inmates of penal institutions of different types could have been secured with the view to finding out whether street trading had played any part as a causative factor in their downfall. There are certain rudiments of both these methods to be found in the Reports.

The first method is used, for instance, in the evidence given by the Chief Constables of Birmingham and Manchester before the Royal Commission of 1901:[2]

Birmingham. Out of 550 boys under 16 employed in street trading no less than 419 had been prosecuted during the pre-

[1] Dr. Eris O'Brien, *The Foundation of Australia, 1937*, p. 40.

[2] *Minutes of Evidence*, Nos. 10214 and 10225. See also Appendices 44 and 51.

vious six months, for the following offences: Felony 98, gambling 185, begging 7, sleeping-out 46, trespass on railway 26, wilful damage 23, obscene language 6, etc.

Manchester. Number of street trading boys under 14, 293; between 14 and 16, 257. Number of prosecutions during previous six months, 147 and 277 respectively.

There were, however, no control group figures.

More frequently the second method was used.

In the Census of 1901, for instance, the percentages of men under 20 employed in several trades, who were in prison, are given as follows:[1]

General labourers	0·74	Tailors ..	0·16	Engineers	0·04
Street sellers ..	0·57	Printers ..	0·08	Coal miners	0·03
Dock labourers	0·44	Building trade	0·07	Carpenters	0·02

The following explanation is offered for the comparatively high percentages of general labourers and dock labourers:

"The dockers and general labourers are probably boys really hanging about doing nothing, but so describing themselves." For the high percentage of street traders found in prison no special explanation was needed.

Mr. Hall, a missionary at Bow Street Police Court, who gave evidence before the Royal Commission of 1901,[2] was thoroughly cross-examined as to whether he had been able to trace a distinct causal connection between street trading and the manufacture of criminals. His reply was that he had under his supervision twenty-two lads between 14 and 18 charged with various offences, out of whom a dozen had been selling papers in the streets. "Supposing those boys were not allowed to sell newspapers, would you expect fewer of them to come into the Police Court?" "Certainly."

Much quoted in this connection are the figures given by Professor R. H. Tawney in his Memorandum submitted to the Commission on Attendance at Continuation Schools.[3] The figures refer to youths between 14 and 21 charged in Glasgow with offences against property during the year 1906. Out of a total of 1,454 there were:

[1] Summary Table, p. 244. Occupations of inmates of local and convict prisons. See also Mr. Cyril Jackson's *Report on Boy Labour*, p. 43.

[2] *Minutes of Evidence*, No. 3860 et seq. [3] Report of 1909, vol. i, p. 316.

	per cent.
Messengers, street traders, hawkers, labourers, carters, rivet heaters	1,208 or 83·7
Tradesmen in twenty trades	110 or 7·5
Miscellaneous (soldiers, schoolboys, waiters, etc.)	136 or 8·8

Professor Tawney adds that the total number of boys under 21 employed in Group 2 "of course far exceeds" those employed in Group 1. These figures, interesting as they are, do not contribute much towards our special problem, since Group 1 includes too different types of employment.

More to the point are some enquiries made amongst the group of so-called juvenile adult prisoners in Wormwood Scrubs. In the *Annual Report of the Howard Association* (as it was then called) of November 1909,[1] it is stated that at a lecture attended by about three hundred prisoners of this group the Chaplain enquired: "How many of you sold papers in the street?" Fifty-three responded. To the enquiry: "How many of you sold other things in the streets?" sixty responded. When the prisoners were asked: "How many of you have learned trades?" there was no response.

This enquiry, remarkable through its casual nature and lack of further investigations into the matter, obviously arose out of the simultaneous Report on the Employment of Children Act, which gives some more figures of a similar character.[2]

"There were two hundred prisoners questioned the other day as to the extent they had engaged in street trading at any time . . . fifty-five stated that they had engaged in street trading before they left school . . . and fifty-five directly after leaving," stated the Governor of Wormwood Scrubs. Here again there was apparently no further enquiry as to whether these statements were true and no control group was used.

There is, as far as can be ascertained, only one writer of that period who had at least tried to tackle the problem in a more scientific way, the American, Edward N. Clopper.[3]

In his view, the mere fact that a high percentage of inmates of penal institutions was found to have been engaged in street trading

[1] P. 3.
[2] Report of 1910, *Minutes of Evidence*, No. 1697 et seq.; Appendix, p. 523.
[3] *Child Labor in City Streets, 1912*, pp. 155 et seq., 180.

was no sufficient evidence of the causal connection between street trading and delinquency. He regarded the presence of the following three elements as indispensable:

A working child commits an offence

(*a*) During working hours,

(*b*) In some place to which his work calls him;

(*c*) Against some person with whom his work brings him in contact.

Only when these three factors are given, could, in his view, a causal connection between work and delinquency be assumed, and he stated that they could be found in "practically one-fourth of the boys employed at the time of their latest offence."[1] This formula, useful as it might have been as a first attempt to bring some order into a rather confused field of research, is certainly too narrow, since it fails to take into account the obvious fact that a juvenile's general deterioration, physical and moral, brought about by unsuitable employment, may lead to delinquency quite outside his working hours, place or companionship.

Much more impressive than the existing volume of statistics is the evidence of such a general deterioration given in much detail in practically all Reports published between 1901 and 1910. An attempt may be made to survey this material under a few headings so as to give a fairly characteristic picture of the conditions prevailing before the last War.

(*a*) There is, first of all, the fact that street trading and the various occupations in the transport trade, as errand boys, van boys, etc., are blind-alley jobs, bound to lead, after a few years, either to complete unemployment or to a life of unskilled casual labour with that consequent feeling of frustration and insecurity which has always been the most fertile soil for anti-social actions. Mr. Cyril Jackson's dictum[2] has evidently made a lasting impression:

> "The theory that boys can become errand boys for a year or two and then enter skilled trades cannot be maintained. Very few boys can pick up skill after a year or two of merely errand boy work. . . . The great mass of them fall into the low-skilled trades or wholly casual labour."

[1] Op. cit., p. 171 et seq.

[2] *Report on Boy Labour, 1909*, p. 20.

The same, to an even higher degree, is true of the street trading boy. On the other hand, to remain in one of these occupations beyond a certain age is likewise impossible. There is a definite age limit for errand boys, etc. If he is an employee, he gets the sack as soon as he demands higher pay; but even as an independent street trader he is not better off—here it is just the youngest boy who is most successful with the public: "When a boy gets to that age (16 years), he begins to find his business falling off. He might be exceedingly glad to get into any occupation, but he knows nothing."[1]

(*b*) In addition to these disadvantages of the blind-alley job, street trading children, van boys, etc., are subject to special dangers and temptations that make them particularly liable to fall victims to the difficulties of their later teens or even to go under at once. The Reports on Employment of Children drew attention to the following grave pitfalls:

All these occupations mean too little real work and too much liberty with complete, or almost complete, lack of control. This applies particularly to the independent street trader who is his own master with no authority above him.

> "They love being in the streets and rushing about the streets. It is not so much the trading as the excuse to be out. The trading is merely a cloak for other kinds of fun."[2]

Of course, it is not merely for fun, it is also for the sake of business that these children become street traders.[3] The sort of business they have to do may, however, make them lose their self-respect and lead to delinquency. In the first place, "the more ragged and picturesque a child is, the more will he sell," because it is just the raggedness and dirtiness of the youngster that arouses the customer's pity; it pays better to go out in rags. "A boy had a nice suit given to him by a gentleman, but directly afterwards he came up to him and

[1] Report of 1910, *Minutes of Evidence*, No. 2126.

[2] Ibid., No 2285.

[3] Report of 1901, *Minutes of Evidence*, Appendix 1, Newcastle-on-Tyne, Watch Committee: "My officers report that they have frequently known children afraid to go home lest their parents should punish them for not having earned enough money. The result of this is that the children often sleep out, or gamble, or steal, and the girls become prostitutes in order to raise sufficient money to take home."

said, 'You will excuse me not wearing that suit, but I cannot sell anything while I have got it on.' "[1]

Moreover, there are many other tricks involved in this sort of trading that are not particularly conducive to a life of honesty; for instance, "certain newsboys seem always to be without change (short change artists)."[2]

Not quite as bad was the job of boys who worked under newsagents. Nevertheless, even they were said to have been under permanent temptation, and a witness, a headmaster of an elementary school, told the Commission on the Employment of School Children:[3]

> "I have spoken to several newsagents about the matter, and they always tell me that when the boys come to them they are first-rate little fellows, but in the end they become dishonest.—Cases of the kind come under your personal notice? So frequently that I deplore seeing a boy go into a newspaper shop at all."

The irregularity of their earnings and of their whole mode of life was also deplored. "On special occasions they will earn as much as 3s. a night—at other times a few pence.—Is that irregularity of earning a bad thing? I should say it must be."—"Where do these newspaper boys sleep generally? In lodging-houses."[4]

Some witnesses, moreover, drew attention to the undeniable fact that the newsboys not only distributed and sold the papers, but also used their many opportunities of reading their contents. "The very life of London boys—stated the Rev. Benjamin Waugh, of the N.S.P.C.C.—seems to be fed by the stimulus of betting and racing by means of evening papers. Every indecent case and divorce case these children are employed to disseminate."[5]

Many other witnesses appearing before the Royal Commissions of 1901 and 1910 tried to refute all allegations of this kind—in their view, it was not the work that inevitably deteriorated these children; they had already been bad before.

[1] Report of 1910, *Minutes of Evidence*, Nos. 2067 and 6969.
[2] Edward N. Clopper, op. cit., p. 63.
[3] Report of 1901, *Minutes of Evidence*, No. 2296 et seq.
[4] Ibid., No. 3860 et seq.
[5] Ibid., No. 5218.

"The assumption appears to be—said the President of the Newspaper Society—that these children belong to a respectable class, that they are thrown into the streets and thereby degraded; as a matter of fact, they represent the most degraded section of the population—they are the young barbarians of the slums."[1]

This interpretation, however, does not seem to have met with much approval, all the more as the witness had to admit that he had "not direct personal knowledge" of the matter concerned.

The greatest emphasis was throughout laid on the close connection between newspaper selling and gambling, since paper selling for these boys always meant the selling of racing news, through the medium of which they first used to become interested in betting. It is the Rev. Peter Green who dwells particularly on this aspect of the matter:[2]

"Ever since I first ran a Lads' Club in the Old Kent Road I have seen generations of boys sucked down in the whirlpool of crime through betting, and through selling special editions of the evening papers which exist to give racing news only," and he tells the story of a boy who "started selling the 'one o'clock' and made 29s. 10d. the first week. Was it likely after that he would settle to a trade at 8s. or 10s. a week? Yet 30s., which is great money for a boy, is nothing for a man who wants to marry. So these lads, as they grow up, are rapidly pushed out by younger boys and, having learned no trade and acquired lazy, loafing, gambling habits, they drift into the criminal class."

The same view is expressed in the Report of 1910:

"The youthful street trader is exposed to many of the worst of moral risks. . . . If a matchseller, he is likely to become a beggar—if a newspaper seller, a gambler; the evidence before us was extraordinarily strong as to the extent to which betting prevails among the boy vendors of evening papers. . . . The occupation is one which sharpens the wits without developing the intelligence. . . ."[3]

[1] Report of 1901, *Minutes of Evidence*, No. 4786.

[2] Peter Green, *Betting and Gambling*, 1935 edition, revised by Cecil H. Rose, p. 52.

[3] Report of 1910, p. 11.

"It is not a genuine newspaper trade but a sporting trade" (Chief Constable of Birmingham), and "With halfpence they gamble away their earnings" (Chief Constable of Liverpool).[1]

There is still another aspect of the matter. The juvenile street trader was, at that time, in permanent danger to trespass against some Police regulations, by causing obstruction, shouting, not wearing a badge, etc. The above-mentioned figures quoted by the Chief Constables of Manchester and Birmingham before the Royal Commission of 1901 are sufficiently indicative. "When one of our boys gets into the hands of the Police," stated a headmaster before the Commission of 1901, "we find him as a rule among the street sellers."[2] This must almost inevitably lead to a never-ending struggle between street traders and the Police, and finally to a deep-rooted feeling of hostility against any form of authority. There can hardly be any doubt that many of the frequent assaults on constables—an offence that before 1914 averaged about eight to nine thousand cases a year—were somehow connected with early experiences of street trading boys. It was with reference to this type of children that Micaiah Hill had written fifty years before:[3] "The act of attacking and assaulting an officer is a noble deed, and the punishment of the offence is regarded as martyrdom." Having committed some street offence, the boy usually went to prison for failing to pay his fine. "When street boys fall—and they frequently fall—into the hands of the Police," says one of the best-known experts on juvenile delinquency before the last War,[4] "it may well be doubted whether the punishments which they receive for various offences serve a beneficial end. Imprisonment degrades and hardens these boys. . . . Moreover, the punishments do not appear to us to be sufficiently well graduated." With prostitutes and street bookmakers, the juvenile street trader forms a common front against the Police and, finally, against society as such. Even to-day the percentage of street

[1] *Minutes of Evidence*, 1901, No. 5594; 1910, Nos. 1382 and 6760.

[2] Report of 1901, ibid., No. 10541. See also Mr. C. E. B. Russell's Memorandum, Appendix 45.

[3] *Prize Essay on Juvenile Delinquency, 1853*, p. 58.

[4] Mr. C. E. B. Russell, Report of 1901, *Minutes of Evidence*, Appendix No. 45.

traders among the "young prisoners" between 17 and 21 is unduly high. They are said to be committed to prison first for non-payment of fines imposed for obstruction and to come back later for more serious offences.

On the other hand, the Report of 1910 admits[1] that "it would be going too far to place on their occupation the whole of the responsibility for the shiftless or criminal lives into which the class of street traders often drifts: drawn from the poorest class . . . the boy is handicapped at the start, and has few chances of becoming anything else," and in the Minority Report[2] the point is stressed that "unless there is other employment in the locality open to this class of lad and for which they are fitted, it seems to us that immediate prohibition will tend to aggravate rather than improve the present state of things. Mere prohibition will not take them off the streets . . . and it may result in their being driven into vagrancy or crime. Street trading cannot, in our view, be treated as an isolated problem without regard to the social conditions in which it exists." From the point of view of the investigator of social problems this is hardly more than a commonplace—nobody who regards street trading as a causative factor in juvenile delinquency believes to have discovered the ultimate root of wrongdoing. The practical social reformer, however, has often to be satisfied when he succeeds in eliminating certain symptoms, one after the other, and this is what has happened with street trading as well as with many allied symptoms.

What other openings were available at that time for this class of boy? There existed by no means a scarcity of jobs—on the contrary, Bray[3] quotes the managers of the newly established Labour Exchanges as saying: "There is an unsatisfied demand for juvenile labour of an unskilled type," arising out of what Bray calls the characteristic feature of that time "that we want to save ourselves trouble or to save ourselves time. Boys are the instruments we use." Consequently, it becomes impossible for employers to exercise proper control, and "lads change situations for the mere sake of change, to see what happens." Thus comes into being the much deplored system of

[1] P. 12. [2] P. 19.

[3] Reginald A. Bray, *Boy Labour and Apprenticeship*, 1911, p. 124.

changing jobs—"the boy labourer," says Tawney,[1] "tends to be an industrial nomad." But, although he can easily get another job, he cannot, as a rule, get a better job: "almost any job they are likely to get will be unpleasant."[2]

The question was frequently discussed whether the work of the errand boy or of the van boy, the most common occupations among working-class lads, was preferable to that of the street trader from the point of view of morals in general and of delinquency in particular. The *Report on the Hours and Conditions of Employment of Van Boys and Warehouse Boys, 1913*, contains some valuable material as to the special dangers connected with these occupations.

[1] *Economic Journal, 1909*, p. 530. See also Tawney's Memorandum in the *Report on Attendance at Continuation Schools, 1909*, p. 314; A. Greenwood, *Juvenile Labour Exchanges and After-Care, 1911*, p. 7; H. A. Mess, *The Facts of Poverty*, p. 78; A. Freeman, *Boy Life and Labour* (1914).

[2] Dr. H. A. Mess, *The Facts of Poverty*, p. 78.

CHAPTER TEN

JUVENILE DELINQUENCY: II

An Investigation into the Records of Borstal Boys and Girls[1]

IT cannot be emphasized too strongly that it is not intended to give here a description of the Borstal System as such. In accordance with the general plan of this book, which deals with causative factors rather than with methods of treatment, our aim is to show the type of boys and girls who have been sent to Borstal in the course of the past twenty or twenty-five years, as well as the causes of their delinquencies and possible relapses. The criticism will perhaps be made that some of the extracts given in this chapter, whilst too lengthy for the hurried reader, are not comprehensive enough to represent colourful life histories of scientific value. The author is fully aware of the weaknesses connected with compromise methods, but taking everything into account he had to come to the conclusion that an attempt of this kind to combine the statistical with the individual case study method was best suited for the material at his disposal.

The Material

The material used for the following investigation of adolescent delinquents who have undergone a period of detention in a Borstal Institution consists of the records of *606 boys* and *411 girls*, collected at the offices of the Borstal Association (for boys) and the Aylesbury After-Care Association (for girls) respectively. The records consulted were arranged in alphabetical order and taken without deliberate choice; they may, therefore, be regarded as fairly representative.

[1] The author wishes to acknowledge his special indebtedness to H.M. Commissioners of Prisons and to the Borstal Association and Aylesbury Association for their permission to use and to publish this material, and to the staffs of both associations for their valuable assistance. A brief extract from this Report—as far as it deals with boys—was published in the *Annual Report of the Prison Commission for England and Wales for the Year 1937*, p. 38 et seq.

The *Borstal Association Records* refer to boys *discharged* from a Borstal Institution during the fifteen years' period from *1922 to 1936*, i.e. to boys born between 1899 and 1918 who entered the Institution between 1920 and 1934. Each of these fifteen years is represented by 35 to 40 records. In addition, there are used 24 records of boys who, in 1937, were still in a Borstal Institution.

The *Aylesbury Association Records* refer to girls *discharged* from Aylesbury during the twenty years' period from *1916 to 1935*, i.e. to girls born between 1893 and 1917 who entered the Institution between 1914 and 1933. Each of these twenty years is represented by 20 to 25 records.

The oldest of these adolescents were legally in a position to enter their delinquent careers in 1900, as far as the girls are concerned. On the other hand, the great majority of them must be still alive and pursuing their individual destinies. One may, therefore, venture to expect that the records may reflect at least some of the most significant problems of the present generation.

The records of both Associations include contributions of many officials and private persons, in particular of Police and School Authorities, Social Workers, Probation Officers, Prison Visitors, Medical Officers, Governors and Housemasters of the various Borstal Institutions. It is this variety of the sources of information that is of great advantage since it makes it possible to see each individual case from different angles. On the other hand, it is clear that contradictions between the reports given by the various contributors are inevitable, especially as far as the persons concerned are asked not only to state simple facts but to give their views on difficult matters such as character traits of the offender, relations with his family, and causes of his delinquency. But even "simple facts"—as far as such facts should exist at all for the scientific mind—are not always recorded along the same lines. One record may, for instance, count the total number of children born to the family, another only the number of children still alive or only those living at home; this one may include step-children, that one may not. By "family income" sometimes the annual average may be understood, sometimes, however, only last week's wages; here the total amount earned by all wage-earning members of the family, there only the

sum allowed by the head of the family to his wife. The description of a home as "bad" is of little use if the reasons for this verdict are withheld, and so forth. The difficulties that stand in the way of collecting reliable information of this kind are, of course, too well-known to be overlooked. However, an important step forward in the direction of greater accuracy and uniformity in record-keeping has been made within the last decade through the admirable efforts of the group of trained social workers at Wormwood Scrubs. The above criticism applies, therefore, mainly to the older records.

Whilst it is certainly possible to reduce inaccuracies and omissions concerning the vital facts of the case history to a comparatively low minimum, many—apparent or real—contradictions in the estimates of the offender's character and abilities will always remain. Many boys who, in their pre-Borstal life, had borne the reputation of being "utterly lazy," are labelled "hard workers" in the Bostal Institution. Are the standards used so different? Or is the solution simply to be found in the fact that most adolescents respond to kind and tactful treatment by increased devotion to their work?

The Reports of the Medical Officers are sometimes more pessimistic than those of the Housemasters and Governors of the same Borstal Institution. This difference, however, may be partly due to the working of the time factor: the Medical Officer writes his report soon after the boy has left prison and entered Wormwood Scrubs, whilst the other officials give their opinion at a later stage when the boy has already had an opportunity of getting over his first shock and of adapting himself to his new life.

Similar considerations may be applicable to the divergences between the Medical Officers and previous Reports by Social Workers, School Authorities, etc.

Although it is impossible, without knowing the actual facts of the individual cases, to say whether the recorded opinions of the Governors, Medical Officers and Housemasters concerned give a true picture, it is evident from their reports that these officials are, for the most part, masters in the art of portraying with a few strokes even an apparently complicated individual. And that these pictures are essentially right in diagnosis and prognosis is shown by the fact that the known after-history is largely in harmony with the fore-

casts.[1] The author is highly appreciative of having been privileged to use these records for the following study. Among their most valuable features is the human understanding emanating from these official documents and the fundamental sincerity which does not allow of any painting in too bright colours either of the inmates themselves or of the prospective effect of their Borstal training. On the other hand, by no means all reports are drab or pessimistic. Governors can scarcely be despotic prison tyrants when they are capable of describing a boy with six previous convictions or Probation Orders as "a most attractive lad with a sense of humour, a great capacity for work and all a boy's delightful irresponsibility, who will do well when he grows up," or when excusing the bad institutional start of a boy with the comment: "Got into trouble twice earlier on, which merely shows a positive reaction to training."

Statistical Account of 606 ex-Borstal Boys and 411 ex-Borstal Girls

TABLE XXXI

BOYS

Ages on committal to Borstal, and Failures

Age	16	17	18	19	20	21	Unknown
Number of boys	103	139	128	133	83	6	14
Failures during licence* ..	33	36	48	33	20	1	—

* Only reconvictions during licence are counted; otherwise it would be impossible to compare cases discharged in different years.

Former Places of Residence:

London	145
Other big cities	145
Middle-sized towns	164
Small places or country	137
Unknown or institutions	15

[1] A few exceptions are given below.

Religion:

Church of England	441
Roman Catholic	114
Other Christians	39
Jewish	12

Previous Convictions (including Probation Orders):

Number of convictions									
0	1	2	3	4	5	6	7	8	9 and more
Number of boys									
31	147	191	127	58	24	11	11	3	3

Offences for which sent to Borstal:

Offences against Property	536	Sexual Offences	10
False Pretences	6	Escaping from Custody	1
Forgery	2	Breach of Recognizance	4
Arson	2	Escaping from Home Office School	6
Possessing mould for coins	1	Wandering	2
Suspected Person, Loitering	10	Other Offences	6
Attempted Murder	1	Unknown	10
Wounding	8		
Endangering safety on railway	1		

Ages at time of first conviction														
8	9	10	11	12	13	14	15	16	17	18	19	20	21	Unknown
Number of boys														
7	10	22	43	46	45	47	64	83	100	65	41	30	1	20

Previous Sentences (including orders under Probation of Offenders Act):

	Number of sentences
Industrial School	103
Reformatory School	55
Prison	165
Birched	52
Fined (including payment of costs and compensation)	212
Cautioned	12
Modified Borstal	1
Adjourned *sine die*	4
Bound over with Probation	419
Bound over without Probation	244

How many boys had been *in Prison before Borstal?* 123.

How many boys *with no previous Convictions* (including Probation Orders) had been *sent to Prison?*[1] 24.

How many boys with previous convictions (including Binding over) had *never been placed under Probation?* 222.

Family and Home:

(*a*) *Father* dead: 120.

Social Class of Father (or Step-father):

Superior	—
Middle Class	17
Lower Middle Class	40
Skilled Working Class	147
Unskilled Working Class	168
Pensioner	4
(Rest unknown)	—
Out of work	58
On short time or casual work	10

(*b*) *Mother* dead: 109.

Both Parents dead	18
Parents separated	27
Parents divorced	1
One Parent deserted family	17
One Parent invalid, or in home or asylum	33
Boys not brought up by Parents, although Parents living together	20
Both Parents of foreign origin	5
One Parent of foreign origin	2
Illegitimate[2]	39
Step-father	58
Step-mother (Counted even if already dead)	36

Education:

Secondary School or Technical School	16
Special School	1

(Remainder: Elementary School.)

The *Boys' Work* before Borstal:

Errand boy	105	Messenger boy	22	Newsboy	35
Other street trades	22	Factory	104	Colliery	59

[1] Not included are sentences of no more than four days' detention and cases of imprisonment for non-payment of fines.

[2] In cases of illegitimacy death, divorce, separation, desertion of parents and existence of step-parents are *not* counted.

Apprentice	34	Labourer	78	Gardening	6
Mechanic-Eng. Fitter	25	Army	58	Navy	6
Farming	34	Blacksmith	9	Van boy	43
Page boy	18	Milk roundsman	7	Seaman	7
Servant	6	Stoker	7	Office boy	9
Clerk	4	Waiter	10	Cook or Kitchen boy	21
Tramp	3	Packer	7	Plumber	7
Porter	9	Shop assistant	19	Baker	8
Motor driver	22	Tailor	11	Painter	6
Glass works	7	Miscellaneous trades	86		

Out of work at time of offence[1]	82
In casual work at time of offence	47
Doing odd jobs at time of offence	17
Never worked at all since leaving school	9
Total	155

Member of a *Club*:

Boys' Clubs	86
Sport Clubs	10
Clubs of unknown type	2
Sunday schools	12
Total	110

Hobbies and Spare-Time Occupations:

Sports	97	Betting—Gambling	35	Pictures	81
Walking	6	Reading	53	Dancing	19
Girls	31	Billiards	27	Music	17
Acting	6	Animals	4	Loitering	27
Pubs	5	Painting	5	Smoking	31
Gardening	4	Mechanics	3	Stamps	1

Mental Condition:

Columbian Tests[2]		*Reconvicted during Licence*
80 and above	55	16
Above 60 and below 80	140	40
Above 40, not more than 60	123	44
40 and below	62	20
0	4	3
Total	384	Total 123
(Rest unknown)		

[1] Short periods of unemployment are apparently not always taken into account.

[2] See the description by Dr. F. H. Taylor, *Journal of Mental Science*, vol. 84, p. 513 et seq.

Terman age	Boy's natural age						Total
	16	17	18	19	20	21	
9 years and below	–	3 *1*	3	–	2 *1*	1	= 9 *2*
Above 9 and below 10 years ..	3 *3*	4 *1*	6 *3*	5	3	–	= 21 *7*
Above 10 and below 11 years	5 *3*	12 *2*	12 *1*	8 *2*	5 *1*	2	= 44 *9*
Above 11 and below 12 years	6 *3*	13 *3*	9 *2*	3	6	1	= 38 *8*
Above 12 and below 13 years	5 *1*	7 *1*	7 *1*	7 *2*	5 *3*	–	= 31 *8*
Above 13 and below 14 years	6 *2*	2	6 *4*	4 *1*	2 *1*	–	= 20 *8*
Above 14 and below 15 years	5 *1*	5 *2*	9 *3*	3 *1*	7	–	= 29 *7*
Above 15 and below 16 years	3 *1*	4 *1*	3 *3*	4 *2*	2	–	= 16 *7*
Normal Adult	–	2 *1*	–	1 *1*	1	–	= 4 *2*
Superior Adult	1 *1*	–	1	–	1	1	= 4 *1*
							= 216 *59* (Rest unknown)

(Reconvictions during licence are shown in italics)

After-History:

81 boys did *not* return home, although at least one parent was alive.
140 boys found work within 1 month after discharge.[1]
31 boys found work within 3 months after discharge.
21 boys found work within 6 months after discharge.
7 boys found work within 12 months after discharge.
307 boys found work within ? months after discharge.
46 boys did not find any work after discharge (some of them went into Institutions, others disappeared).
(For the remaining 50 boys no sufficient details are available)
9 boys emigrated after discharge.
40 boys entered Army after discharge.
1 boy entered Royal Navy after discharge.
30 boys entered Merchant Navy after discharge.
125 boys found work in same or similar trade, etc., as learnt in Borstal.[2]

[1] This ought to be understood with the reservation that the work was often only temporary, lasting a few weeks or months.

[2] The term "in same or similar trade" is to be interpreted in a wide sense: all cases are here counted where the special knowledge acquired by the training in a Borstal workshop, etc., may have been of some use for the boy's later work.

TABLE XXXII

GIRLS

Ages on committal to Borstal, and Failures

Age	16	17	18	19	20	21	Unknown
Number of girls ..	62	98	91	87	43	4	26
Failures during licence	12	15	20	15	6	2	—

Former Places of Residence:

London	72
Other big cities	89
Middle-sized towns	96
Small places or country	157
Unknown or Institutions	2

Religion:

Church of England	317
Roman Catholic	36
Other Christians	53
Jewish	5

Previous Convictions (including Probation Orders):

Number of convictions										
0	1	2	3	4	5	6	7	8	9	10
Number of girls										
55	185	213	34	16	6	—	1	—	1	—

Offences for which sent to Borstal:

Stealing	327	Attempted Murder	1
Forgery	3	Infanticide	1
False Pretences and Fraud ..	27	Sleeping out	3
Robbery with Violence ..	4	Keeping brothel	1
Attempted Suicide	5	Assault	2
Escaping from Reformatory ..	14	Arson	2
Breach of Reformatory Rules	2	Wandering	3
Breach of Recognizance ..	13	Unknown	2
Manslaughter	1		

Ages at time of first conviction														
8	9	10	11	12	13	14	15	16	17	18	19	20	21	Unknown
Number of girls														
1	1	4	7	7	4	21	46	63	91	68	64	14	4	16

Previous Sentences (including orders under Probation of Offenders Act):

	Number of sentences
Industrial School	26
Reformatory School	43
Prison	108
Bound over with Probation	218
Bound over without Probation	176
Fined (including payment of costs and compensation)	26
Cautioned	2
Modified Borstal	1
Adjourned *sine die*	3
Dismissed	9
Breach of Recognizances	8

How many girls had been *in Prison before Borstal*? 77.

How many girls *with no previous Convictions* (including Probation Orders) had been sent to Prison?[1] 27.

How many girls with previous Convictions (including Binding over) had never been placed under Probation? 183.

Family and Home:

(*a*) *Father*, dead: 66.

Social Class of Father (or Step-father):

Superior	—
Middle Class	12
Lower Middle Class	25
Skilled Working Class	56
Unskilled Working Class	142
Pensioner	3
(Rest unknown)	—
Out of work	24
On short time or casual work	5

(*b*) *Mother*, dead: 70.

Both Parents dead	27
Parents separated	15
Parents divorced	3
One Parent deserted family	13

[1] Not included are sentences of no more than four days' detention and cases of imprisonment for non-payment of fines.

Both Parents deserted family	2
One Parent invalid, or in home or asylum	22
Girls not brought up by Parents, although Parents living together	6
Both Parents of foreign origin	3, and 2 gipsies
One Parent of foreign origin	1
Illegitimate[1]	35
Step-father	38
Step-mother (Counted even if already dead)	43

The *Girls' Work* before Borstal:

Domestic	206	Factory	119	Waitress	27
Laundry	25	Dressmaking	16	Milliner	4
Shop assistant	13	Cook	5	Cinema assistant	2
Nurse	16	Stage	3	Errand girl	4
Hairdresser	2	Hotel or Restaurant	8	Wardmaid	2
Typist	2	Hospital	4	Packer	3
Printing Works	3	French polisher	3	Farm	7
Draper assistant	3	Office girl	2	Munition work	19
Travelling with fair	2	Gathering water-cress	1	Homework	1
Trolley girl	1	Convent	1	Casual work	7
Miscellaneous	9				

Terman age	Girl's natural age						Total
	16	17	18	19	20	21	
9 years and below	1	–	–	–	–	–	= 1
Above 9 and below 10 years	2 *1*	1	–	1	–	–	= 4 *1*
Above 10 and below 11 years	4 *1*	13 *4*	6 *1*	7 *1*	1	–	= 31 *7*
Above 11 and below 12 years	6 *2*	5	10 *3*	8 *3*	1	–	= 30 *8*
Above 12 and below 13 years	7 *1*	7 *1*	6	4	5 *2*	–	= 29 *4*
Above 13 and below 14 years	2	4	7 *3*	3 *1*	2	2 *1*	= 18 *5*
Above 14 and below 15 years	–	1	–	2 *1*	1	–	= 4 *1*
Above 15 and below 16 years	1	2 *1*	1 *1*	–	2	–	= 6 *2*
Normal Adult	–	1	–	–	1 *1*	–	= 2 *1*
Superior Adult	–	–	–	1	–	–	= 1
							= 126 *29* (Rest unknown)

(Reconvictions during licence are shown in italics)

[1] In case of illegitimacy death, divorce, separation, desertion of parents and existence of step-parents are not counted.

Statistics of Probable Causes of Delinquency

Far be it from us to maintain, only on the strength of the records at our disposal, that this or that event must be regarded, under any circumstances, as *the* cause, or at least as the main cause of delinquency. All we can do is to indicate certain possibilities or probabilities. Our material, it is true, furnishes many instances of delinquency commencing almost immediately after an adolescent suffered some serious emotional shock:

Father's death 1932	first conviction 1932
Mother's death 1931	first conviction 1931
Mother's death 1922	first conviction 1922
Father's remarriage 1919	first conviction 1919
Parents separated 1925	first conviction 1925

Such a list might easily be increased tenfold. Nevertheless, even coincidences of this kind would not furnish an exact proof that the *post hoc* was a real *propter hoc*. On the other hand, it would not be wise to ignore them, and this consideration may justify the following attempt to register the probable causative factors.

A few explanatory remarks may be necessary.

This is a statistics of factors, not of cases; the same case may have been counted twice or three or even four times, e.g. under "Physical Defect" and "Inferiority Feeling," or under "Death of Mother" and "Trouble with Step-Mother," etc. Illegitimacy has been registered as a probable cause only when it seemed to have produced that characteristic feeling of mental distress, not merely economic difficulties.

Many readers will be surprised to find that "Poverty" has been omitted from the list. The reason is that it lies probably at the bottom of the great majority of the cases. It may be the ultimate cause of physical defects and educational backwardness as well as of family quarrels, of the premature death of a parent, of bad housing conditions or unsuitable employment. Exact figures, however, cannot be given owing to the paucity of the data available, and to single out a few particularly striking cases might easily create a wrong impression.

The figures of "Bad Housing Conditions" are obviously far too low

if one used them as indicators of those conditions themselves; they may be fairly accurate, however, as showing the causative force of bad housing.

TABLE XXXIII

PROBABLE CAUSES OF DELINQUENCY

	Boys	Girls
(1) Physical Defects and Unprepossessing Appearance	37	14
(2) Mental Inferiority or Backwardness	69	32
(3) Mental Disorder or Instability	75	26
(4) Uncontrollable Temper	6	2
(5) Illegitimacy	13	2
(6) Inferiority Feeling	26	—
(7) Revenge	1	—
(8) Death or Permanent Illness of Father	28	5
(9) Death or Permanent Illness of Mother	37	17
(10) Desertion, Separation, Divorce of Parents	16	3
(11) Trouble with Father	32	6
(12) Trouble with Mother	14	3
(13) Trouble with Step-parents	21	24
(14) Trouble with Wife or Parents-in-Law	1	—
(15) Home Conditions in general or Lack of Home	133	75
(16) Lack of Control and other Educational Mistakes	68	34
(17) Leaving School too early	1	—
(18) In particular: Spoilt Child	20	5
(19) Housing Conditions	4	7
(20) Too Many Children at Home	8	4
(21) Unsuitable Neighbourhood	16	—
(22) Unsuitable Employment, Street Trades, etc.	59	5
(23) Trouble with Employers	1	—
(24) Unemployment	108	5
(25) Pictures	6	2
(26) Betting and Gambling	7	—
(27) Dancing	2	1
(28) Wandering Habits	13	1
(29) Bad Company or Gang	36	4
(30) Imitation	2	1
(31) "Swollen Head" and Ambition	3	7
(32) Special Temptation	3	2
(33) Love of Luxury, Dress, etc.	1	15
(34) Love of Adventure, Escape from Monotony of Life	5	3
(35) Reading Crime Stories	1	—
(36) Craving for Billiards	1	—
(37) Jealousy	1	—

TABLE XXXIII (*continued*)

	Boys	Girls
(38) Girls	8	—
(39) Marriage	1	—
(40) Male Prostitution	5	—
(41) Sadistic Tendencies	1	—
(42) Drink	4	—
(43) Too Long Periods of Institutional Life	10	1
(44) Spoilt by High Wages during the War	1	—
(45) Laziness	4	1
(46) Political Unrest	2	—
(47) Female Prostitution	—	26
(48) Immoral Tendencies, apart from Prostitution	—	24
(49) Influence of a Man	—	19
(50) Death of Child	—	1
(51) Menstruation	—	1
(52) "Going to London"	—	1
(53) Unknown	57	92

(A) SOCIAL FACTORS

Family Conditions

Our statistics give the *numbers* of broken homes; of the boys and girls with one parent or both parents dead; with parents separated or divorced; with drunken or invalid parents; with step-parents; of boys or girls not brought up by their parents although both of them are alive; of illegitimate children; of homes bad for other reasons. An attempt has also been made to indicate the number of cases of *delinquency due* to bad housing conditions; bad home conditions in general; to lack of parental control and other educational mistakes. Nevertheless, the bare figures, impressive as they may be, can never tell the whole story. We shall have to give at least some particulars collected from the individual records.

The forms issued by the Borstal Association for the use of the Social Worker charged with the case contain the following question: "What reason do his people give for his going wrong?" The answers given by the parents, although very laconic, are usually most significant. Quite clearly, they cannot always be regarded as reliable

sources of information as to the real causes of delinquency,[1] but they may sometimes be a useful indicator of the degree of understanding the parents had for their offspring. Not seldom the answer is simply: "Cannot give any reasons," "Cannot understand"; more frequently are brought forward some sort of accident that occurred in early childhood (usually a street accident followed by concussion of the brain), or spoiling by a grandmother or by an aunt, or "His own waywardness" (or "laziness"), or death of father (or mother). When the parents are on bad terms with each other, we may also find "Inherited from father (mother)." By far the most prominent, however, are: "No work to do," coupled with "No pocket money" and "No interests," and above all, in perhaps 70 or 80 per cent of the cases in which reasons are given at all, the notorious "Bad Company." It is very exceptional for a parent to state that the boy was of solitary habits, kept mainly to himself and that no other boy could be blamed, nor are the parents willing to admit that this "Bad Company" may sometimes have been their own company.

The Fathers

Even if the father is labelled as decent or respectable, even if he neither drinks too much nor knocks his wife or children about, he is sometimes said to be too strict or too indifferent, or too much inclined to regard his children only in their role as wage-earners.[2]

1. A boy whose home is stated to be "very good" and whose relations to both parents are described by his Probation Officer as "very good indeed." Placed on Probation twice, for entering with intent to steal and for stealing money; then sentenced to three months' imprisonment for stealing money; finally committed to Borstal for the same offence. Described by the Medical Officer as "a pleasant, refined lad in good health and of good intelligence. High spirited and restless, with many desires and ambitions which he was unable to fulfil while at home where his enthusiasm was damped by an overstrict father who negatived most of his social strivings, refusing to allow him to join the Scouts, the Boys' Brigade or any other club. He

[1] "I do not think the parents are able to form any opinion worth recording as to why the girl failed," writes a Probation Officer.

[2] See also p. 282.

has a great desire to join the Navy, but this too was barred to him as his father refused to sign the necessary papers. His thefts do not appear to have been committed for any financial gain—more an attempt to let off steam and break the monotony of over-restraint." The advice is given to the Borstal Authorities to allow him as much latitude as possible and to encourage him to take a prominent part in the social activities of the B.I. Obviously this sound advice was followed with good results. The boy, after discharge, did not go home, as he wanted to establish himself at first in the outside world. The B.A. found a job for him, where he stood the test and became promoted to a position of trust. No reconvictions.

2. The following is an example of a veritable "Father complex": "Father decent but very strict with the boys, violent and always quarrelling with the mother whose favourite this boy was. The home was therefore divided against itself." Finally the mother left the home. Boy turned out by father more than once. Absconded several times with employer's money. His five convictions are for "Vagrancy" and "Lodging out," but he says he had really stolen and run away.[1] Social Worker's report: Boy says he was passed fit to go to Australia under an assisted scheme, but when the letter came with instructions to proceed to London he knew his father would give him no money, so he simply tore the letter up and did nothing about it. The Report goes on to comment about "the characteristic mixture of helplessness and idiocy which these boys so often show in practical matters, and which is so exasperating." In the B.I., the Medical Officer finds the boy of only fair physique, in good health, of average intelligence (Col. 52) and a very definite example of the "Father complex." "There is no sort of doubt that the boy had and has a great antipathy for his father. Similarly, he dislikes the Superintendents of both homes in which he stayed, and his Probation Officer. He feels that the discipline they attempted to exert over him was merely an

[1] This, by the way, shows again that the offences of which the boys are convicted and which appear in the *Criminal Statistics* are often not the really characteristic ones.

attempt to impose their will; that they should be actuated by any other motives, he cannot understand. He never cared for his employers either, they were merely exploiting him. So he had no compunction in stealing small sums from them; then he would wander away (all his jobs were as an errand boy, never earning more than 10s. a week). The wandering was not primary; he disliked it after the first essay. His thefts are purely secondary to his revolt against authority." The Borstal Governor stated he had noted none of his characteristic revolts against authority; "he has always been quiet and inoffensive." Unfortunately, this boy had to return to his father with the result that only four months after discharge he got seven days' imprisonment for stealing money from his father. Licence revoked.

It is, of course, impossible to decide what had been definitely the first impulse in this case: the father complex with consequent extension to a general revolt against authority, or a primary feeling of hatred against restriction in any form, of which the father complex was merely the first possible expression, because the father was the first representative of authority with whom the boy made contact.

There is, however, still another, and a worse, type of father—the one who is neither too strict nor over-lenient, but who simply deserts and does not care:

3. Father a fisherman. Mother died when boy was 5 years. Boy and his sisters lived with an aunt in London, but did not get on with his cousin. Therefore he stayed in common lodging-houses or walked the high-roads. The "aunt" was no relation at all; she simply took the three children when the mother died in her house. She had to keep the two girls as the father had paid nothing the previous two years (1925–26). "When the boy sought him out last year (1925) he asked him what he wanted. Boy was glad to leave him after a week and says: 'I think he 'ates the sight of me.' "

Delinquency:

1925 Begging, Probation.
1926 Assault on Police, three years B.D.

On the other hand, there is also making his appearance the type of father who "is inclined to say his children can do no wrong."

The Mothers

Misconduct of the mother during the father's War service and after his death is imputed as the major cause of delinquency in the following cases:[1]

4. Boy states that his mother "carried on" with another man whilst the father was at the front, and he bitterly resented it. The father was killed, and the mother married this man in 1919.

Delinquency:

1915 Beyond control, Industrial School [stayed seven years there!]
1925 Stealing lead, Probation.
Stealing lead, three months' imprisonment.
1926 Unlawful possession, two months' imprisonment.
Stealing clothing, three years' B.I.

Social Worker's Report: "This lad is going from bad to worse. . . . I rather fear it is too late for Borstal now. Should have been sent to Borstal in September 1925. The long history of his delinquencies is probably due to his miserable home conditions, material and psychological."

Borstal Reports are excellent. "Most likeable—never given any trouble—a very satisfactory leader—hard worker—reliable—should do well."

After-history not good. Returned to parents, got work as builder's labourer. Very good, but got a girl into trouble and left home and work. Licence revoked. On re-discharge went home and was placed in a job as a builder's labourer, but left it after an argument with the foreman. Reconvicted: twelve months' imprisonment, housebreaking.

5. The corresponding case of a girl. Father killed in War, 1915. Mother mill-hand. Five other children, three of whom are dead. Home: very dirty. Police Report: "The girl seems

[1] See also Case No. 105.

to have been set against her mother two years ago owing to the conduct of a man who, after her father's death in battle, continually visited her mother—eventually a baby was born to the mother—no peace at home."

Delinquency:

1918 Stealing skirts, etc., Bound over.
Stealing money, two years' B.I.
[Girl "probably prostitute," but married 1921. No reconvictions recorded.]

6. Father dead. Boy's relations with mother very bad. She says she had to break up the home owing to his conduct. Other report states: Little doubt that mother's morals seem to be "easy," and that boy left her for that reason; but he is very fond of her.

Medical Officer: "It is probable that for many years, certainly since his father died, he has been in a more or less continuous state of depression. This is not due to any emotional disharmony, but to his depressing environment."

A few boys suffer from a more or less marked "Mother complex" that makes them dislike and sometimes even leave their homes at too early an age, with the usual disastrous consequences:

7. "Boy likes father but hates mother, says she is always shouting at him for being out of work. Says he has run away from home seven times." This is his work record:

Wheeling cloth: Dismissed for misconduct.
Glassworks: Dismissed owing to reduction of staff.
Mattress maker: Put on short time.
Selling papers and carrying parcels.

Delinquency:

1917 Breaking, four strokes.
1924 Indecent assault on female under 16, two years' B.I.

"With tactful handling and the development of suitable vocational interests something might be made of him," is the Medical Officer's opinion.

8. Father has two shops. Good house with seven rooms; all comfort, servant, car, baby grand piano. Three children. Boy

has a bedroom to himself and also a workroom, but cannot get on with his mother, says she is unreasonable and unjust, makes a favourite of the girl of 12 and always takes her part against him. Stole seven cars "for devilment," wanted to get away from home and felt he must do something desperate.

Delinquency:

1926 Larceny, bound over.
Larceny, Probation.
Larceny, Probation.
Larceny, three years' B.I.

The Medical Officer reports that the boy finds his parents "very trying because they are so old-fashioned." Is clever and knows it. Col. 85. Conduct in B.I. very good. On discharge returned home and resumed his previous work, but absconded a few months later "because his mother had been chastising him." "She is of a proud nature, idolizing the boy, to my mind to his detriment," writes the B.A.'s Associate.

Reconvictions:

1928 Stealing motor car, seven days' imprisonment and licence revoked.
1929 Stealing motor car, six months' imprisonment.
1930 Stealing motor car, fourteen days' imprisonment and licence revoked.
Further reconvictions for stealing motor cars.

Among the illegitimate mothers there are a few who show the utmost lack of personal care and interest in their unwanted offspring.

9. Here we find "the mother who is now married and whose husband is not aware of the existence of this lad."[1] The boy lived with his grandmother until 1919; then was sent to a school till 1924; then again with grandmother; later with an uncle.

Work: Several posts as an errand boy for newsagents, etc.; delivery boy; out of work since October 1932, dole 8s. ("a gentleman contributed 5s. towards his upkeep").

[1] There is, however, also a married mother who pursues the same policy towards her second husband.

Delinquency:

1926 Stealing, Bound over.
1928 Housebreaking, Probation.
1930 Stealing, Probation.
February 1932 Stealing £62, three years' B.I.

The Medical Officer finds that he gives the impression of having been spoilt: "Signs of his grandmotherly upbringing still weigh heavily upon him." First-class workman, but future regarded as doubtful. Col. 64. Several reconvictions.

10. A Social Worker describes her interview with another mother of this type as the most disappointing she had ever had. "When she did talk the only thing I could get out of her was that the girl had been brought up by the Poor Law and that she herself knew nothing about her—the only thing she knew was that she would not have her at home." The girl had later lived in Refuge and Church Army Homes.

Delinquency:

1924 Stealing, Discharged.
1932 Stealing, 1 month's imprisonment.
1933 Stealing, Bound over.
1934 Stealing, three years' B.I.

Spoiled Middle-Class Children

Almost worse than the results produced by such neglect, distress and emotional shocks are the consequences of the thoughtless spoiling practised by the majority of those few middle-class parents whose children find themselves in Borstal:

11. Father Company Director. Home superior; respectable flat. "Boy very much spoiled. Parents ridiculously foolish and 'fond,' are more to be feared than the lad."

Delinquency:

1925 Stealing, Probation.
1927 Stealing bicycle, Reformatory School.
1929 Stealing motor car, returned to School.
Stealing motor car, three years' B.I.

After discharge: "Spoiled by parents, has his own car and £4 pocket-money a week 'that he may have no incentive to go wrong'—growth of real moral character can't be achieved."

1934: Stealing motor car, six months' imprisonment.

Grandmotherly Upbringing

We have already given an instance of the possible results of "grandmotherly upbringing" (No. 9). Such cases are fairly numerous. For economic considerations, or under the pressure of bad housing conditions, or for the parents' convenience, the children are sometimes brought up by grandparents, uncles or aunts who are seldom capable of exercising proper control.

12. Both parents living, but the boy—for unknown reasons—is brought up from age of three months by a grandmother and is stated to have gradually acquired anti-social tendencies. On leaving school went on tramping. When taken in hand by his father it was too late to remove these habits.

Medical Officer reports: "He manifests normal affection for his father but is definitely antagonistic to his mother, and this latter disposition has had a tremendous influence on his conduct. During the last two or three years he has been living in common lodging-houses and associating with undesirable companions. This could easily have been averted if the normal parental affection had been encouraged."

Delinquency:

1928 Stealing bicycle, Probation.
1930 Stealing bicycle, Probation.
Stealing, six months' imprisonment.
1931 Indecency, fined £5 or 1 month's imprisonment.
1932 Stealing bicycle, three years' B.I.

Sometimes living with grandmother may also mean the contrary of being "spoilt."

13. Parents separated when the boy (born 1905) was 5 years. Boy for nine years sent to grandmother who was paid for his keep, but had no affection for him. She was a drunkard and made him a drudge, selling newspapers. . . . Boy hates her.

Doesn't know where father is. Fond of mother, sees her occasionally in the street, but does not know where she lives.

Delinquency:

1922 Stealing, Bound over.
1924 Stealing, Bound over.
1924 Housebreaking, three years' B.I.

Social Worker writes: "It is wonderful that this boy is as decent as he is," and the Medical Officer agrees. "Considering everything, one would expect this lad to be worse than he is." The Housemaster records: "Has not written or received a letter while here." Two reconvictions.

Some other Educational Mistakes

Among the educational mistakes made by the parents, failure to exercise adequate control ranks very high. It may, however, often be a great problem for a working-class parent how to control an adolescent child who happens to be the only, or at least the chief wage earner in the family.[1] If such a boy becomes annoyed by too strict regulation of his private life, he leaves home and goes into lodgings. Many of the boys, however, are extremely conscious of their duties towards their families and keep almost nothing of their wages for themselves.

14. In the case of a boy, aged 17½, with several convictions for shopbreaking, etc., the mother advances the following explanations for his delinquency: "great love for money," "Suffers from kleptomania," "Severe shock which she had before he was born," but eventually she has to admit that she did not allow him any pocket money.

We have already referred to the fact that many boys are treated by their parents merely as boarders and have to leave as soon as they become unable to pay their way.

15. Father "constantly turned the boy out, telling him not to come back till he had found work."

[1] See the interesting comment on this point made in the London County Council's *Report of the Education Officer on Juvenile Delinquency* (1937), p. 8 et seq.

Delinquency:

1920	Stealing, bound over.
1920	Wilful damage, fined.
1923	On enclosed premises, Bound over.
1924	Stealing bicycle, fined.
	Stealing bicycle, three years' B.I.

16. "Employer says parents always ready to take girl's wages, but did not supply her with proper clothing." Result: three convictions for stealing.

The Step-Parents

They are certainly not always hostile or careless—probably not even in the majority of the cases. We have found such statements as: "Step-mother very kind—treated him (her) like a real mother." Nevertheless, the problem remains. And there are, of course, step-parents who begrudge step-children their food and unduly favour their own children. The bringing together of three categories of children—family A, family B and family AB—may spoil the atmosphere and make impossible the formation of common loyalties. In one case, for instance, the home harbours "eight own children, three children of step-mother's former marriage, and two of second marriage, another child expected."

Below are given a few examples of a less common type:

17. Mother died when boy was 11 years. Step-mother only five years older than the eldest girl. This led to trouble. Boy fond of father, but stealing from him. Particularly fond of sister of 16, wished they were lovers. After discharge went home and worked with father, but was turned out after pawning some articles of jewellery.

18. Mother died when he was a baby. Step-father labourer, "a very steady man except when he gets brain attack from having been gassed or shell-shocked. Boy says that he always thought his step-father was his own father until he went to the Army. He went on all right with his step-father until the latter married again." Since then, the boy says, everything has gone badly with him. He dislikes his "step-mother" and went into the

Navy. As to the following events "he contradicts himself and gets muddled in his story." Although he liked the Navy very much and wished he were back, he stole in order to get his discharge, but was only bound over and sent back. He made another attempt, succeeded, and got two months' imprisonment and his discharge. Went home to work with his step-father, was, however, accused by him of stealing money and left home again to join the Army. Deserted and went home. Step-father warned him that he was going to have him arrested, and the boy, "in order to spite him," broke into his house and was sent to Borstal. . . . According to the Medical Officer, there could be no doubt as to his physical and intellectual ability to make good, if he desired to do so. Col. 73. Two reconvictions.

19. A girl who was later certified insane and died in a Mental Hospital. Mother died when she was 6 years. Other girls suggested that she should not let herself be controlled by a step-mother. "Trouble began from that time."

Sometimes expressions as step-father or step-mother are used in a rather liberal way. The so-called "step-father" may, for instance, merely happen to be the father of another illegitimate child of the mother. But even in other respects the family status is sometimes obscured.

20. "Mrs. B. calls herself the girl's sister, but Mrs. C. (the girl's sister) says Mrs. B. is the girl's mother though she denies it." "Mother" and sister have been in several prisons.

Brothers and Sisters

Brothers and sisters may be the source of much trouble.[1] If bad, they will probably set a bad example; if normally virtuous, they are apt to despise the black sheep of the family and thereby drive him to still more undesirable courses.

21. "A brother is an immoral character (now in prison) and largely responsible for his misconduct. . . . This conduct no doubt afforded the boy a degree of self-satisfaction as it placed

[1] See also Case No. 104.

him on a level with his brother, whom he holds in great esteem" (Medical Officer).

The cases in which brothers or sisters are, or have previously been, in some sort of penal institution, or at least under Probation, are very numerous, particularly where the home conditions are bad. The other, the "black sheep" type, may be represented by the following instance:

22. Boy (born 1908), home good, five other children.

Delinquency:

1916 Stealing, Bound over.
1919 Shopbreaking, Bound over.
1920 Stealing sweets, Industrial School.
1925 Housebreaking, three years' B.I.

The Medical Officer states that the later offences seem to have been the result of domestic unhappiness and of association with another ex-Industrial School lad. "He was constantly quarrelling with his younger brothers who frequently taunted him by saying they wished he were back in the Industrial School. His mother was always against him in these quarrels. He himself began to wish he were back at the school. His affection for his father, in spite of the latter being a heavy drinker, is very strong." Col. 76.

Excellent conduct in Borstal; future distinctly hopeful. On discharge returns to parents, works with father; later joins Army, but relapses a year after discharge: six months' imprisonment, and licence revoked for larceny.

Attitude of Family towards Delinquency

Although our records are by no means so detailed and adapted to the problem in hand as to permit of an accurate analysis of this question, we may occasionally encounter a few significant passages.

23. Father labourer in London, mother charwoman. Several other children. Home poor but respectable, clean, homely. Home visit: "Mr. A. a respectable-looking man of 64, Mrs. A. a nice 'old family servant' looking woman of 61. A married daughter, nice pleasant-looking woman, quite well dressed. They had not heard of the boy's charge . . . they

took it very quietly, but I think it was a blow to them, especially to the mother. The daughter seemed to take it very lightly. Mrs. A., and indeed all of them, seem to think far more of the disgrace to them and the effect it would have on their employers than anything else. I told them that the boy had thought of this and had given a false name on purpose to save them. This seemed to be a little comfort. It was disappointing that this seemed to be the first consideration. . . ."

There are also a few cases on record where—contrary to this complaint of a lack of high standard of morality—the opposite extreme is said to have lead to evil consequences:

24. Father a Temperance lecturer with strong religious views not shared by his son. The boy in poor physical condition with serious heart disease, not fit for vigorous manual labour. "He appears to have been faced during boyhood and adolescence with standards of morality which he did not understand and to which he was satisfied to render the appearance of compliance. His idea of virtue corresponds to respectability in its worst sense—a mere show or disguise. . . . Since he has in many respects preserved this show he feels that he cannot be very bad and is at a loss to understand why he is considered so." Col. 81. Terman 14 8/12.

Delinquency:

1927 Stealing, Probation.
1928 False Pretences, Probation. [Three cases of larceny and five cases of false pretences taken into account.]
1929 False Pretences, three years' B.I.

After discharge very satisfactory—no reconvictions recorded.

The Illegitimate Children

The percentage of illegitimate children is fairly high, 6·4 per cent for boys and 8·5 per cent for girls.

The mere fact of illegitimacy has not necessarily a special significance as regards delinquency; it usually gains importance only in connection with other factors. It makes, of course, a great difference whether the parents marry shortly after the birth of the child and give the boy (or girl) a real home or whether the father remains an

entirely unknown figure. The boy's own statements as to the part which illegitimacy has played in his life are usually of little real value; he will either try to exaggerate its consequences because he thinks that may help his cause or, if he is genuinely ashamed and aggrieved, he will evade all discussion if possible. Frequently the fact becomes known to him only at a comparatively late stage of adolescence, usually together with the knowledge that the reputed father is not the real one; this may produce a lasting shock and a destruction of many values, and may result in delinquency. Some of the influences that may possibly be at work are clearly demonstrated in the following cases:[1]

25. Boy, illegitimate, born 1916 in National Children's Home. Step-father. Parents will have nothing to do with him.

Delinquency:

1928 Stealing chocolate, Probation.
1930 Beyond control, Industrial School till 1932.
1933 Stealing smelling salts, three years' B.I.

Medical Officer's Report: "An illegitimate child, and in consequence his presence was a disturbing factor in the home, a fact which he was quick to recognize. Being cognisant of the preferential treatment allotted to the other members of the family, he felt his position keenly, and a jealousy complex arose which encouraged misconduct in order to concentrate attention to himself. . . . I consider his conduct is purely the result of unsympathetic treatment at home, coupled with mental subnormality, lack of training and guidance." Col. 66; Terman 10 9/12.

26. Boy, born 1912, illegitimate child. Parents dead, foster-parents.

School Report. "Brilliant in some subjects, but at times broody over the circumstances of his birth."

Delinquency:

1927 Stealing, bound over.
1929 Stealing, bound over.
1931 Shopbreaking, bound over.
1932 Housebreaking, three years' B.I.

[1] See also Case No. 87.

Medical Officer: "Of somewhat spare physique; no family history available; of good intelligence. As a child he was apparently happy and got on fairly well with his foster-parents. At 14 years he was told his real name and sent to Canada to learn farming. After a year he tired of it and came home, but could not get on with his foster-parents now. Eventually he married only to meet with fresh difficulties. His crimes are deliberate and not impulsive. His reaction to his illegitimacy may in part account for his delinquency. Ambitious and conceited, but feels he has been cheated out of something—especially as he has heard rumours that his foster-parents were well paid to keep him. The prognosis is not very favourable. Col. 79."

Governor: "A natural moaner. Nothing is or was ever his fault, nor will it ever be. His future depends on this almost entirely. He must be made to see that any wrong-doing pays a heavy dividend. He will live rightly as he fears results, and I regret that one cannot say anything positively instead."

After discharge returned to wife and her parents. Got work at once, earns 45s., later 53s. Employer knows of him and is exceptionally good to him. Good at work but does not seem to realize that the time has come when he must support his family without the Borstal Association's assistance. Second baby, 1935. Housebreaking and possessing lethal weapons, three cases, eighteen months' imprisonment and licence revoked. Says he had arguments at home; four adults and five children in four rooms. Was fed up as maternity benefit for his wife was refused.

27. Girl, born 1914, illegitimate. Parents married in 1918, now separated. Girl was adopted by the Guardians and was at their school nine years. Mother says she has not seen the girl since.

Delinquency:

1932 Indecency, bound over.
Stealing, three months' imprisonment.
1933 Stealing, three years' B.I.

Governor: "She has been a ringleader in all the mischief in the Institution, but may do well outside. She is always conscious of her lack of family ties and as a result has made many violent friendships." After-history satisfactory. No reconvictions.

There are cases on record where illegitimacy seems to be almost a family tradition:

28. Girl (born 1899) illegitimate, has an illegitimate child. Girl's mother also illegitimate. Parents married when she was three months, but girl brought up by grandmother.

Delinquency:

1918 Assisting to keep brothel, Probation.
1919 Stealing watch, two years' B.I.

After discharge:

1921 Insulting behaviour, bound over.
1922 Soliciting prostitution, fined.

Foreign-Born Parents

The percentage of foreign-born parents is not high. There are some Russian Jews, a non-Jewish Polish couple, two Italian fathers and one German. One girl is a half-caste. A few gipsies are also to be found among the girls.

In the case of one boy with an Italian father and an English mother the differences in temperament seem to have caused some difficulties during the Borstal period.

29. Boy, who is of British nationality, stayed with remarried father in Italy, returned to London in 1931, worked as a waiter.

Delinquency:

1931 Stealing, Probation.
1931 Wandering, Probation.
1932 Stealing money as servant, three years' B.I.

Housemaster: "General conduct very good, but violent temper; transferred to Wandsworth for striking another inmate on the head with a hammer. Six reports for causing disturbance, damaging property, refusing to obey order, striking and biting another inmate. . . ."

On discharge went to father in Italy, but returned to England where he was soon charged again.

WORK AND UNEMPLOYMENT

The Kind of Job the Borstal Boy Comes From

Our statistics show the great variety of the callings which the Borstal boys have pursued before entering the B.I.; at the same time, however, they make it evident that many jobs are almost entirely closed to such boys.

The number of boys who succeeded in getting an apprenticeship is rather small. Sometimes the records indicate the reason: "Wanted to be apprenticed but father was unable to pay premium of £25." Of course, it also happens that a boy, having got an apprenticeship, proves himself unable, owing to lack of abilities, to make reasonable use of his opportunities.

30. "When apprenticed to a paint-manufacturer, 1925–30, he never progressed at his trade and was used chiefly as a messenger boy. Left owing to small wages. Out of work since." His educational attainments were poor, but he was not m.d. (Col. 45).

Delinquency:

1930 Unlawful possession, discharged under the P.O.A.
1931 Shopbreaking, three years' B.I.

In the B.I. he was tried in the Carpenter's Shop and failed, then was put to gardening and proved satisfactory. After discharge he worked as a labourer and made good.

Frequent Changes of Jobs

The majority of the boys had numerous jobs before entering the B.I. Although the records sometimes state: "Two or three years with the same firm," frequent changes are much more typical. "With thirteen different firms after leaving school," or "Innumerable jobs, never stayed more than a few weeks."

Why They Left

There is a multitude of reasons for changing the jobs. One record gives the following enumeration:

31: Staining chains: "Didn't like it."
Packing: "Too cold in winter."
Sifting sawdust: "Too dusty."
Clearing engines: "Didn't like it."

This, however, is exceptional. By far more frequent are: Slackness of trade, works closed down, season closed, reduction of hands, firm bankrupt, or simply "sacked"; wages too small, to better himself, own accord. On the other hand, we find sometimes: Bad timekeeping, quarrel with foreman, fighting, arrested for stealing, accident, breaking machine, inefficient, unreliable, smoking, "got fed up with it." The notorious "too old" plays its part, too. "Attained the age limit for errand boys," or simply the expressive "became eighteen." Many boys who lost their situations through the General Strike or the coal stoppage of 1926 could not later find their way back to working life.

Strike

32. A lad, born 1906, had worked for six years, 1920–26, in the same colliery. Through the strike he lost this job and since then did odd jobs only.

Delinquency:

1920 Damage, fined.
1926 Indecency, fined.
Stealing, bound over.
Stealing, three years' B.I.

Social Worker's Report: "Had it not been for the strike and his father—a miner—going to Australia last May, we might not have him here." The B.I. Record further states that he worked half-time at the age of 12, left school at 13 in Standard III, cannot read or write. "All I could get him to do was to write his name, age and address." Col. 0; Terman 8 9/12. After discharge in July 1929 he went back to the pits. Further convictions:

1930 Stealing hens, Probation.
1931 Stealing, three months' imprisonment.
Stealing, six months' imprisonment.

33. Born 1909. Printer's apprentice, 1923–26.

Delinquency:

1927 Loitering, Probation.
1927 Gambling, fined.
1930 Shopbreaking, etc., three years' B.I.

Probation Officer's Report: "The strike of 1926 smashed his career. Had a liking for printing work." After discharge got work as a printer, wages £3 18s. All right.

34. Here the strike was not the cause of the boy's first delinquencies, but it seems to have caused his relapse after Borstal. Born 1906. Had six different jobs, lost them all through slackness of trade, except one through theft.

Delinquency:

1922 Stealing, Probation.
1923 Stealing, Probation.
Stealing, Probation.
1924 Housebreaking, three years' B.I.

After discharge in January 1926, his father found him work, but the coal dispute threw him out, and in February 1927 he was charged with breaking into the garage where he had been employed before. The Chairman of Quarter Sessions observed that Borstal did not appear to have done him much good. Prisoner: "I came out with the intention of going straight." Chairman: "But you didn't."

UNEMPLOYMENT IN DETAIL

There are, however, many cases on record which show much more distinctly that unemployment frequently acts as a direct cause of delinquency (see Table XXXIII). This is particularly so when it coincides with unfavourable home conditions. "Very good when in regular work, but as soon as he lost his work, he was not wanted at home, and then began the trouble," this statement by a Probation Officer is typical. Unemployment often means loss of home. To avoid this consequence the boy may endeavour to conceal his dismissal from his parents by trying to obtain by questionable means the money he is supposed to give up at home, as, e.g., "by obtaining loans from his father's friends, falsely representing that his father

needed them and had sent him." Or: "Gave up his work, had a row with his father and stole a bicycle to go to London." Another boy takes the attitude that "because he was promised work and none was found for him, he was justified in stealing money for clothes and luxuries."

Even if the lack of work is only temporary and unaccompanied by any sort of real want, it may produce delinquency.

35. An apprentice, 19 years old, without previous convictions, commits a series of shopbreakings, which brings him in a Borstal sentence, during a period of unemployment occasioned by medical treatment for flat feet. "He was in no sort of need as his sick pay exceeded his wages."

Lack of right proportion between wages and dole is sometimes said to have prevented a boy from seeking work and thereby to have prolonged his unemployment or to have caused other sorts of trouble.

36. "He was on the dole getting 18s.; they offered him a job with 10s. which he would not take, so the dole was stopped. He got so angry that he took a bicycle and sold it."

37. Another boy, born 1906, had been employed as a driver from 1921–23. The following eighteen months he was out of work, "really ever since his eighteenth birthday when he could draw 18s. dole, instead of 13s., which were his wages as a driver. He was extremely glad when he lost his job—'there was no sense in working for 13s.'" However, the record goes on, "There is much good and trainable in this boy, and if he can be made to understand that happiness has to be earned by work, the future will be hopeful." Col. 39; Terman 11 3/12.

It is certainly not easy to make such a boy understand that 13s. with hard work is better than 18s. without. Here it was apparently achieved.

Delinquency:

1923 Housebreaking, Probation.
1924 Stealing, three months' imprisonment.
1924 Cruelty, one month's imprisonment.
1925 Stealing, three years' B.I.

After discharge he found farm work at once, and no further convictions are recorded.

SUITABLE AND UNSUITABLE JOBS

It is a commonplace that there must exist the right relation between a man and his work, and that any sort of disproportion between them may lead to delinquency. This is particularly true of boys of the Borstal age, and it refers to both possible forms of disproportion: to the boy whose abilities are too high for his job as well as to the boy who feels himself not equal to it.

38. To the first category belongs a boy (born 1907) who wins a scholarship for the Grammar School, but is expelled for dishonesty and has to go back to the elementary school. After leaving school he works as farm labourer, greengrocer and in a shipyard. In the B.I. his intelligence is regarded as above average (Col. 80); it is suggested that his work had not been suited to his abilities and that this fact had aggravated his somewhat restless disposition. We are probably justified in adding that his brief stay at the Grammar School made him feel his loss only more keenly.

Delinquency:

1920 False Pretences, bound over [this was obviously the offence that brought about his expulsion from the Grammar School].
1921 Stealing, bound over.
1924 Stealing, bound over.
1925 Stealing, four months' imprisonment.
Stealing, three years' B.I.

In the Borstal Institution he works in the Carpenter's Shop and is very good. After discharge in 1927 he gets only temporary work (labouring, farming, hut-making). Result:

1928 Stealing, three months' imprisonment, licence revoked.
1930 Stealing, six months' imprisonment.
1932 Stealing, six months' imprisonment.

Whether his delinquencies at the Grammar School were of a

kind that really left no other choice than expulsion we do not know.

39. The opposite case may be represented, in addition to No. 30, by a boy who, being apprenticed to an engineer, proves too slow and lethargic for this work (Col. 45; Terman 11 2/12) and becomes restless and "mulishly obstinate," because he cannot understand what he is required to do. This finally leads to a state of "confused resentment" in which he steals. In the B.I. he does farming and is regarded as a good worker, but the work must be "straightforward and mechanical."

40. Even a boy of fair intelligence may break down if he has to assume too high responsibilities. An apprentice, after four years' apprenticeship, becomes manager of a store of his firm at the age of 19. Although he scored Col. 85 later in the B.I., the burden of this position was too heavy for him, and at the age of 20 we find him as a first offender sentenced to three years' Borstal for shopbreaking. There are no further convictions recorded since his discharge.

Distinct preference for a certain occupation is very seldom to be found among the boys.

41. It is quite an extraordinary thing to read: "His only joy in life seems to be painting and drawing. Any amount of his pictures in the house." No wonder, then, that—apprenticed to a blacksmith—he gets fed up after two years and joins the Army from where his father has to buy him out after six months. He then works with his father, a fitter, till his arrest in 1924.

Delinquency:

Six summary convictions for stealing, playing football, and indecent exposure: twice fined.

Three times bound over, once three months' imprisonment.

1924 Indecent exposure, two years' B.I.

The test results showed the one-sidedness of his faculties: Col. 25; Terman 12 2/12; Porteus Maze 13.

After discharge he got no work, but was stated to be in no

need of help as his home was quite comfortable. No further convictions recorded. It would have been particularly interesting to investigate the relation between his hobby and the tendency to indecent exposure.

42. Less fortunate was another boy with a passion for music. In the B.I. he was taught to play the Chapel organ and studied the theory of that instrument. His ambition was to get a job with an organ builder (he had been a mill worker and a servant before his Borstal sentence). In spite of the efforts of the Borstal Association he did not succeed as he was already too old for this industry. So he had to put up with labouring work, with occasional organ playing and piano teaching. Two reconvictions. Here and there a somewhat nebulous striving for higher vocational training expresses itself in a rather pathetic manner.

43. Boy, born 1914. Father bookbinder, step-mother, only son. Work: Errand boy, labourer, training in market gardening whilst under probation. Spare-time occupations: none beyond reading adventure stories. Had been tramping the country living in casual wards.

Delinquency:

1928 Factory breaking, bound over.
1929 Refusing task, fourteen days' imprisonment.
Stealing bread, fourteen days' imprisonment.
Refusing task, wilful damage, one month's imprisonment.
1930 Shopbreaking, Probation.
Shopbreaking, three years' B.I.

Medical Officer: "A well set-up youth of good intelligence. He wears a melancholy expression, and his outlook upon life is one of bitterness and disappointment. Although he has been in three different schools, he has received a fair education. His home, he says, is a good one, though he ran away from it; but his history goes to show that his parents must have been lax and easy-going in their handling of him. He has admitted numerous offences for which he was not punished, and he has been getting into mischief all his life. He resents control and is dubious of the results of his Borstal sentence. He seems to have the fixed idea that he cannot live an honest life and does

not understand what makes him do wrong. . . . He must acquire anew that interest in his future and faith in the good intentions of the people around him which alone can give him the impetus to live a full, useful life. Col. 80."

Housemaster: "General conduct very good. Lives with 'his head in the clouds.' A difficult case inasmuch as he doesn't seem to be cut out for labouring work but has no other qualifications. Keen on the theoretical side of his work, but lazy at the practical side. Has tremendous ambitions for 'research' work, but is quite vague as to execution. If he finds work congenial and has opportunities for study he may yet do well."

Instructor: "Is employed at concrete moulding; a good worker, takes every interest in his work."

Governor: "Has made good progress, but is a bit of a dreamer and wastes time on theories which he cannot put into practice. Not exactly the labourer type; more suited for a trade where brain as well as brawn is required."

After-History: Discharged 1933, found work, concrete making. Interested in languages, music, literature. Associate puts him in touch with an organization. Reconvicted: On enclosed premises, fourteen days' imprisonment and licence revoked. After re-discharge: Got wet at work and when rain ceased refused to start work again as his wet clothes made him feel fed up. Was immediately dismissed; afraid to go home and went away to seek work. Adopts fatalistic attitude, feels that he will be a failure; is more unhappy now than he was in the Borstal Institution. Father refuses to have anything to do with him. Several jobs, dismissed for impudence, etc. Lost sight of.

Much more frequent is the wish to go to sea, and its frustration acts in many instances as a factor promoting delinquency.

"His one strong wish is to go to sea. He tried for this several times and was refused as being too small. He thinks that if this wish had not been thwarted he would have gone straight"—such and similar statements are far from rare.

Apart from those cases where a particular disharmony exists between an *individual* boy and his job, certain jobs are distinctly unhealthy and unsuitable for the *average* type of boy.

44. The "Life at the Fairs," for instance, is not altogether recommendable. "It rather makes one used to take things"—says a boy who ought to have known. "It was the common thing when looking after the merry-go-rounds and collecting the money to say to the woman to whom one handed over the receipts that there were two or three people less on the round-about than there really were (they went round so quickly that the woman could not count), and then you pocketed the extra fares yourself."

Still better known are the experiences of the *street trading boy*.[1] There are apparently two types of street traders among the Borstal lads: the born and passionate hawker, newsboy, etc., who from his earliest youth does not know anything else and for whom no other profession really exists in the world, and the street trader *faute de mieux* who chooses this work only when no other work is available. The distinctions between the two groups become, however, frequently obliterated, since many boys of the second group get so used to street trading that they cannot give it up.

The following instances of the first group will suffice:

45. Father and mother: newsvendors. Boy's work before conviction: newsvending. Terman age 10. Governor's opinion: "A regular Sheffield lad who will sell newspapers." After discharge returned to parents; "only idea to sell newspapers." Soon reconvicted several times as "no possibility of getting a living until flat-racing begins and the newspaper trade picks up."

46. "He is a costermonger. His mother is one, too. He is probably not suited to anything else, and would not feel at home without a coster-monger's barrow."

47. "Father killed in the War. Mother remarried, has never had anything to do with the lad, left him as baby. The lad stayed with his grandmother and has always been among the street-hawkers, flower-sellers, etc. An effort was made to place him in some other employment and in a hostel. He only remained there one day, returned to his associates and at once got into the hands of the Police." The Borstal Record states that theft appealed to him both as a common occupation and as a

[1] See Chapter IX.

gesture of defiance against the social authority to which he did not desire to submit. Col. 71. After discharge he made a living as a flower-seller and was repeatedly reconvicted for assaulting Police and housebreaking.

The opposite type may find its representation in the following cases:

48. His mother died when he was quite young. The father remarried six months after the mother's death, and this the boy resented as an insult to his mother's memory and left home.

Work before conviction: Farming, errand boy, hawking (last four years).

Social Worker reports: "This boy is very superior to his position as street-hawker. Possesses a keen sense of the refinements of life and feels his loneliness acutely. He once won £25 by backing an outsider; with this sum in his pocket he went to a tailor in Savile Row and paid fourteen guineas for a suit, although the tailor tried to dissuade him from spending so much." Col. 88. Although he did not return to street trading after discharge, he had many reconvictions, among which one was for robbery with violence; his licence was revoked, and finally he became a convict. It was apparently already too late when he entered the Borstal Institution at the age of 19.

49. Mother died of T.B. in 1922. Father labourer, out of work, was in the Army from 1915 to 1919, but "his absence must have been a blessing rather than a loss to the family; has hardly done a stroke of work since his return, and is angry with the boys when they don't bring enough money home from paper selling."

Work before conviction: Glass Works, 1920–21; paid off after one and a half years. Then selling newspapers (10s. 6d. and bonus, gave 17s. 6d. to 20s. at home), paid off owing to slackness of trade.

Delinquency:

1923 Stealing, fourteen days' imprisonment.
1924 Stealing, Probation.
[Three summary convictions for gambling.]
1925 Shopbreaking, two years' B.I.

The coincidence between the mother's death, the loss of the first occupation, the entering into street trading, and the first conviction is sufficiently striking.

Social Worker's Report in 1925: "Quite a nice lad. Stole because he had no work and was hungry. Says he had his chance when on Probation and did not take it; so thinks it quite just that he should be sent to B." After discharge he succeeded in breaking away from street trading, secured work at a factory, then entered a training scheme for Canada. No reconviction recorded.

Finally, the boys of the medium group who are not naturally enthusiastic for street trading, but become so used to this fascinating calling that they cannot give it up.

50. A boy, born 1912, from a big industrial town in the North. Father unemployed shipyard worker, mother dead, step-mother. One brother in prison. Out of work since strike of 1926. Street trading.

Delinquency:

1929 Stealing, Probation.
1930 Shopbreaking, etc., three years' B.I.

Probation Officer writes: "This is a boy who through lack of opportunities has had to resort to street trading and, being easily led, has found companionship amongst the lazy, dishonest groups of lads found on all our city streets selling newspapers."

Borstal Record: Col. 3; Terman 11. Educationally retarded, but not much below average in intelligence. "Adverse home conditions together with the adolescent tendency to rebel against his father's authority and discontent with the work at which he had been employed have produced a feeling of resentment which he has attempted to satisfy by an entry into crime," is the Medical Officer's opinion. After discharge (1932) he had no work, but received 6s. a week unemployment money. April 1933: forfeited his 6s. as he was found selling newspapers. Loss of income caused trouble at home, and he was ordered out. Result: May 1933, seven days' imprisonment and revocation of licence for stealing newspapers.

After second discharge he was said to be "hankering after his native town and newspapers." Refused hotel work in London. Placed by the B.A. in a job as pantry boy, 25s. and food; not very enthusiastic, said he would rather sell newspapers, although he knew that he could not earn anything like that. Sacked and returned home to newspaper selling. Reconvicted for indecent language and begging.

Newspaper *selling*, as the last case shows, may sometimes lead to newspaper *stealing*. There are three examples of this kind on record among our boys.

51. A boy from Liverpool, who had started his professional career as a newsvendor and was bound over for newspaper stealing at the age of 16, told the Social Worker that this was a kind of game that apparently they all tried to play. "The papers were put out in bundles on the railings over the embankment and you watched your chance and tipped them over and ran off with them—and he said regretfully that he was caught."

The Borstal Association has frequently attempted to utilize the special character traits, inclinations, abilities and weaknesses of the boys by supplying them with the type of work they needed as a healthy outlet. Sometimes this proved successful, and thereby the more systematic work of the National Institute of Industrial Psychology[1] has been anticipated to some extent.

52. A boy who had worked as an errand boy and had stolen at least four motor cars was provided with a driving licence after discharge and made good, having got a job as a motor driver for long-distance work that enabled him to satisfy his wanderlust.

53. Another boy with five convictions for stealing motor cars or cycles was stated to have been subject to epileptic fits until the age of 13, and in the B.I. the Medical Officer suggested that his epilepsy had been replaced since puberty by a general restlessness. "In this restless hurry the taking of motor vehicles has meant little to him in the moral sense; he only wanted to hurry and could see no harm in that." According to

[1] See Alec Rodger, *A Borstal Experiment in Vocational Guidance* (Medical Research Council, Industrial Health Research Board, Report No. 78, 1937).

the Housemaster, his delinquency had its source in his nomadic instincts, and the Housemaster, therefore, suggested work with a transport firm as a solution. The Governor, however, held that a carpentry or labouring job would be more likely to keep his mind balanced. He was apparently wrong. The boy got an unsuitable job at dismantling machinery after discharge, and this resulted in five or six reconvictions, mainly for stealing motor cars, within a few years.

54. Window cleaning may be a dangerous occupation for an habitual housebreaker or thief, but for a boy whose main weakness was swindling it proved a success.

The problem of how the *monotony* of his work affects the delinquency of the adolescent is only occasionally touched upon in our records, but it is perhaps not without significance that in a few instances the statement can be found: "Does not mind monotony in his work," and the like. Are we to conclude that most of the boys —with the exception of the dullards—*do* dislike monotony? One of the Medical Officers gives the following reasonable warning in the case of a boy with Col. 74: "He does not resent monotony, but his conduct during his spare time suggests that his instinctive energies have not been sufficiently utilized. This somewhat mechanical attitude to work, in spite of its advantages in producing temperamental equilibrium, needs careful handling. . . ." After-History: Got work at once at pit; joined a Gym. Club; all right.

Extremely low wages brought one boy into trouble.

55. "Being disgusted with his pay (8s. a week at the age of 19) he ran away with £3 2s. 6d." "A wrong way of thinking, but understandable," is the Social Worker's laconic comment.

56. Another boy, committed to Borstal in 1933 and 1937, says he had to do man's work with boy's pay, and adds resignedly: "If pay is high you are sacked when a cheaper man comes along." His work before conviction and why he left:

Office boy: Reaching insurance age.
Fish shop: Firm bankrupt.
Saw Mill: No prospects.
Box-making: Paid off.

It means, on the other hand, asking for trouble when boys who

go to sea get their whole pay in a lump sum when leaving the ship.

57. "When he left his ship with £8 in his pocket, he got swelled head very badly and thought he could buy the world with his money, but it all went in a few days on cards and horses." And after four months' unemployment he receives a conviction for stealing and goes to Borstal.

Offences committed in order to get out of the Army are also to be found among our boys.

58. "Did not like the Army, but was afraid to desert as being under orders for abroad counted as active service and did not wish to risk being shot. Thought safer to commit an offence."

59. Or: "He wanted to get out of the Army and broke into the canteen and stole some cigarettes. Was disappointed to find that the theft was not discovered and after ten days gave himself up. Here he remarked with some pride—adds the Social Worker—that the Recorder had said he must have some good in him to have given himself up."

Such cases are, however, more or less exceptional. On the whole, the Army seems to be popular with the Borstal boys, especially with those who have passed through an Approved School.[1]

Changes in Wages Caused by the War

The records furnish also some interesting material illustrating the sudden changes in the amount of wages caused by the last War. A few examples may be given concerning boys discharged from Borstal in 1922 and 1923.

60. Boy, born 1901. Father fitter; mother dead; step-mother. Boy's work: Fitter's mate, earned £6–£7 per week during the War, later £3 18s.

Delinquency:

1919 Shopbreaking, Probation.
1920 Housebreaking, three years' B.I.

[1] It is hardly necessary to note that the above remarks refer to peace-time conditions.

Social Worker: "Earned big money during War and did not relish his £3 18s." After discharge was offered a job with 30s. but the supervisor complains: "Thinks that 30s. is no good to him," and later: "Still looks on 30s. as a joke."

61. Boy, born 1903. Work:

1917 Shopboy, 12s.
1918 Driller, 35s.
Labourer, 34s.
1919 Plumber's mate, 20s.
Electric works, 20s.

This was, however, a case of sexual delinquency, unconnected with economic conditions.

62. Boy, born 1903. Work:

Newsboy, earnings unknown.
Munition work, £2.
Carman, £2 10s.
1920 On his own, selling firewood.

Delinquency:

1921 Stealing, bound over.
Stealing, three years' B.I.

63. Boy, born 1900. Work:

Bookbinder, 5s.
Van boy, 10s. 6d.
Plumber's mate, 45s., three years; left owing to insufficient pay. Out of work since December 1920. Not living at home because quarrelled with father when spoken to about leaving his job.

Delinquency:

1920 Stealing, four months' imprisonment.
1921 Stealing, three years' imprisonment.
Good Borstal Record: "Intelligent, well conducted"; discharged 1923.

After-History:

1923 Shopbreaking, seven days' imprisonment and licence revoked.
1924 Receiving, four months' imprisonment.
1931 Convict.

64. Not without interest in the light of the many activities of the female population during the last War is the case of the girl, born 1901, who, coming from a good home and having been placed under Probation in 1914 for stealing money, was sent to Borstal for the same offence in 1917. "Expert pick-pocket, dressed herself up as a tram conductress and picked pockets of people waiting at tram centres for cars." Discharged 1919, reconvicted 1920: twenty cases of larceny.

OTHER SOCIAL FACTORS

In our records, many items of first importance are not given with the necessary accuracy and uniformity of method—it is impossible, therefore, or at least inadvisable, to draw from them comprehensive statistics. This applies, above all, to the number of children, to housing conditions and standard reached in school.

The number of children is often not given at all, sometimes simply only indicated by "large family," sometimes it is not clear whether the given number includes all the children or only those living at home, whether stepchildren are included, etc. Although the number of children is frequently very high among our families, there is only occasionally an indication given in the records that this may be of great importance for the causation of delinquency:

65. One Medical Officer writes: "Parents were apparently too much occupied with reproduction to give much—if any—attention to moulding and shaping the material they had already produced. The boy had to gain his character in the street and not in the home."

The number of *only children* is probably small. Occasionally the only-child-position is mentioned as the probable cause of delinquency.

66. Girl, born 1898. Was the only child till the age of 12, and very spoilt. Then a sister was born. Result: since then on bad terms with parents.

Delinquency:

1914 Sent to Reformatory School.
1918 Two months' imprisonment.
Two years' B.I.

Very striking is the high percentage of *child mortality* in previous years. Statements as "ten children out of thirteen dead," or "seven children have died under 2 years of age," or "Mother had seven babies within the last ten years, they are all dead," and similar ones are not very exceptional, especially during the last War.

Housing Conditions

There are many instances of extremely *bad housing conditions* among our cases, but as control groups are not available, it is impossible to say whether these conditions are worse than among the ordinary population of the same class. Nevertheless, it may be useful to give a few details, particularly as some of the descriptions are rather plain and blunt: the home of one Borstal girl, for instance, is described (1925) as "two tiny rooms, of a good size for keeping white mice, but scarcely fit for human beings."

Or: "Home: tent built on the rubbish. Appalling. Impossible for girl to go back."

Or: "Disgraceful rooms in mews above stables."

67. Boy, born 1908. Father stevedore. Home very bad. Parents drink heavily. Eight other children. "Two rooms, three beds, but plenty to eat." Boy "shows the beginning of an anti-authority grudge." Terman 9 years.

Delinquency:

1922 Gaming, fined.
1925 Stealing, Probation.
1926 Stealing, three years' B.I.

On discharge in 1928 went to sea.

68. "Family lived in a shed until the N.S.P.C.C. intervened. Mother and children went to the Workhouse. The father absconded. Girl in several homes and decamped from them taking property with her. Likely to become a prostitute."

69. Boy, born 1918. "Father drunkard, abusive, epileptic fits since the War, behaves sexually before all the children. Mother an admirable person. Home: verminous, two rooms at the top of a wretched house. One room almost uninhabitable, so eight of the family live almost entirely in one room and

sleep in one bed." Boy's work: "Too many jobs to remember. Lost last job owing to a row with his boss who swore at him. Boy said he had enough swearing from his father at home. Out of work for last four months; no dole as boss told Labour Exchange boy refused work. When Police came the father was jubilant, shouting again and again: 'He will be going to-morrow, hurrah.' "

Delinquency:

1928 Truancy, Industrial School [four years].
1935 Stealing, bound over.
1936 Stealing, Probation with condition as to residence.
1937 Larceny, three years' B.I.

70. Big industrial city in the North. Parents and five other children (two brothers newsvendors, one sister in Industrial School). Family living in one room. Girl born in 1917.

Delinquency:

1932 Stealing, Probation.
1933 Stealing, three years' B.I.

"Very reserved, introspective, very definite anti-social ideas, a rebel against all society."

Mental age 12 years.

Discharged 1936. Two reconvictions.

Some of the few cases of indecent assault in our records show a definite connection between delinquency and overcrowding; in the only incest case, however, it is explicitly stated that there were three bedrooms and plenty of sleeping accommodation. The explanation given seems to indicate a distinctly different cause.

71. Country lad, farm labourer. The Medical Officer finds a strong family history of T.B. and poor intelligence. Col. 50; Terman 10 2/12. "Says his sister used to carry on with other boys and was as much to blame as he. Seems unable to grasp the seriousness of his offence, although he professes sorrow and says he will never know any peace again as the wrong he has done his sister will always be in his mind. . . . He gives me the impression that he is saying all this because he feels it is the right thing to say in the circumstances."

Betting and Gambling

The number of cases in which betting or gambling is stated to be a major cause of delinquency is surprisingly small. It will suffice to give one of them in detail:

72. Boy, born 1913. Father storekeeper, twenty-six years at one job, mother at home. Boy beyond control. Out of work since February 1930. Police reports good character until May 1930, then dog racing.

Delinquency:

1930 Importuning, seven days' imprisonment.
Housebreaking, three years' B.I.

Medical Officer: "During the pubertal period he developed a craving for betting, and this led to grave maladjustment at home. His essential dependence then forced him to assimilate himself deeply with the frequenters of the common lodging-houses in which he lived. He easily picked up the practice of male prostitution and made a living of it. . . . Col. 75."

After-History: Satisfactory.

Clubs

Only about one-sixth of the boys' had been members of a club[1] at one time of their lives, and even of these only a small minority seem to have treated the membership with the seriousness it deserved.

73. It is quite exceptional to find the record of a boy who belonged to a Boys' Club "ever since it was formed three and a half years ago, went there every night." But he came from an exceedingly bad home (father a criminal, mother a prostitute), and it is not unreasonable to presume that without the influence of the club his record might have been still worse.

74. No less unusual is the allegation that high club fees had been the cause of delinquency.

"Boy says father gave him too little pocket money (6d., except when he was earning £1 a week and then got 2s. for

[1] No figures are obtainable for the girls, where the percentage must be very small.

himself). Was a member of a Football Club with a subscription of 1s. a week, and with fares it mounted up and he couldn't have played if he hadn't stolen."

Gang Activities

To judge from our records, organized gangs do not seem to play any considerable rôle in juvenile delinquency. The very few cases of this type are more in the nature of a family enterprise, usually as among brothers.[1]

Stealing Coal

Stealing coal occupies an important place in adolescent delinquency of the coal-mining districts, and it becomes clear from the Records that activities of this kind, according to the verdict of large sections of the local population, are not regarded as comparable to ordinary thefts. The children sometimes seem to concentrate exclusively on this type of offence, which strongly confirms the view that they do not regard it as morally wrong.[2]

75. Boy, born 1910, Welsh. Father War pensioner; twelve children in the family. "Boy's relations with parents friendly; mother gives him money for cigarettes, and he steals coal for her."

Work: Colliery helper, 22s.

Delinquency:

1924 Stealing coal, bound over.
1926 Stealing coal, bound over.
[Moreover, six fines for stealing coal]
Stealing coal, three years' B.I.

Social Worker: "Parents say he only did what others were doing. Not considered crime to steal coal."

Medical Officer: "Comes from a district where stealing coal from pitheads is regarded as fair game. No amount of fines, probation or advice can have any effect. If his mother needed coal, why shouldn't he do as everyone else did? Col. 8; Terman 9–10 years. . . ."

[1] An exception: Case No. 110.

[2] See also above, p. 113, and George Orwell, *The Road to Wigan Pier*, p. 101.

After-History: Discharged 1929. Sent to a job as kitchen porter in London but returned to Wales as he did not like London, said he was friendless there and hours too long. Got work in colliery.

1930: Stealing coal (with father), fined £1.

76. Girl, born 1907. Father labourer, out of work; home bad, one brother in Reformatory.

Delinquency:

1919 Malicious damage, fined 5s.
1920 Stealing coal, fined 2s. 6d.
1921 Stealing coal, fined £1.
1923 Stealing coal, Probation.
Stealing boots, Probation, sent to a Home, absconded.
Breach of Recognizance, three months' imprisonment.
Stealing boots, fined 10s.
1924 Stealing 28 lb. of coal, value 5d., three years' B.I.

Social Worker: "Coal lifting in X is a commonplace, everyone more or less does it. Girl is very simple and weak, but morally innocent; feels justified in stealing if family is in need."

Medical Officer: "Intelligence below normal though not mentally deficient."

Chaplain: "Ought never to have been sent to Aylesbury, but has benefited."

After-History: Unsatisfactory conduct but no reconvictions recorded.

Sometimes this stealing is even done without need, simply in obedience to the general custom.

77. Boy, born 1908. Father dead, mother charwoman, drinks, gets pension of £1 for son killed in War.

Delinquency:

1919 Stealing coal, fined.
1920 Stealing coal, fined.
1922 Stealing bananas, Probation.
1924 Housebreaking, three years' B.I.

Medical Officer: "Affirms he stole coal merely because it was the thing to do; the others were doing it. There was no shortage of coal or food at home. Average intelligence."

After-History: Discharged 1926. 1932, stealing coal, fourteen days' imprisonment.

Political Unrest

In the cases of two Belfast boys political unrest is said to have been a causative factor:

78. "They are living on the border of a Roman Catholic district, and both classes are watching to get a chance of smashing each other. . . . His two offences seem to have been committed very much in the spirit of Orange Day celebrations. . . . The unrest in Ireland was the cause of his lapses; he is in no sense a criminal."

After-History in both cases: Army, satisfactory.

(B) PHYSICAL AND MENTAL FACTORS

Physical Defects, Illnesses, Unprepossessing Appearance

Physical defects as well as the after-effects of illnesses and an unprepossessing appearance play a not negligible rôle as causative factors of adolescent delinquency in the Records, accompanied as they often are by grave psychological complications and social handicaps. Particularly striking is the close relationship existing between all these factors.

Among the physical defects stammering and visual deficiencies are the most frequent ones:

79. Boy born 1914. Miner, fairly good home, respectable parents.

Delinquency:

1930	Stealing rugs, Probation.
	Stealing rugs, fined 10s.
1931	Stealing from shop, five months' imprisonment.
1932	Stealing gold watch, three years' B.I.

Medical Officer: "He suffers from a severe stutter which is accompanied by considerable emotional disturbance. There is no question that the impediment in speech is the all-important factor in this case, as it had a considerable influence on his mental make-up. He is definitely gregarious and has a desire

for companionship. Fulfilment of this wish has never been achieved. He is disregarded and shunned by boys of his own age, and this has resulted in the development of a well-established inferiority complex. The impediment also limits his chance of employment, and consequent idleness has resulted in discouragement and indifference. I consider his delinquency merely as an attempt at self-assertion, and although he did not succeed in attracting friends with the proceeds of the thefts, he has nevertheless overcome to some extent his feeling of inferiority. The result largely depends on the success attending the treatment of the speech impediment. Col. 76."

If this masterly exposition of the psychological effects of a severe physical impediment be right—as we have no reason to doubt—the prison sentence preceding the commital to Borstal must be regarded as a grave mistake.

After discharge the boy attended a class for stammerers in his native town, but work could not be found. Later: got work with a baker but was soon discharged for unsatisfactory conduct. Licence revoked.

80. Boy, born 1909. Father in an Institution, was a heavy drinker, mother died 1920.

No home life. Out of work since October 1928.

Delinquency:

1920 Vagrancy, Industrial School.
1929 Shopbreaking, Probation.
1930 Shopbreaking, three years' B.I.

Medical Officer: "Vision in the right eye gravely defective. Of good intelligence (Col. 85). A very introverted and sensitive lad who is too familiar with his own defects and too unfamiliar with other people's. His life is essentially one with himself. On taking up a job, familiarity with it serves not to make it easier but rather to make his deficiencies in respect to it more and more evident to him, until finally he feels that he is utterly unable to struggle against the inner and unreal resistances he experiences; his sole resource is to start elsewhere, and here the process is repeated. He needs re-education. . . ."

Governor: "Practically blind in one eye. Of the non-social, introspective type, and it cannot be said that Borstal training has proved very successful. His physical disabilities in addition to a none-too-pleasing appearance are responsible for his unpopularity and anti-social outlook."

After discharge he was provided with a pedlar's licence and stock of soap, polish, etc., lived in a hostel. Was later given work in a Salvation Army Hostel. Entered Poor Law Institution. Lost sight of. Licence revoked. After redischarge: Salvation Army; relief, test work. Almost unemployable.

Illnesses as causative factors:

81. Rheumatic affection:

Boy, born 1908. Parents musicians at cinemas, pubs, etc., in and out of work, always moving. Home one room, very poor.

Delinquency:

1924 Stealing bicycle, Probation.
Stealing bicycle, Probation.
1925 Housebreaking, three years' B.I.

Medical Officer: "Shows certain features of a rheumatic diathesis. The relationship between this affection and the exhibition of temperamental instability is definite, and a number of cases are on record in which, subsequent to infection, patients formerly industrious and trustworthy, have become slovenly, negligent and generally unreliable. Col. 66."

Housemaster: "Not fit for manual work. Has worked hard at office work. . . . If he can become self-supporting, should do well."

After discharge: Grocer's assistant. "One of B.A.'s successes.

The possibility of an epileptic affliction is sometimes indicated, but the facts given are not sufficiently distinct to warrant any conclusions on this important problem.[1]

Encephalitis lethargica

82. Girl, born 1908. Quarrelsome; no other girl could mix with her because of her violent temper.

[1] A case of this type is given under No. 53.

Doctor: "Dementia praecox—bound to end in serious trouble unless kept under restraint."

Delinquency:

1924 Stealing money, bound over S.A. Home.
Attempted larceny, three years' B.I.

Medical Officer: "Mental age 11 2/12. Had encephalitis leth. at the age of 12. Her present behaviour is a consequence of this disease. When admitted she was like a child of 10. . . . Should not go into domestic service."

After discharge: Housemaid in Sanatorium; dismissed for insolence. Matron writes: Could not keep her, has had a long experience of encephalitis leth.; however recovered they might be they are subject to one or two serious outbreaks. Domestic service, many places, cannot stay in one situation for long. "Good but difficult, ought to be certified."

83. Boy, born 1907. Home and parents very good. School: truant.

Work and why he left:

Laboratory: ill.
Sea: tired of sea.
Boundary rider: tired of it.
Farming: tired of it.
Fishmonger: got into trouble.

Delinquency:

1924 Begging, bound over.
1925 Stealing cycle, bound over.
False Pretences, bound over.
Stealing cycle, one month's imprisonment.
1926 False Pretences, two months' imprisonment.
False Pretences, three years' B.I.

Medical Officer: "Boy states he had sleepy sickness. It is claimed that it was after this trouble that his proclivity for peculation and masquerade began to show itself. Intelligent but untruthful. There are signs of the numerous peccadilloes which usually follow in the wake of encephalitis lethargica. I would hesitate to advance a favourable prognosis. Col. 69."

Governor: "Inclined to fly off at a tangent, but amenable to good advice. I think he will settle down."

After discharge (1928): Builder's labourer, gave it up as too hard after a few days. Father turned him out. Lost sight of. Returned home but disappeared again.

Reconvictions:

1929 Attempted Fraud, licence revoked.
1930 False Pretences [*ca.* 20 cases], twelve months' imprisonment.

Nocturnal Eneuresis

Bed-wetting may give an inferiority feeling with all its evil consequences and, in addition, may increase the difficulties of after-care.

84. Boy, born 1915; father dead, several other children, poor home.

Delinquency:

1932 Larceny, bound over.
1933 Railway Fraud, Probation.
Burglary, three years' B.I.

Medical Officer: "Has a good store of physical and mental energy which so far has never been directed along healthy lines. His small stature and bed-wetting gave him an inferiority feeling, and he tried to compensate by misbehaviour. Col. 86."

85. Boy, born 1904. Father night-watchman, mother dead. No home, boy stayed in lodgings.

Delinquency:

1916 Burglary, Industrial School.
1917 [?] Burglary, Reformatory School.
1924 Housebreaking, three years' B.I.

Medical Officer: Nocturnal eneuresis. Later: "Mentally improved; mental age first 13 11/12, later 15 9/12. With help should do well."

Housemaster: "I wouldn't risk much on him. The spirit is willing but the flesh is extremely weak. Laughs fatuously at serious moments."

Governor: "Will be difficult to place, as among other things he is a chronic wet-bed."

After-History: Discharged 1926. His father had disappeared, and the boy was placed in a hostel. Casual employment as a carter.

1926: Stealing, one month's imprisonment, and licence revoked.

Orderly at Salvation Army Home: turned out for "laughing in middle of service" (see Housemaster's report above).

1926: Indecent exposure, three months.

1927: On enclosed premises, three months.

1930: "Just arrived at Wakefield Prison with a long list of convictions."

Surely a case that seems to have been in desperate need of psychological or psychiatric treatment!

Venereal Diseases. Hereditary Factors

The *Final Report on Venereal Diseases* (1916) stated[1] that of 941 Borstal inmates, 153, or 16·26 per cent, presented one or more signs of congenital syphilis, while in addition there were five cases of acquired syphilis.

Our material, whilst certainly showing a large number of cases of —apparently acquired—syphilis amongst the girls, is not throughout explicit enough to form the basis of definite statistics. Nor is it possible to draw any conclusions from our Records as to the significance of this factor in the causation of adolescent delinquency.

86. In the case of one boy only is expressed the suspicion that the factor of congenital syphilis may have been present, and as the facts are instructive some details may be given:

Boy, born 1910. "Father hawker, mother just out of hospital. A wretched tramp family. The father, after his return from the Army, has not had any regular employment (this was written in 1926), and the family has had a miserable wandering existence from one lodging to another. One boy at Industrial School, a sister deaf and dumb. This boy lived with grandmother since he came back from Industrial School as they were starving at

[1] P. 14. See also table, p. 122, in that Report.

home. The mother refuses to have him at home, otherwise threatens to go to the Workhouse. The boy seems stunted physically, morally and mentally, probably starved from infancy."

Delinquency:

1920 Wandering, Industrial School.
1926 Embezzlement, Probation.
Shopbreaking, three years' B.I.

Medical Officer: "An undersized boy who has slight stigmata of congenital syphilis. The suspicion of this heredity is strengthened by the family history. The elder children both died in infancy and a younger sister is a deaf mute. The mother has been in the Workhouse Infirmary for long periods, is wandering in her mind on occasions, and has 'fits'; she has never had any liking for him, and apparently now hates the sight of him. The other children have all found their way into public institutions. He is now thoroughly institutionalized, seeing no reason to work when all can be done for him. He has not the initiative and energy to steal as a profession, but there are no moral obstacles. Col. 37; Terman 11 4/12."

Governor: "Has made great efforts here but is quite unfit to fend for himself outside and will never be worth a living wage. We have done all we can for him except the provision of a permanent asylum."

After-History: Discharged 1929, was set up with material for stock for hawking with his father, but the latter complained about his laziness. Stole from father. Licence revoked. After re-discharge went into Poor Law Mental Home.

87. One boy apparently entered the B.I. as a firm believer in Lombrosian ideas.

Born 1907, illegitimate. "Brought up by a woman, Mrs. A., who, according to his account, seems to be a thoroughly bad lot. Says he saw thieving going on at home always and was not at all happy because he was looked down upon in the neighbourhood for being illegitimate. He says Mrs. A. had often told him that his father was a criminal and that it was in his blood."

Delinquency:

1916 Stealing, four strokes.
1917 Stealing, Industrial School.
1922 Betting, Industrial School.
1924 Larceny, one month's imprisonment.
1926 Housebreaking, three years' imprisonment.

Social Worker: "He should do well if he could once get it out of his head that because his father was a criminal 'it is in his blood' and he must be one too."

Medical Officer: "He puts down all his trouble to bad home environment. 'His mother is a thief and a prostitute and his father was the worst criminal that ever lived.' Has no good word for anyone. Dwells on his many thefts and on his seduction of a girl of 16 with considerable relish. Has made up his mind that he has criminal blood in him and that it is consequently of no use trying to go straight. In any case, he has been in an Industrial School from 9 to 16, and much of the story of the malign influence of his foster-mother can be discounted on that account. Col. 73."

Housemaster: "Much improved of late. A gambler; fond of himself. A good worker who takes a real interest in his work."

Discharged 1929.

The after-history, in its uneventfulness, seems to prove this case as one of Borstal's great successes: "Trying hard but no work." Work. Dole. Satisfactory. No reconvictions recorded.

An unfavourable exterior frequently prejudices employers, teachers, the opposite sex and sometimes even parents and judges. One of the saddest verdicts in our Records is the statement: "His appearance is against him."

88. Social Worker: "His 'young lady' deserted him for a friend—so, 'for devilment,' he took up with a Borstal boy and accompanied him on his marauding expeditions. His appearance is very much against him. . . ." Moreover, it can be observed that boys suffering from physical shortcomings are prone to commit acts of indecent exposure—particularly so when, at the same time, they are of a low mentality.

89. Boy, born 1914, parents respectable, home good, rela-

tions, with parents extremely good. Attended a special class for boys of a low mentality.

Delinquency:

1924 Stealing, three strokes and bound over.
Stealing, six strokes and bound over.
1926 Stealing, Probation.
1927 Stealing, Probation.
1930 Indecent exposure, three months' imprisonment.
1931 Stealing, three years' B.I.

Medical Officer: "In good health apart from an injury in childhood which resulted in destruction of the right eye. The voided eye socket has been neglected and is intensely inflamed. Petty thief and exhibitionist, he has failed to respond to probation, duplicate birching and imprisonment, whilst he has never been successfully employed. . . . He is dull and retarded and just shows sufficient ability to grasp the smallest points to escape certifiability. In the past he has been not so much unemployed as unemployable. Col. 55; Terman 10½."

Discharged 1932.

After-History: Got work at once. Grateful for Borstal training and subsequent freedom which it made him appreciate. Dock labour, part time. 1935: Stealing and expose person, fourteen days' and three months' imprisonment.

On the other hand, the Aylesbury Records seem to disclose a certain tendency of attractive girls—if they become delinquent at all—to commit the more serious types of crimes against property, as housebreaking and shopbreaking, sometimes even robbery with violence. The explanation lies probably in the fact that these girls are more than others exposed to temptations through their more intimate connections with adventurous young fellows.

Mental Condition

The mental condition of the *Boys* is in a considerable percentage of the cases (384 out of 606) measured by *Columbian Group Tests*, the result being that 55 boys are of comparatively good intelligence (Col. 80 and above), 140 boys of moderate intelligence (above 60

and below 80); 123 boys are of lower intelligence (above 40 and not more than 60) and 66 of a low or very low standard (40 and below).

The percentage of "*termanized*" boys is much smaller (214 out of 606). Among them are 9 boys of a Mental Age of 9 years and below (chronological ages between 17 and 21), 21 boys have a M.A. of above 9 but below 10 years, 43 boys a M.A. of above 9 but below 10 years, 43 boys a M.A. of 10 but below 11 years, and 38 boys a M.A. of 11 but below 12 years, i.e. a total of 111 boys (=51·87 per cent) out of 214 do not reach a M.A. of 12 years, whilst only 53 boys (=25·7 per cent) have a M.A. of 14 years and above.

For the *Girls* no Columbian Tests and only comparatively few Mental Ages (126 out of 411) are given. Amongst these 126 cases there is one girl of a M.A. of 9 years, 4 girls have a M.A. of above 9 but below 10 years, 31 girls a M.A. of 10 but below 11, 30 girls a M.A. of 11 but below 12, i.e. a total of 66 (=52·38 per cent) out of 126 do not reach a M.A. of 12 years, whilst only 13 girls (=10·31 per cent) have a M.A. of 14 years and above.

The Medical Officers concerned are fully aware of the limited value of these tests. This is shown by statements of the following kind:

> 90. "Inferior in intelligence according to tests (Col. 30; Terman 11 years), but the process of examination detracts so much from his powers of attention as to render results fallacious. He can display normal intelligence."

It would in many cases be very misleading if one attempted to judge the mental make-up of these adolescents solely by their test results (which, of course, was never the intention). It may, for instance, be somewhat surprising to find a boy with Col. 16 described as of fair intelligence, another with Col. 75 as of fair intelligence but slow and somewhat stupid, and a girl with M.A. of 15 2/12 as "borderland m.d."

Sometimes an unfavourable test result is solely due to educational backwardness, and a boy with Col. 3 and Terman 11 was regarded as not much below normal intelligence. A girl with M.A. of 10, borderline case, certification repeatedly recommended, is said to have displayed "a lot of common sense."

The standard of requirements would seem to have been somewhat raised in the course of time. A boy of 20 years with a M.A. of 17 5/12, for instance, was in 1926 simply "an intelligent lad"; to-day such a Mental Age would probably be given only in cases of exceptional abilities.

Improvement in Mental Condition during Borstal Training

It is gratifying to see that the Mental Ages have not seldom considerably improved during the period of Borstal training. There are cases on record where this increase amounted to no less than

> Three years [from 8 to 11], whilst the natural age increased from 18 3/12 to 20 10/12; or to 2 5/12 years [from 8 4/12 to 11], whilst the natural age increased from 18 to 20 1/2.

Unfortunately, this raising of the mental standard was not always followed by a corresponding improvement in behaviour after discharge.

The wholesome effect of the Mental Deficiency Act of 1927, which keeps the majority of the mentally deficient juveniles out of prisons and Borstal Institutions, is clearly reflected in the Records.

In the years before 1927, there are sometimes to be found such accumulations of mentally deficient inmates as must have been a very serious menace to the efficiency and reputation of Borstal training and after-care. A batch of twenty Borstal girls discharged in 1921 shows, for instance, no less than seven cases of this type. A few quotations from their and other Records will suffice to show the extent of the damage that the behaviour of these girls must have caused to the reputation of the Borstal system:

> 91. Girl, born 1899. Father dead, mother deserted her when she was young. Brought up in the Union, later in Church Army Homes.
>
> Delinquency:
>
> 1917 Stealing wearing apparel, Probation.
> 1918 Stealing boots, three years' B.I.
>
> Probation Officer suspects mental deficiency.
>
> Borstal Record: "Frequently damaged her hand and con-

tinued to be as unsatisfactory as possible. . . . Her hand is permanently deformed through self-infliction. Discharged 1921; refused to go to a Home. Licence revoked. Swallowed needles, fork, etc., and died in an Institution, 1923."

92. Girl, born 1899. Father in Army.

Delinquency:

1918 Receiving, bound over.
1919 Stealing gold ring and blouse, three years' B.I.

Medical Officer: "Mental age 9 3/12. Is recovering from severe attack of sleeping sickness. Borderline case."

Discharged 1922 to parents. Unfit to earn her own living. Considered mentally deficient but no action taken as parents resented idea of certification. Stole £5 from under mother's pillow while mother asleep. Parents now willing for her to be certified. Prison Commissioners will take no action in view of her mental condition. Ought to be reported to the Association for the Care of the Mental Defectives. . . .

1930: Larceny from person, three months' imprisonment.

93. Girl, born 1905. Father dead; step-father. Mother keeps public house.

Delinquency:

1921 Assault, bound over.
Stealing, bound over.
Assault, three years' B.I.

Social Worker: "Very strange temper . . . develops violent outbursts bordering on insanity. Assaults on mother, brothers and sisters of whom she is very fond are unaccountable."

Borstal Record: "Very troublesome; any number of punishments."

Discharged 1924. Unsatisfactory, licence revoked.

1926: Larceny, six months' imprisonment. Married, children.

1936: In Institution.

94. Girl, born 1906.

Delinquency:

1922 Stealing cycle, one month's imprisonment.
1923 Stealing watch, three years' B.I.

Mental Age 10 years, illiterate.

Discharged 1925. Twice licence revoked. Several charges.

1935: Certified m.d.

95. Girl, born 1907. Parents separated.

Delinquency:

1919 Stealing, Probation.
1920 Stealing, Reformatory.
1925 Stealing, three years' B.I.

Social Worker reports: "Peculiar behaviour, childish."

Medical Officer: "Mental age 10½. Borderline case. Certification has been refused."

Governor: "A pity that not certified. Almost unemployable. Has smashed her cell seven times."

Discharged 1927. Remanded for stealing.

1928: Sent to M.D. Institution.

96. Girl, born 1908.

Delinquency:

1924 Stealing, Probation.
1925 Stealing, Probation.
1926 Felony, three years' B.I.

Social Worker: "Has a mental age of 6 years."

Medical Officer: "Mental age 10 9/12. Subnormal. Borderline case."

Governor: "It is a great pity that she has not been certified."

Discharged 1928. Domestic service, ran away, stole.

Reconvictions:

1928 Larceny, fourteen days' imprisonment and licence revoked.
1929 Larceny, bound over and licence revoked.
1930 Larceny, Probation, sent to a Home.

97. Girl, born 1909. Father a drunkard, mother died when girl was 3 years.

Delinquency:

1926 Stealing, fined.
Stealing, three years B.I.

Medical Officer: "Mental age 10. Borderline case. Certification recommended."

Discharged 1928. Hospital work, absconded, licence revoked. Rediscarged 1929; unsatisfactory. Aylesbury Association recommends again certification. Licence revoked.

1930 Charged with indecency at Marlborough Police Court. Larceny, six months' imprisonment.
1932 Married; baby. Lost sight of.

It is difficult to prove that in the lower Mental Age groups the percentage of failures is higher. The figures in Tables XXXI, XXXII show a slight tendency in this direction, but they are too small to warrant a definite statement. It should not be overlooked, however, that members of the public may be frequently inclined to shut their eyes to petty offences of manifestly feeble-minded adolescents:

98. Girl rather below normal intelligence, but not considered certifiable. Discharged to parents. Laundry work; absconded with money. "Mistress will not prosecute as considers girl m.d."

Moreover, some of the mental defectives were sent to Institutions after discharge from Borstal; their opportunities to become "failures" have therefore become more limited.

The view that mental weakness may prevent the development of existing criminal tendencies is occasionally expressed.

99. Medical Officer: "Of criminal tendencies but rather handicapped by her lack of intelligence." The after-history is not without interest. Discharged 1926. Wardmaid. Married. 1929: Larceny, three months' imprisonment. 1931: Head Laundry Matron in a Home, has twenty-eight girls to look after.

Imitation, it is believed, plays an important part in the delinquency of feeble-minded and backward adolescents as well as in its treatment.[1]

100. Boy, born 1912. Father dead, mother office-cleaner. School Report: "Very dull, more fitted for M.D. School."

[1] See also the interesting remarks of Dr. H. T. P. Young. *Journal of Mental Science*, May 1937, p. 285.

Delinquency:

1923 Office breaking, Probation.
[One summary conviction for gambling]
1931 Housebreaking, three years' B.I.

Medical Officer: "His educational standard is rudimentary; but educable, not m.d. He shows many of the imitative habits of the backward boy; for example, he sees older youth gambling, tries it himself and is caught by the Police. He also reads and hears of easy ways of augmenting his low funds and, on his own, tries to steal, but again is caught. Now it is but slowly being instilled into his mind that he has been foolish. Once this penetrates deeply he may improve. . . . Col. 28; Terman 10 2/12."

After-History satisfactory, no reconvictions.

Yet another instructive case may be quoted:

101. Boy, born 1900. Father killed in the War. Three brothers and sisters. Step-father boot operative, has eight children of former marriage. In addition some children of second marriage. Boy had worked in boot factory 1923–26, was refused a rise and joined Army. Deserted in August 1926 and tramped from place to place; step-father refused to receive him as a deserter. Being down and out he broke into a shop.

Delinquency:

1923 Stealing overcoat, Probation.
1927 Housebreaking, three years' B.I.

Social Worker: "A smart-looking boy of superior class, very intelligent but somewhat resents the extraordinary interest shown him."

Medical Officer: "A well-built lad in good health. Very definitely retarded mentally. Mental age 9 years, but the defect is a level one and he appears to have a social capacity sufficient to render him non-certifiable. His appearance is deceptive in respect to intelligence; he is quite alert and well-spoken, has a moderate fund of general information and a fair memory. All serves to disguise a very definite defect of ability to plan and adjust himself, and a concomitant defect of wisdom and insight.

Usually solitary, he comes entirely under the sway of anyone who companions him constantly. An undesirable companion, his cousin, is largely responsible for his present predicament. He has one juvenile offence on his record; it was due to a sudden realization that money could be made by pawning things. He took two overcoats and pawned them without having the sense to realize that he was certain to be traced. There is little, if any, vice in him, but he will certainly need continual supervision owing to his low mentality. Col. 14."

Borstal records and after-history satisfactory.

Several records show how mental inferiority may lead to delinquency, in particular when the feeble-minded adolescent encounters lack of understanding at home, in school or in his work.

102. Boy, born 1914. Father, railway guard, "was away from home quite a lot and had not much patience with the boy . . . was disappointed with him and made him feel it."

Delinquency:

1931 Assault, Probation.
1932 Housebreaking, three years' B.I.

Medical Officer: "Father has failed to appreciate the fact that his son's intellectual ability is subnormal. The contrast has been the more marked as the other members of the family are well endowed intellectually, but not sympathetically disposed towards this lad who in consequence feels his inferiority. As a result of unemployment and the absence of encouragement at home, he has become discontented and finally determined to seek work elsewhere. In order to accomplish this he resorted to delinquency. Col. 46."

103. Boy, born 1909. Both parents living; four other children; home somewhat squalid, only one room.

Delinquency:

1924 Larceny, Probation.
Loitering, bound over.
1925 Stealing, bound over.
Breach of Recognizances, Reformatory.
Wilful damage, Probation.
1929 Housebreaking, three years' B.I.

Medical Officer: "A fairly well-built lad in good health. His father is said to be epileptic and to have been insane. He is of inferior intelligence; much of the defect is due to hebetude and lack of energy. . . . His own efforts do not satisfy him, nothing is worth doing therefore. . . . When he does try to start himself his defective experience shows itself in over-action and faulty direction. He appears to mean well and to be co-operative, but is of a type particularly liable to institutionalization. Col. 32; Terman 10."

After-History: Discharged 1931. Only temporary jobs, wood chopping, etc. Family destitute; mother earns a few coppers by singing in the streets. Lost unemployment benefit; in a very dirty and ragged condition.

1932 Stealing, six months' imprisonment and licence revoked. After redischarge no work; family turned out of lodgings.
1933 Housebreaking, eighteen months' imprisonment.

Inferiority Feeling

Besides low mentality, there are many other factors recorded that have produced an inferiority feeling which resulted in delinquency.

104. In one case it seems to have been the race factor in conjunction with the immigration factor. Boy, born 1912. Father cabinet maker. "Parents are Polish Jews and can hardly speak English." Ten other children. Home clean and respectable. Parents "cannot account for the boy's delinquency—the only black sheep in the family."

Delinquency:
1929 Stealing, bound over.
False Pretences, Probation.
1930 Stealing, three years' B.I.

Medical Officer: "A well-built lad in good health, of fair intelligence. Moody and erratic, filled with an overmastering urge to distinguish himself somehow at any cost. He has tried various avenues, but his blundering haste has made him clumsy

and stumbling so that he met with little success. Eventually he was constrained to satisfy himself with the appearance of power implied in good fellowship and the ability to treat his fellows. Money was necessary so that when it was lacking he stole. He greatly dislikes his criminal status, and makes all manner of denials and excuses. . . . On the whole, however, he is more likely to subside into his former habits and to glorify his roguery. Col. 79."

The question will be asked why out of eleven children only this boy became a delinquent. The Medical Officer's explanation seems to be as follows: "The genesis of his trouble seems to have been rebellion against the oppressiveness of elder brothers who had themselves rebelled against paternal authority. From this springs his great urge for distinction." Borstal records excellent, but after-history unsatisfactory; two reconvictions for stealing.

In other cases this inferiority feeling is mainly due to exceptionally unfortunate home conditions.

105. Father died when boy was 3 years old; mother "hard featured, aggressive and immoral." Step-father. Home questionable and poor, but clean and neat. Boy's relations with parents not good.

Delinquency:

1929 Stealing, bound over.
1930 Stealing, fourteen days' imprisonment.
Stealing, three years' B.I.

Medical Officer: "A fairly well-built lad in good health and of good intelligence. He has a very great desire to be a social success, and gives much energy to the task, but is always frustrated by difficulties proceeding from his own self-deception and unfortunate family life. The latter appears to have been very sordid. He has, however, never been able to bring himself to admit disappointment with his home and displays much ingenuity in excusing and fogging the family imperfections, particularly his mother's loose sense of morals. Despite all this, he is saddled with a sense of

inferiority which had two results. First it made him strain too greatly to get on and to compensate for his inferiority, and secondly it has made him incapable of confessing failure. In consequence of this attitude, he will undertake anything without the least idea of how he can do it; but having undertaken it and being thus brought up against reality, he does not dare to give up, and will use any means within the compass of his courage to achieve his object. It is obvious that the continuance of his present attitude towards life can only lead to his getting more and more separated from the good social esteem he really desires. If he is to be a success means will have to be found to open out his secret shame and unworthiness and to educate him to a more honest self-estimation. Col. 64."

The after-history shows, here as in so many other cases, the admirable psychological insight of the Borstal Medical Officers.

Discharged in April 1932. "Not really co-operative; started work in October 1932 for a french polisher."

November 1932: Four months' imprisonment and licence revoked for larceny by trick: "despicable offence; called on a man whose son had been sent to prison and pretended that a solicitor had sent him for 5s. so that he could be released on probation."

1935 Receiving, six weeks' imprisonment.

Superior Ability

It might be of still greater interest to know some of the reasons why adolescents of *superior* mental ability (according to Borstal standards) had become delinquents.

To this category belong most of the habitual motor car (or cycle) thieves or "speed maniacs," of whom a few very typical samples are represented.[1]

106. Boy, born 1910. Father fitter; home and relations with parents good. Work: Labourer, boilersmith's apprentice.

[1] In addition to the above case, see Cases Nos. 8 and 112.

Delinquency:

1924 Stealing bicycle, bound over.
1925 Stealing bicycle, Reformatory.
1929 Stealing motor cycle, Probation.
Stealing motor cycle, three years' B.I.

Police Report: "Has caused a lot of expense to his fellow-workmen by stealing their cycles."

Newspaper Report: "Speed Maniac for Borstal: 'I just stole them to see how fast they could go.' "

Medical Officer: "A well-built lad in good health and of good intelligence. Well-mannered, self-confident, energetic, selfish, individualistic. Can be very pleasant, but appears to have no real consideration for the rights of others. . . . Still not prepared to accept full blame for his conduct. He should be capable of doing very well if he can only get his conceptions correctly adjusted; he is worth a good opportunity and one which would progressively absorb his considerable energy. . . . Col. 82."

Housemaster: "Ought to go to sea at all costs; comes from a long line of sailors." Discharged 1931.

After-History: No prospects of getting a ship. Rejected from Army as flat-footed. Dole. Labour Training Course. Work in April 1933 as a lorry-driver. No reconvictions.

Of another type is the boy who shows the highest Columbian Test of our group (Col. 95).

107. Boy, born 1909. Father engineer. Home excellent; well furnished little house, but father has to be absent for long periods. Work: Office boy, learner at contractors, lorry driver, chauffeur, casual work. Out of work since January 1930.

Delinquency:

1925 Stealing, Probation.
1926 On enclosed premises, Probation.
1927 Stealing, Probation.
1928 Stealing, four months' imprisonment.
1930 Shopbreaking, three years' B.I.

Medical Officer: "A well-built lad in good health, of superior ability. Alert and energetic, of good manners and

appearance. . . . He appears never to have recovered from an initial mistake when, as a boy, he stole. He suffered greatly from shame, but hid it so successfully that no one bothered about it. His chances of higher education were spoiled,[1] and he has been hindered ever since by a sense of unworthiness and deprivation. The former has weakened his ambition and the latter has weakened his sense of rectitude. Accordingly, he has had insufficient concentration and purpose to employ his abilities to the best advantage and, in his discontented moments, has been willing to steal again. The offences and the punishments that have ensued have merely strengthened and tended to fix his failings. He has no great enthusiasm for a new start, and is rather fatalistic about himself. He needs a restoration of self-respect and suitable encouragement. Col. 95."

Governor: "Comes from good stock and can return to a good home. Has brains. Considering his education and upbringing he has mixed well with other lads and in my opinion he has gained rather than lost thereby. There is a curious 'wandering' streak in his history which may reappear." Discharged 1932.

After-History: Well received at home, but unable to find work. Later: Plenty of work, will make headway.

1936 Receiving and stealing, 3 + 3 months' imprisonment.

108. Boy, born 1909. Father labourer, out of work two years; mother left home 1925, goes with other men. Boy had accident to his head when 12 years.

Delinquency:

1924 Stealing 10s., Probation.
Stealing 6s., Industrial School.
1928 Stealing from gas meter, Probation.
Stealing from gas meter, Probation.
Stealing watch, Probation.
Stealing from gas meter, 1 day.
Stealing, three years' B.I.

Medical Officer: "A well-built lad in good health, of good

[1] See also Cases Nos. 42 and 111.

intelligence. His antecedents are not significant medically. A rather listless youth, showing too much candour and too little emotional response to be at all normal. It is strange to hear him making damaging admissions with the most complete equanimity. There appears to be a considerable inner life beneath the surface which absorbs his energy and feelings. There is obviously some exaggeration of adolescent instability. Col. 86."

Housemaster: "After a difficult start has improved considerably. Has been Chief Baker and Waiter. Hard working, should do well."

Governor: "Something of a 'surface' lad. It is hard to get at his real feelings and thoughts."

Discharged October 1, 1930.

After-History: Returned to father. Efforts were being made to get him work as a baker when, on October 7th, the father reported that his gas-meter had been rifled and the lad disappeared. Licence revoked. Lad says he wanted some money for cigarettes, asks whether lunatic asylum or Dartmoor would do better. After re-discharge maintained by B.A. in London, found work as baker. Shopbreaking, bound over, licence again revoked. Associate writes: "Had the lad's father been more of a father to him the lad would not be in his present trouble." After third discharge again convicted.

1935 Housebreaking, 124 charges, four years' Penal Servitude.

This seems to be one of the cases that would have demanded a very thorough psychological study from the beginning.

The Educational Standard

The figures in Tables XXXI and XXXII show that the number of boys who have enjoyed the privilege of a higher than elementary education is extremely small. For all practical purposes they can be ignored.

The standard reached in the elementary school is frequently not given at all in our records; sometimes we find apparently unchecked statements of doubtful accuracy. For instance: "Mother thinks

Standard V or VI, the boy says IV" is not very helpful. Moreover, it is occasionally indicated that the requirements vary so much according to the district concerned that any comparison would be hazardous.

Nevertheless, certain features emerge that seem to be worth mentioning.

Firstly, children who left school altogether or went on half-time before attaining the age of 14, sometimes became delinquents almost immediately; sometimes their lack of education seems to have acted at least as a contributory factor in their later criminal careers.

109. Boy, born 1906. Went on half-time at 12 and left school at 13 in Standard V.

Delinquency:

1918 Housebreaking, bound over.
Larceny, six strokes.
1925 False Pretences, Probation.
1927 Larceny, three years' B.I.

Medical Officer writes: "Had a good upbringing and was considered sufficiently good at school to be excused attendance from the age of 13. On leaving school he fell in with companions who were not for his good, and it is not surprising that his delinquent career soon began. His intelligence is average, and shows that his scholastic attainments are falling away due to lack of use. . . . It is only since this sentence that he has begun to consider that there is a difference between right and wrong." Col. 60.

110. Girl, born 1904. Father unemployed shipyard worker, mother keeps a fried fish shop.

Delinquency:

1916 Stealing purse, Probation.
1917 Stealing, Industrial School.
1923 Stealing cloth, two years' B.I.

Social Worker writes: "Part of the trouble was caused by the girl being kept out of school by the mother to take out the baby." One of an organized band who stole purses.

Medical Officer: "Has had an unfortunate upbringing which will influence her for the rest of her life. Mental age 13½."

Governor: "Very intelligent, wide interests, is capable of becoming a bad woman with wrong handling."

Two reconvictions, but married 1927, no further records.

Disappointment at some educational failure, which may exclude the adolescent from certain vocational aims, may also become a contributory factor in juvenile delinquency.[1]

111. Boy, born 1908, left school in Standard IV, but the record describes this as misleading because "they had another way of counting and the boy spoke Welsh." The Medical Officer adds that he was rather above average intelligence (Col. 81) and had received a secondary education, but failed to get a scholarship and had to leave at 14 "with his ambitions for clerical employment nipped in the bud. These ambitions rotted into mere discontent, and his one demand was for the soothing of the banal pleasures."

Delinquency:

1926 Housebreaking, bound over.
1927 Stealing, one month's imprisonment.
Housebreaking, three years' B.I.

After discharge he proved unsatisfactory, and his licence was twice revoked; but no reconvictions recorded.

Six of the boys and two of the girls are reported to be *illiterate*.

Middle Class Boys and Girls in Borstal

As shown in Tables XXXI and XXXII, not many middle or even lower middle-class children are to be found among the Borstal inmates. But those who have been sent there are, on the whole, said to have mixed well with those of the poorer classes. The few exceptions to this rule are failures in every sense.

112. Boy, born 1912. Father general smith; own business. Home good, well furnished, comfortable. Relations with parents good. Was a student at the Polytechnic.

Delinquency:

1929 Stealing motor car, 1 day.
1930 Stealing motor car, three years' B.I.

[1] See also Cases Nos. 42 and 107.

Medical Officer: "A slightly built lad in fair health, of good intelligence. A repressed and neurotic individual who cannot admit mistakes even to himself. Spurred on by an envious ambition, he has tried to go at a faster rate than his very modest supply of energy would permit; his efforts have been frustrated, he has become discouraged, discontented, unhealthy and ready for any perverse manifestation provided only a morbid self-pride could be bolstered up thereby. From this proceeded his thefts. He is contemptuous of Borstal; neither the training nor the companionship are good enough. . . . Col. 86."

Housemaster: "Has a good opinion of himself. Parents appear to be very indulgent and in spoiling him have probably contributed to his trouble. He himself says the causes of his troubles were 'swollen head' and desire to live far above his means and station. There is every hope that he will keep out of trouble now. The only doubtful factor is a certain amount of conceit still remaining."

Governor: "He has brains above the average and knows it. His self-conceit has not entirely evaporated. If he can weather the first year outside and be satisfied with the wages and job offered he should be no further trouble, but I can imagine him as being a clever car bandit if he ever came into contact with the wrong type of friends." Absconded from Borstal and stole motor car.

Discharged 1932. Employed by his father, later at aircraft factory at £4 5s. a week.

June 1934: Larceny, 1 month's imprisonment and licence revoked. "His girl's mother was being pressed about debts and he helped himself to £6 out of the office of a friend who would never have prosecuted had he known who took the money." After discharge returned home, but could not find work.

November 1934 Stealing motor car, six months' imprisonment.
Later Housebreaking, fifteen months' imprisonment.

A few boys and girls, although not coming from better-class families, show a certain refinement in their tastes and habits that may have rendered their institutional training particularly difficult.

113. Boy, born 1908. Parents separated, mother living with another man, father with another woman, boy kicked about between them, sent to Nautical School.

Delinquency:

1923 Stealing, bound over.
Stealing, Reformatory.
1926 Stealing, six months' imprisonment.
1927 Receiving, three years' B.I.

Social Worker: "A difficult case. Has a taste for the niceties of life and therefore has been written down as vain and effeminate. Has almost a complex about it, asking bitterly if there is anything immoral in liking to be clean and smart. I think harm has been done by harping on this point and making him ultra-sensitive about it. When he left Nautical School his mother would not let him take up a job, saying she could afford to keep him. At the same time she gave him very little pocket money and this led to his first offence (stealing from the son-in-law of the man his mother was living with). His father then removed him to the care of an aunt. He much disliked her and robbed her of a wrist watch—he says with the deliberate intention of being put away somewhere. He had always longed to have a little room to himself and to make it pretty. When he got his job at a restaurant he thought this ambition would at last be realized and actually found a suitable room at a price which he could afford. Cold water was, however, poured at the School, and he was told he must go to a hostel. This he bitterly resented. He detested the strict rules of the hostel and left. . . . This bitter, resentful mood has quite evaporated, and he is interested in the prospects of Borstal and concerned to know if it was true they have a Dramatic Society there. . . ."

Medical Officer: "Effeminate in mien and manner, his speech showing higher modulation than one would expect from his age and physique. Intelligence above normal, general knowledge very good. Homosexual? Requires careful handling. Col. 80."

Governor: "Of peculiar temperament, given to dangerously sentimental friendships; during last six months completely changed, and I am now very hopeful about him."

Discharged December 1929.

After-History: Placed in private lodgings by Borstal Association and found work as a lift boy and kitchen porter. Left work without notice, February 1930. Licence revoked. After redischarge restaurant work; unsatisfactory; licence again revoked, August 1930. After third discharge lodged in a Church Army hostel; left it in a temper, threatening that he would commit further crime.

January 1931: Seven days' imprisonment, wandering without visible means. "One cannot help feeling sorry for him."

Six convictions in 1931 for wandering, drunkenness, etc.

114. Girl, born 1908. Father died when she was 4 years, step-father could not get on with her; mother decent.

Delinquency:

1925 Stealing, bound over.
1927 Stealing coat, three years' B.I.

Social Worker: "Has lived in many European cities as a teacher of dancing. Full of energy and imagination."

Medical Officer: "Average intelligence. As a dancer in low-class cabarets she was much too sophisticated to gain much benefit from Borstal training."

Assaulted an officer so seriously that had to come before the Court.

Housemaster: "The discipline and training here has done this girl a great deal of good."

Discharged 1928. Work in shows, toured England and the Continent. Film work. No reconvictions.

Sex Differences

Tables XXXI and XXXII show many important differences between the sexes.

The girls come more frequently from small places or from the country than do the boys. Their fathers are less frequently dead

than the boys' fathers, whilst the percentages of dead mothers are almost equal for both groups.

The figures of illegitimates and of step-mothers in the girls' group are higher than the corresponding figures in the boys' group.

The types of work are very different. Domestic work predominates among the girls still more than do the delivery jobs among the boys.

The Mental Ages, as far as they are given at all, show less extreme variations in the female group: there are 30 boys out of 216 =14 per cent, but only 5 girls out of 126=4 per cent, with a M.A. of less than 10 years, whilst 53 boys and 13 girls have a M.A. of 14 years or above.

False pretences, attempted suicide, escapes from reformatories, breach of recognizances are more frequent among the girls, whilst they have not as many previous convictions as the boys. Moreover, they receive their first sentences (or probation orders) considerably later than do the boys: 128 boys but only 20 girls had been convicted or placed under probation at the age of 12 years or under, 219 boys and 45 girls at 14 years or under.

Among the probable causes of delinquency, the relations with the opposite sex seem to play a vastly greater part with the girls than with the boys, whilst the contrary is true of unemployment. The influence of bad home conditions is even more conspicuous among the girls than among the boys.

Illuminating are the statistics of the *objects* stolen by the girls: garments, etc., were stolen in 176 cases, shoes or boots in 37 cases, jewellery in 72, bicycles in 27, money in 172 cases, whilst in 208 cases the objects were not mentioned in the records.

The girls are somewhat more inclined to steal from their co-workers. If the costume or the blouse of the fellow-servant suits their taste, they take it. On the other hand, they are often generous and ready to share everything they possess.

It is often simply the restlessness and unstableness of the average adolescent that makes a young person dislike and leave his home or situation. This is particularly so with the girls who, when they become "fed up," are easily tempted to run away without any fixed plans, and it may only be a matter of chance whether, in their confusion and thoughtlessness, they leave behind most of their own

belongings or whether they take with them other people's property. Yet it is exactly this choice that may determine the whole course of their future lives.

The well-known type of arson committed by a maidservant to get rid of her situation or out of homesickness is not represented in our material.

The Influence of the Opposite Sex

It is somewhat surprising to see how seldom the maxim "Cherchez la femme" is applied to the delinquency of the boys, whilst in the case of the girls the percentage of offences ascribed to the sinister influence of "a man" or of "men" in general is very high.

Even in the cases where the connection with a girl is mentioned at all, it is hardly ever suggested that it is there that the source of the trouble may be.

Pre-Borstal love-affairs, as is only natural for the age groups concerned, do not frequently seem to survive the long period of separation. Towards the end of the boys' detention, the Housemaster is required to report on their correspondence with family and girls. According to these reports, there is in the great majority of the cases no correspondence with girls. This may, of course, be mainly due to an aversion from the writing of love letters under official supervision.

There may be stronger ties between the boy and his girl when his home is very bad or when he has no home at all.

116. Boy, born 1908. Father unknown; step-father did not want him at home, so the boy was sent away. Mother died when he was 8 years. Sent to Industrial School for truancy, 1920–23; then sent to Wales to a farm where he remained several years.

Delinquency:

1926 On enclosed premises, bound over.
1927 Unlawful possession, bound over.
Stealing, three months' imprisonment.
Stealing, three years' B.I.

Social Worker's report: "Has a girl (pregnant) from a very poor home, was to have been married on the day of his trial."

Housemaster: "Still hankers after his girl, and I fear that if he associates again with her there will be further trouble. A new girl would be better for him."

After-History: Discharged January 1930. Married. Did not work.

Reconvictions:

April 1930 Stealing, etc., four and a half months' imprisonment and licence revoked.

1931 Stealing, five months' imprisonment.
Receiving, eighteen months' imprisonment.

There are similar cases among the girls.

117. "Father roadman, not interested in the girl. Mother died thirteen years ago; step-mother not kind to girl. Brought up by grandmother aged 81. Stole lady's coat, etc., pawned stolen things and gave the money to her young man."

118. "Father and mother dead. Girl disliked foster-parents. Consorted with Chinese munition workers (during the War) and could not keep away from the Chinamen—they fascinated her." Three cases of larceny.

Female and Male Prostitution. Homosexual Tendencies

Twenty-six of the girls are described as prostitutes, whilst twenty-four others are said to have been of immoral tendencies, i.e. to have had connections with several men—as contrasted with those nineteen who were reputed to have committed their offences under the influence of a particular man. The Records do not show how far prostitution was in fact the cause of delinquency. More explicit in this respect are a few of the boys' records:

119. Boy, born 1913. Father labourer, both parents respectable, home poor but clean.

Work: Army nine months, deserted; baker, hotel kitchen, houseboy, etc., unsatisfactory. Spent all his spare time at the cinema.

Delinquency:

1925 Stealing, Industrial School.

1932 Soliciting, three months' imprisonment.

1933 Soliciting, six months' imprisonment.
Larceny as servant, three years' B.I.

Social Worker: "His parents think that his going to London was his undoing. He appears to have had the 'Wanderlust.' Left home upon various occasions without a word to anybody, always to go to London."

Medical Officer: "Quiet, courteous youth, really ashamed of himself. Homosexualist, felt that he was therefore treated unfairly by providence and was unsympathetically regarded by other men except fellow homosexualists. Of these he has unfortunately met the worst type. I gather that the majority of his troubles have this basis. His position seems to have been that of a male concubine rather than a servant. . . . Col. 56."

Conduct in the Institution and after-history satisfactory; no reconvictions recorded.

120. In another case of this kind the Medical Officer in charge has given an admirable description of the homosexual type in general. We may therefore hope to be forgiven for quoting from his report more fully:[1]

Boy, born 1908. Father driller, heavy drinker; mother sewing, organ playing.

Work: Office boy, van boy, traveller, concert shows. Out of work March to September 1925.

Delinquency:

1922 Stealing, Probation.

1925 Embezzlement [kept back money he had obtained by selling concert programmes], Probation.

October 1925 Breach of Recognizances, three years' B.I.

Social Worker: "He would like to be a missionary or minister, having a gift for speaking, or wants to get on the stage being a good comedian."

Medical Officer: "While the mother was pregnant with this boy the father kicked her in the abdomen. When they were first married they were quite happy, and the eldest son has grown up a perfectly normal man. But this boy and his younger brother are apparently a very different type—sensitive, un-

[1] Very valuable material on the subject has now been published in the Report on the Psychological Treatment of Crime by Dr. W. Norwood East and Dr. W. H. de Hubert (1939, chap. xi).

happy and with morbid fear. . . . The contradictory elements in his nature—his love of display and of admiration on the one hand, and his extreme timorousness on the other are explained by the fact that he is a true congenital invert. His homosexuality is clearly shown by the following facts: He has no interest in girls but has had passionate friendships and physical relations with boys. He likes frequenting swimming baths though he cannot swim, and always attends fancy dress dances in girls' clothes. He ran a concert party and delighted in fondling the other boys dressed as girls. . . . He is very fond of sewing and knitting and latterly has 'travelled in haberdashery.' He has sung in his choir and served as acolyte to his priest. He has a horror of football and nearly faints if he sees boys fighting. Until recently he has had a morbid fear of the dark. He hates his father and his dreams show an unconscious desire for his death. He wishes he had been a girl. His mother, according to him, also hoped during her pregnancy with him that her child would be a girl. I think it is evident that ante-natal influences of one kind or another, as well as early environmental ones, may have played a large part in determining the boy's mixed emotional nature. I do not agree with other observers that he has criminal tendencies. If he were emotionally normal I should agree. . . . Col. 60."

It is of particular interest to follow up the Borstal career of a boy of this type. In fact, he spent by far the greater part of his sentence not in a Borstal Institution but at Wormwood Scrubs as the authorities did not feel justified in returning him to ordinary Borstal treatment. The Medical Officer's Report indicates some of the special difficulties of such a case:

"It is essential that he should be given work congenial to him; it is hopeless to think of sending him to sea, for instance. Possibly tailoring would suit him, so that he might find an outlet for creative work eventually in dress designing.[1] But

[1] It is interesting that the same suggestion—tailoring work for homosexual boys—has been made by August Aichhorn, *Wayward Youth* (English translation, 1936, p. 156). The general problem of sending such boys to Borstal Institutions is discussed in T. W. Gordon, *Borstalians* (1932), p. 101 et seq.

time spent teaching him work usually done by his own sex will be so much time wasted. I am afraid he will suffer acutely from the jests of his associates and he will tend in self-defence to become morbidly introspective or to form violent and unsatisfying passionate attachments for any lads about him similarly constituted. I do not consider him vicious, and he is altogether in a different category from the male prostitute type of offender. He is not likely to prove a source of corruption to the others."

The after-history shows that this boy got a job with a barge fleet, became interested in social and religious work and proved very satisfactory. No reconvictions.

CHAPTER ELEVEN

FEMALE DELINQUENCY AND PROSTITUTION

I. It is one of the few generally accepted tenets of Criminology that the delinquency rate of women is far behind that of men; as to the actual difference and, in particular, the reasons for it there exist, however, both disagreement and lack of knowledge.[1] One might perhaps feel tempted to shirk the issue by saying that considering the lowness of the female delinquency figures it is hardly worth while bothering about the whole phenomenon. Nothing could be more erroneous. Apart from the many pitfalls which the statistics of female delinquency and their interpretation present, a delinquent woman is more likely to influence others adversely than her male counterpart.

ENGLISH STATISTICS OF FEMALE DELINQUENCY

Among European criminologists of the second half of the nineteenth century and almost until the World War, the conviction was widespread that England possessed the highest proportion of female delinquency. "In England," wrote Alexander von Oettingen in his famous *Moralstatistik*,[2] "the criminal tendency of women, from early childhood, is more intense than elsewhere." His only source was a paper read before the Royal Statistical Society in 1880, which gives the average delinquency rate for women committed for trial in 1857–76 in England as 21·22 per cent, in Scotland even as high as 27·45 per cent, but without any differentiation as to crime groups.[3] Statements of a similar character were made in Germany

[1] Dr. Norwood East, *Journal of Mental Science*, January 1938, p. 204, speaks of the "intriguing, well-established and, as far as I know, unexplained fact that women commit crime less frequently than men." [2] Third edition, 1882, pp. 526–7.

[3] Professor Leone Levi, *Journal of the Royal Statistical Society*, September 1880, p. 425 et seq.

even as late as 1908.[1] The figures recently given by the German *Handwörterbuch der Kriminologie*[2] and by the well-known Hungarian criminologist, Professor Hacker,[3] it is true, are more favourable to English women.

In Hacker's latest computation the European country with the highest rate of female delinquency is Belgium (100 f. : 344 m.), the one with the lowest Finland (100 f. : 1871 m.), whilst England and Wales (100 f. : 686 m.) stands between France (100 f. : 546 m.) and Germany (100 f. : 709 m.). It is hardly necessary to stress the very limited value of such comparisons; they are mentioned in this connection not for their own sake, but only in order to show that the reputation of English women has lately been improving among international criminologists. In fact, statistical figures of this kind should be used exclusively in relation to specific *age* groups and types of *offences*, for it is only such a splitting up of the figures that makes it possible to arrive at any useful conclusions with regard to the character of female delinquency. If, for instance, no distinction is made between the various offences, there cannot be taken into account the important fact that in a particular country the whole position may be dominated or at least considerably influenced by one type of offence, which may be entirely negligible in other countries. In Sweden, where the female delinquency rate in general is very low,[4] between one-fourth and one-fifth of all convictions are for drunkenness (1931: 22,399 out of 108,834), an offence in which women participate to a very small degree only. In Germany, where drunkenness—if it does not lead to the commission of a crime—is not an offence, the female delinquency rate is swelled by the many convictions for libel and slander,[5] offences which hardly ever appear in the English *Criminal Statistics*. These few examples may suffice to show how misleading it would be to juggle with figures referring to delinquency in general.

[1] See Arnold Wadler, *Die Kriminalität der Balkanländer* (1908), p. 105; G. Buschan, *Geschlecht und Verbrechen* (1908), p. 36.

[2] 1933, vol. i, p. 593.

[3] *Monatsschrift für Kriminalpsychologie und Strafrechtsreform*, vol. xxii, p. 274; vol. xxvi, p. 19. See also F. Exner, *Kriminalbiologie* (1939), p. 186.

[4] 100 females : 1,698 males, according to Hacker.

[5] In 1931 the female share was 11,019 out of a total of 41,800 convictions for this offence (*Reichskriminalstatistik, 1931*, p. 21).

The English sex ratio for all age groups and all indictable offences for the average of the five years 1932–36 is *1 female : 7·17 male offenders*,[1] a figure slightly more favourable for women than that given by Hacker.

How much this sex ratio varies according to the age groups may be shown by the following figures which give the annual averages for indictable offences over the same five years' period (1932–36) per 100,000 of the male and female population in each age group.[2]

TABLE XXXIV

There were in the age group:

Under 14	for every	18·1	males	1 female offender
14 but under 16	for every	13	males	1 female offender
16 but under 21	for every	8·2	males	1 female offender
21 but under 30	for every	7·5	males	1 female offender
30 but under 40	for every	6	males	1 female offender
40 but under 50	for every	4·2	males	1 female offender
50 but under 60	for every	3·8	males	1 female offender
60 and above	for every	5·3	males	1 female offender

That means that the proportion of female offenders to males is about four times as high in the older age groups as in the youngest and that only the age group 21–30 fairly conforms to the general standard. Another well-known criminological fact which is also disinctly borne out by English *Criminal Statistics* is that female delinquency reaches its peak at a later age than male delinquency;[3] whilst the latter shows its highest point at 13, female delinquency increases in this country up to 18 or 19.[4]

The annual averages for the five years 1932–36 were, per 100,000, in each age group:

[1] Computed from *Criminal Statistics*, Table VII (formerly VIII).

[2] Computed from the *Criminal Statistics, 1932–6*, Introduction Appendix 1, and Tables VII and X(A) in connection with the Census for 1931. The figures for the age groups up to 30 are taken from the Introduction to the *Criminal Statistics* and give the proportions of persons *found guilty* in relation to the *estimated* population in each age group. The figures for the remaining age groups, however, are taken from Tables VII and X(A) and give therefore the proportion of persons *convicted* in relation to the population in each age group according to the Census of 1931.

[3] See also S. K. Ruck, *New Survey of London Life and Labour*, vol. ix, p. 365 et seq.

[4] See *Criminal Statistics, 1937*, p. xxix; *1938*, p. xxxiii.

TABLE XXXV

	10 but under 14	14 but under 16	16 but under 21	21 but under 30	30 but under 40	40 but under 50	50 but under 60	60 and above
Males	806	897	702	453·6	333	183·5	101	55
Females	44·4	69	88	60	56	43·7	26	10·2

These figures show, at the same time, that the tendency of the sex difference to become smaller with increasing age is due not to a deterioration in the social behaviour of the women, but mainly to the very considerable improvement on the part of the men with approaching age. Moreover, the contrast between the age groups is much less striking in the case of women than in the case of men, the highest figures being more than eighteen times as high as the lowest in the case of men, but less than nine times as high in the case of women.

Our principal results thus conform in all essentials with those reached in other countries, although there exist many slight differences as to the details. A comparison with the corresponding German figures for the years 1928–34 reveals the following differences: First, male and female delinquency reach their highest figure in Germany not in the age groups 14–16 or 16–21 respectively, but in the age group 21–25. Before the War of 1914–18 it was even the years 30–40 that represented the most dangerous age for female delinquency in Germany.[1] Unfortunately, the corresponding English pre-War figures are not worked out per 100,000 in each age group.[2] Secondly, the delinquency rate of German boys of 14–16 is lower, that of German girls of that age is higher than are the corresponding English rates; consequently, there are in this age group not, as in England, 18, but only 5·9 male delinquents for 1 female. In the next age group, 16–21, there are not, as in England 13, but only about 7·4 male delinquents for one female. In the age groups 21–30 and 30–40 there are only slight differences, but in the age groups 40–50 and 50–60 there are not, as in England, 4·2 and 3·8 respectively, but 5·7 and 5 respectively male delin-

[1] F. Exner, op. cit., p. 199; Handbook I, p. 26 et seq.

[2] See the remarks in *Criminal Statistics, 1928*, p. xxxiii.

quents for one female. These figures would show that the situation is more favourable in Germany for the older women, but much more favourable in England as far as the girls are concerned. The explanation cannot be found in the English convictions for drunkenness, because the above figures refer only to indictable offences.

We have now to deal with the various types of crime separately.

The following table shows the average sex ratio for the most important types of offences over a period of five years (1932–36).[1]

TABLE XXXVI

Offence	Sex ratio—for every	
	Male offenders	Female offender
A. Offences against the Person:		
Murder	5·5	1
Attempted Murder	2·3	1
Manslaughter	5·6	1
Felonious Wounding	15·6	1
Malicious Wounding		
(*a*) Assizes and Quarter Sessions	12·4	1
(*b*) Courts of Summary Jurisdiction	9·3	1
Assault		
(*a*) Assizes and Quarter Sessions	65·7	1
(*b*) Courts of Summary Jurisdiction		
(i) Aggravated	13	1
(ii) On Constable	14·8	1
(iii) Common Assault	2·5	1
Cruelty to Children		
(*a*) Assizes and Quarter Sessions	0·87	1
(*b*) Courts of Summary Jurisdiction	1·8	1
Cruelty to Animals	32·4	1
Procuring Abortion	0·35	1
Concealment of Birth	0·12	1
Incest	8·8	1
Bigamy	2·9	1
B. Offences against Property with Violence:		
Burglary	79	1
Housebreaking	41	1
Shopbreaking	243	1
Robbery	93	1
Extortion	5·4	1

[1] Computed by the author from *Criminal Statistics, 1932–6.*

TABLE XXXVI (*continued*)

Offence	Sex ratio—for every	
	Male offenders	Female offender
C. Offences against Property without Violence:		
Embezzlement		
(*a*) Assizes and Quarter Sessions	46	1
(*b*) Courts of Summary Jurisdiction	34·4	1
Larceny from the Person		
(*a*) Assizes and Quarter Sessions	4	1
(*b*) Courts of Summary Jurisdiction	3·1	1
Larceny by a Servant		
(*a*) Assizes and Quarter Sessions	5·9	1
(*b*) Courts of Summary Jurisdiction	2·8	1
Larceny of Pedal Cycles		
(*a*) Assizes and Quarter Sessions	164	1
(*b*) Courts of Summary Jurisdiction	27·4	1
Larceny from Shops and Stalls		
(*a*) Assizes and Quarter Sessions (figures too small to be of any value)		
(*b*) Courts of Summary Jurisdiction	2	1
Larceny from Automatic Machines		
(*a*) Assizes and Quarter Sessions (figures too small)		
(*b*) Courts of Summary Jurisdiction	28	1
Unauthorized takings and thefts of Motor Vehicles		
(*a*) Assizes and Quarter Sessions	121	1
(*b*) Courts of Summary Jurisdiction	157	1
Other Simple and Minor Larcenies		
(*a*) Assizes and Quarter Sessions	9	1
(*b*) Courts of Summary Jurisdiction	9·6	1
False Pretences and Frauds: Nos. 50–3 of *Criminal Statistics*		
(*a*) Assizes and Quarter Sessions	12	1
(*b*) Courts of Summary Jurisdiction	4·8	1
Receiving Stolen Goods		
(*a*) Assizes and Quarter Sessions	10·5	1
(*b*) Courts of Summary Jurisdiction	5·4	1
D. Malicious Injury to Property:		
Arson	12·2	1

TABLE XXXVI (*continued*)

Offence	Sex ratio—for every	
	Male offenders	Female offender
E. Forgery and Coining:		
(*a*) Assizes and Quarter Sessions	9·6	1
(*b*) Courts of Summary Jurisdiction	3·3	1
F. Other Indictable Offences:		
Perjury		
(*a*) Assizes and Quarter Sessions	5·6	1
(*b*) Courts of Summary Jurisdiction	2·8	1
Libel		
(*a*) Assizes and Quarter Sessions	4	1
(*b*) Courts of Summary Jurisdiction	1·3	1
Attempted Suicide		
(*a*) Assizes and Quarter Sessions	1·7	1
(*b*) Courts of Summary Jurisdiction	1·8	1
*G. Non-Indictable Offences:**		
Betting and Gaming	12	1
Brothel-keeping	38	1
Offences against Education Acts	5·5	1
Offences against the Highway Acts:		
(*a*) Obstruction and Nuisances	7·5	1
(*b*) Motor Cars	22	1
Intoxicating Liquor Laws	4·4	1
Indecent Exposure	8·6	1

* For the following group of non-indictable offences the figures refer to persons proceeded against (Table "Police Returns").

All these figures have, however, but little significance unless they are interpreted as part of the whole framework of social statistics. A few examples may suffice to illustrate what is meant. For the offence of larceny by a servant[1] the sex ratio is 1 : 5·9 (Assizes and Quarter Sessions) and 1 : 2·8 (Courts of Summary Jurisdiction)

[1] Larceny Act, 1916, sect. 17(1): "Every person who being a clerk or servant or person employed in the capacity of a clerk or servant steals any chattel, money or valuable security belonging to or in the possession or power of his master or employer . . ."

respectively, 1 : 2·9 for all Courts together, which is apparently very unfavourable to women. It is indispensable, however, for a just interpretation of these figures to know the numerical relation between those men and women who belong to the occupational groups mentioned in the statute in question and are therefore exposed to the danger of committing offences of this kind. It may be useful to compare the figures of the *Criminal Statistics* with corresponding data of the Census of 1931. There were in England, for instance—aged 14 and over—78,489 male and 1,332,224 female domestic servants (indoor); 5,430 male and 140,146 female "char-women" and office cleaners; 400,408 male and 394,531 female salesmen and shop assistants (retailing). To anyone who bears in mind these figures—especially those for domestic servants—the percentage of women convicted of larceny by a servant must appear comparatively low. Or, another example: for motoring offences, the present sex ratio is 1 : 22, which is not very significant if we do not know the proportion of male and female motorists. Similarly, the sex ratio for perjury (1 : 5·6 in Assizes and Quarter Sessions, 1 : 2·8 in Courts of Summary Jurisdiction) should be brought into relation to the proportion of oaths sworn by males and females.

II. Before any attempt can be made to use the figures of *Criminal Statistics* as a basis for an investigation into the social and psychological characteristics of female delinquency in England, it becomes necessary to examine whether those figures can be regarded as fairly representative. As is well known, there are many sceptics who maintain that all the pitfalls commonly associated with Criminal Statistics are accumulative whenever the factor of sex is involved. In the first place the great difference between crimes actually committed and convictions—it is said—does not equally affect men and women, the difference being much more important for the specific female than for the specific male crimes. The *dark number*, i.e. the percentage of crimes the perpetrators of which remained undetected, is—it has been urged—much lower in the case of the specific male types of crime (as for instance crimes of violence) than in the case of the specific female types of crime as abortion or shoplifting. It is, however, as pointed out above,

impossible to give exact figures as to these dark numbers. Only with certain important reservations can it be maintained that the difference between "Crimes Known to the Police" and "Persons Proceeded Against" represents this dark number. If it is permissible to draw any conclusions from material of so questionable nature, it cannot be said, however, that it is only the specifically "female" type of crime that is distinguished by a particularly high dark number (leaving out abortion, where the official figures cannot claim any significance). In the case of the specifically "masculine" crime of housebreaking, for instance, the number of crimes known to the Police is usually five to ten times as high as the number of persons proceeded against. Nevertheless, it is certainly true for some categories of offences as, for instance, larceny by a servant, that the injured party is usually more reluctant to prosecute a woman than a man. This may occasionally also apply to shoplifting, although the special enquiries made by the author in connection with this question did not reveal any definite policy; on the contrary, it was occasionally stated that men, being less closely watched by the staff, had more opportunities of escape.[1] In the case of young girls, however, the disinclination of the public to bring them before the Juvenile Courts is well known.[2]

Another argument is that women are more frequently acquitted than men. This cannot be checked by means of the present English *Criminal Statistics*, because acquittals are now no longer earmarked according to sex.[3] It may perhaps be possible to draw some very cautious conclusions from the figures given in the *Annual Reports*

[1] See also Mrs. Margaret Cole, *Marriage, Past and Present* (1938), pp. 64–5.

[2] See also Miss Clement Brown in the "Discussion on Juvenile Delinquency," reported in the *Journal of the Royal Statistical Society*, 1939, vol. cii, part iii, p. 400. She suggests that schoolgirls steal more frequently than schoolboys from their homes, which reduces the danger of being prosecuted. Sophia M. Robison, *Can Delinquency be Measured?* pp. 55–6, reports from New York that the percentage of girls amongst delinquent children rose from 13·4 to 16·2 when the material of other social agencies outside the Juvenile Courts was considered—a not very considerable difference.

[3] See above, p. 97. W. D. Morrison, *Juvenile Offenders* (1896), p. 46, stated that in the English Criminal Courts male offenders were acquitted in the proportion of one in six, whereas female offenders were acquitted in the proportion of one in four.

of the Prison Commission,[1] which show that the percentage of female prisoners committed "on remand or for trial, not followed by imprisonment," in relation to the total of female prisoners, is always considerably higher than the corresponding proportion of male prisoners. These figures, however, indicate not throughout complete acquittals, but probably more often the imposition of fines or the placing on probation. For several foreign countries it is true, however, that the percentage of acquittals is much higher for women than for men.[2]

It can, of course, be taken for granted that the female offender—if punished—meets on the whole with greater leniency on the part of the Courts than the male. Speaking generally, the percentage of women decreases in conformity with the severity of the particular method of penal treatment, i.e. the more severe a penal method is, the lower is the percentage of women affected by it, and vice versa.[3] As to Probation, e.g. it is stated in the *Criminal Statistics* for 1929,[4] and borne out by the annual figures, that "adult women stand a much greater chance than adult men of being dealt with under the Act."[5] On the other hand, in 1933 542 men and 23 women were sent to penal servitude, the ratio being about 23 men to 1 woman, whilst 32,646 men and 4,404 women were sentenced to imprisonment, the ratio being about 8 men to 1 woman. Sentences of more than one year's imprisonment were passed upon 1,099 men and only 48 women, being 23 : 1. In Borstal institutions were received during the year 1933 854 boys and 44 girls, i.e. 19 : 1, whilst, according

[1] Appendix No. 9.

[2] See, e.g., W. A. Bonger, *Criminalité et conditions économiques* (1905), p. 527; A. Wadler, op. cit., pp. 98, 103; Foeldes, *Journal of the Royal Statistical Society*, 1906, p. 559, fn. 2.

[3] Dr. L. S. Penrose, *British Journal of Medical Psychology* (1939), vol. xviii, p. 9, has recently drawn attention to the fact that the populations of mental hospitals in Great Britain, France and Germany are rather more than half composed of females. See also Professor O. Kinberg, *Howard Journal*, January 1938, p. 38 (Greece and Sweden).

[4] Pp. xxviii, xxix.

[5] In 1936, e.g., 2,407 men and 899 women of 21 and under 30 and 1,461 men and 924 women of 30 and above were placed under probation (Table XIV*a*). See now the percentage figures, according to ages, in *Criminal Statistics, 1937*, p. xix; *1938*, p. xv; moreover, the *Report of the Departmental Committee on the Social Services in Courts of Summary Jurisdiction* (1936), p. 161; S. K. Ruck, *New Survey of London Life and Labour*, vol. ix, p. 365.

to the Report on Persistent Offenders, there were sentenced to Preventive Detention during the period 1909 to 1930 944 men and 23 women, i.e. 41 : 1. As Table XXXVI proves, the ratio of males to females was accordingly much more favourable for the men before Assizes and Quarter Sessions than before Courts of Summary Jurisdiction.

The Court Calendars, examined by the author for his study of recidivism, showed that in almost all cases of joint charges against men and women the latter were more leniently treated and not infrequently acquitted, whilst the opposite hardly ever happened.[1] Nobody would suggest, of course, that such acquittals or more lenient sentences had not been fully justified on the merits of the cases. It should not be forgotten, moreover, that up to the end of the year 1925 the common law presumption was still in force that if a wife committed a felony (except murder or treason) in her husband's presence, she had committed it under compulsion and was therefore entitled to be acquitted.[2] It would not be surprising if the memory of this presumption should even now lead to occasional acquittals in suitable cases.[3] There exists, however, a factor of more general importance which has often been emphasized by criminologists and may, to a certain extent, explain not only the lower crime rate of women, but also their more lenient treatment by the Police and Courts. This is the fact that women participate in crimes of a more serious character usually in the capacity not of principals in the first degree, i.e. as actual perpetrators, but of aiders and abetters, of accessories before or after the fact. "When a woman wants a crime committed," says Havelock Ellis,[4] "she can usually find a man to do it for her." As it is obviously more difficult to obtain sufficient evidence against a mere accessory than against the actual perpetrator, this would account for the higher percentage

[1] See p. 372.

[2] See Kenny, *Outlines of Criminal Law*, 14th edition, 1933, pp. 73–4. The Criminal Justice Act, 1925, sect. 47, abolished this presumption. As to the present position, see Dr. Erna Reiss in *Our Freedom and its Results* by Five Women (1936), p. 95.

[3] A case where charges of stealing jewellery against a married woman were withdrawn on the grounds of coercion is reported in *The Times* of December 17, 1937.

[4] *The Criminal*, 3rd edition, 1901, p. 263.

of acquittals.[1] In a private enquiry held in Berlin in 1931 among some thousand juvenile workers of 14 to 17 years it was discovered that the idea of incitement by others as an important factor in the causation of crime was stressed by 26·4 per cent of the girls, but only by 6·6 per cent of the boys.[2]

Nevertheless, it would be a mistake to assume that in every case where it may be rightly said "Cherchez la femme" the woman involved must be guilty of a crime in the legal sense. It may be interesting to quote in this connection from a recently published report of the Rattenbury-Stoner murder trial,[3] where mention is made of another post-War murder case which dealt with a similar situation, the Bywaters-Thompson trial: the wife and her younger lover accused of murdering the husband. The editor points out that in this earlier trial the wife's conviction had been mainly due to the general assumption that because of her greater age the woman dominated her young lover, whilst in the opinion of the editor usually the contrary is true. There has been in the meantime, he thinks, a change in public opinion which did much to save the accused woman in the Rattenbury-Stoner trial and, as we may add, in other still more recent murder cases of this type. Similarly, murder of the father by the son—a crime which has become fairly frequent in recent years—is usually committed for the sake of the mother, but without her previous knowledge and active assistance. On the other hand, for certain types of domestic thefts, false pretences, etc., the position is frequently reversed, the man remaining in the background and using the woman as his tool to pull the chestnuts out of the fire. An investigation of criminal records made by the author yielded many cases of the following type:

> "He became acquainted with a young domestic servant and seduced her; afterwards, under threat of exposure, induced her to steal cash from her employer and hand to him."[4]

Exceptionally, even very serious crimes may be committed by young women in order to please a man.

[1] See Havelock Ellis, *Man and Woman*, 4th edition, 1904.

[2] Mathilde Kelchner, *Schuld und Sühne im Urteil jugendlicher Arbeiter und Arbeiterinnen (Beiheft 63 zur Zeitschrift für angewandte Psychologie, 1932)*, p. 48.

[3] *The Trial of Alma Victoria Rattenbury and George Percy Stoner.* Edited by F. Tennyson Jesse, 1935, p. 12.

[4] See also Chapter X, pp. 329–30.

> The *Daily Telegraph and Morning Post*, December 8, 1938, reports an attack by two girls of 15 on an 80-year-old retired schoolmistress which led to a trial for attempted murder. One of the girls was reported to have stated that a boy had asked her to send him money, and she promised to try to get it out of Miss ——, 'even if I have to do her in.' "

It is, of course, impossible to reduce general observations of this kind to accurate figures, all the more as the *Criminal Statistics* of hardly any country differentiate between principal actors and mere accessories. But the other side of the picture should also be considered. If it be really true that women are more often convicted as mere accessories, that would partly explain the greater leniency of their sentences.

To sum up: Though there are some reasons for believing that the actual difference in the volume and quality of male and female delinquency is somewhat smaller than the bare figures of English *Criminal Statistics* seem to indicate, there is not sufficient evidence available for more exact statements, and the fact itself that, in this country as abroad, the female delinquency rate is much lower than the male one remains unquestionable.

III. Having examined the volume of female delinquency in its *static* relationship to its male counterpart, the *changes* may now be considered which this volume has undergone in the course of the last twenty or thirty years. Such an investigation is of a special interest in view of the fundamental changes in the social position of the English woman. There have already been some attempts to arrive at an estimate of the criminological consequences of the changes.

In the Introduction of the *Criminal Statistics* for 1928[1] the figures for the years 1910–14 are compared with those of 1928—a comparison which shows that there had been a fall of 33·5 per cent in the annual average number of proceedings against women for *non-indictable* offences (68,165 against 104,077), whilst the number of females of all ages had risen by 11 per cent. This fall was almost solely due to the decline in proceedings for drunkenness, assaults and prostitution, which was in the case of women not markedly counterbalanced by the rise in motoring offences. In the following

[1] P. xxxiv.

year[1] a comparison was made between the years 1907 and 1929 for *indictable* offences committed by *adult* women (21 years and over): the number of those found guilty had fallen from 6,204 to 4,848, i.e. by 22 per cent in a population of adult women that had risen by about 24 per cent. The number of girl offenders aged 16–21, however, had risen by 10 per cent in a corresponding population increased by only 5 per cent.

The last years before the War of 1914–18, it may be remembered, are not particularly suitable as a starting-point for comparisons of this kind because of the abnormal criminological position existing among English women at that time. The *Suffragette movement* made itself strongly felt in the Statistical Tables, as shown by the following figures:

In 1910 persons apprehended numbered:

	Males	Females
Assaults on Constables (present sex ratio 1 : 14·8) ..	6,488	992
Metropolitan Police Acts	7,293	2,643

Persons received in prison numbered:

	1913		1937	
	Males	Females	Males	Females
Crimes of Violence	514	114	556	61
Assaults	7,486	1,136	1,767	80
Malicious Damage ..	1,650	392	492	40

The influence of the movement can also be gathered from the then particularly high percentage of female prisoners of "superior instruction" (now called "superior education"):

	Males	Females
1910 ..	291	72
1911 ..	325	146
1912 ..	250	135
1937 ..	61	—

[1] Introduction to *Criminal Statistics, 1929*, p. vii.

The criminal exploits of the Suffragettes are described by Halévy[1] as follows:

> "Assaults on policemen and breaking windows were typical offences which they committed in cold blood in order to get themselves imprisoned."

After their break with the Liberal Party in 1912:

> "The Suffragettes . . . redoubled the number and violence of their outrages. . . . Pictures were defaced in the Museums. Buildings were set on fire. Shots were fired at trains. Then the Suffragettes attacked churches, in which they placed bombs which did considerable damage. Two old country churches were burnt down."

At the time when Alexandre Dumas the younger wrote his spirited paraphrase on the theme "Les femmes qui tuent et les femmes qui votent,"[2] there was certainly some truth in the thesis that women were often driven to committing crimes of violence because their inferior legal and social position denied them any opportunity of voicing their grievances by lawful methods. Even to-day visitors to Balkan countries are struck by the high percentage of women whom they find in prison for killing their husbands or lovers.[3] On the other hand, it is often taken as an established criminological fact that the female delinquency ratio is lowest in agricultural countries and areas where women enjoy the fewest social rights, whilst that ratio is usually high in industrialized districts.[4] If this were true in general—and there are at least some important exceptions to it[5]—the probable explanation of this apparent inconsistency is to be found in the fact that statements of the last-mentioned type usually concern the sex ratio for delinquency in general, which cannot be markedly influenced by the numbers of serious crimes of violence.

[1] Elie Halévy, *History of the English People*, Epilogue (1934), vol. ii, p. 512 et seq. See also Sir Basil Thompson, *The Scene Changes* (1937), p. 237 et seq.; R. H. Gretton, *A Modern History of the English People, 1910–22*, pp. 25, 56, 83, 97.

[2] 10th edition, 1880.

[3] Miss Margery Fry, *Howard Journal*, January 1938, p. 14.

[4] See, e.g., W. D. Morrison, *Juvenile Offenders*, p. 47; Hans Hermann Burchardt, *Kriminalität in Stadt und Land* (1936), p. 84 et seq.; Leon Radzinowicz, *Sociological Review* (1937), vol. 29, p. 9 et seq. (Polish figures).

[5] Agricultural countries like Lithuania, Hungary, Rumania, show high percentages of female delinquency. See Hacker, loco cit.

Female Delinquency and Prostitution

Some figures may now be given to show the general trend in the female delinquency figures:

TABLE XXXVII*

(NUMBER OF MALE OFFENDERS FOR EVERY FEMALE OFFENDER)

	1910–11	1932–6
Malicious Wounding	14·7	9·3
Assault:		
(*a*) Assizes and Quarter Sessions	10·5	65·7
(*b*) Courts of Summary Jurisdiction		
(i) Aggravated	23·6	13
(ii) On Constable	7	14
(iii) Common	2·7	2·5
Indecent Exposure	3·4	8·6
Larceny from Person:		
(*a*) Assizes and Quarter Sessions	—	4
(*b*) Courts of Summary Jurisdiction ..	1·8	3·1
Larceny by Servant:		
(*a*) Assizes and Quarter Sessions	5	5·9
(*b*) Courts of Summary Jurisdiction ..	4·5	3·1
Other Simple and Minor Larcenies:		
(*a*) Assizes and Quarter Sessions	12·2	9
(*b*) Courts of Summary Jurisdiction ..	6·4	9·6
Embezzlement:		
(*a*) Assizes and Quarter Sessions	—	46
(*b*) Courts of Summary Jurisdiction ..	226·6	34·4
False Pretences:		
(*a*) Assizes and Quarter Sessions	11	12
(*b*) Courts of Summary Jurisdiction ..	7	4·8
Receiving:		
(*a*) Assizes and Quarter Sessions	7·7	10·5
(*b*) Courts of Summary Jurisdiction ..	2·2	5·4
Betting and Gaming	28·4	12
Highway Offences:		
(*a*) Obstruction and Nuisances	18	7·5
(*b*) Motor Car Offences	250	22
Drunkenness	3·9	4·4
Cruelty to Animals	99	33

* It should be borne in mind that the bulk of the offences in this table was dealt with by Courts of Summary Jurisdiction; the figures shown for Assizes and Quarter Sessions are therefore only of minor importance.

The picture shown in this table is not entirely uniform. Nevertheless, with a few exceptions it is the female ratio for the more

vulgar types of crime—indecent exposure, larceny from the person —that has been decreasing, whilst that for the more sophisticated ones, in particular for embezzlement, false pretences, motor car offences has been rising. The exceptions refer to receiving, on the one hand, and to malicious wounding and cruelty to animals, on the other.[1] This general tendency would correspond to the altered share of females in the work of the nation. It is true, the popular belief that the proportion of female workers employed in industry has gone up by leaps and bounds between 1911 and 1931 may be somewhat exaggerated, as far as the mere numbers are concerned. Nevertheless, there has undoubtedly been an increase,[2] and still more than the quantity may the quality of female labour have changed.

Another factor which cannot fail to have important consequences for the extent and character of female delinquency is *housing*, at least as far as married women are concerned. Nobody would call the slum districts of London or other big English cities ideal dwelling-places, but there does, nevertheless, remain this essential difference between English and Continental, say, German, housing conditions, that the percentage of small one-family houses and consequently the number of houses is much higher in England. London, for instance, consisted in 1911 of no less than 606,271 houses for a population of 4,521,685,[3] whilst Berlin in 1927, with a population half a million less (4,024,165) had only 137,737 houses,[4] out of which only 17·1 per cent were one-family houses.[5] Of the 1,196,918 dwellings which Berlin had in 1927, only 23,538 were in one-family houses,[6] whilst 185,000 dwellings were in houses with 21 or more dwellings.[7]

[1] The apparent inconsistency of the figures for assault may be due to the Suffragette struggles.

[2] The number of female wage-earners in England and Wales in 1911 is usually given as 4 millions (e.g., Mrs. Ray Strachay in *Our Freedom and its Results*, p. 119). According to Miss Dorothea M. Barton (*Journal of the Royal Statistical Society*, July 1919, p. 534), it was 5 millions in July 1914 and 6,298,000 in July 1918. According to Messrs. G. Harrison and F. C. Mitchell, *The Home Market* (1936), p. 82, women workers numbered 6½ millions in 1931. See, moreover, Dr. C. H. Northcott, *Labour Management*, July 1936, p. 123.

[3] Census of 1911, General Report, p. 42.

[4] *Statistik des Deutschen Reiches*, vol. 362, II, p. 8.

[5] Op. cit., I, p. 36.

[6] Op. cit., I, p. 39.

[7] "Vertical slums abroad, horizontal slums in England," says Miss Elizabeth

A considerable part of the approximately 11,000 annual convictions of German women for libel and slander must be attributed to the system of living in huge tenement blocks, where no privacy is possible and quarrelling children, domestic animals, unfaithful husbands and shared water-taps are never-failing causes of friction. The English counterpart[1]—convictions of women for disorderly behaviour under the Metropolitan Police Act of 1839, sect. 54, and similar regulations—number *ca.* 2,500 to 3,000 annually, but they include other types of disorderly behaviour as well, besides the use of "violent, obscene or abusive language."

Not without its significance for an understanding of certain features of female delinquency in general was the outbreak of fictitious slashings with razor blades at Halifax and some other towns in the North of England, which occurred at the end of the year 1938. This epidemic which led to charges of public mischief against numerous persons, mostly women and girls,[2] has once more proved the hysterical background of considerable parts of present-day female delinquency. This does not mean that men are always free from lapses of this kind.[3] This type of offence, however, undoubtedly appeals much more strongly to the female sex. It is psychologically closely connected with the steadily rising wave of shoplifting, railway frauds, etc., and with the not too rare cases where women consent to be bound and gagged in order to cover

Denby (*Europe Re-housed* (George Allen & Unwin Ltd., 1938), p. 27), comparing the fourteen square miles built-up area of Vienna's 1,800,000 inhabitants with the thirty-nine square miles of Manchester's 750,000 citizens (p. 262). Of course, conditions vary considerably within England herself. Whilst only 37 per cent of London families enjoy a house or flat or a maisonette to themselves, the corresponding percentage in Birmingham is 95 per cent (Robert Sinclair, *Metropolitan Man*, p. 250), and in York "almost all the inhabitants live in separate houses" (Mr. Seebohm Rowntree, *Poverty*, 1922 edition, p. 26). Out of the huge literature on the English housing problem the corresponding chapters in the *New Survey of London Life and Labour*, vol. vi; Hugh Quigley and Ismay Goldie, *Housing and Slum Clearance in London* (1934); and Margery Spring Rice, *Working-Class Wives* (1939), chapter vi, may be mentioned.

[1] English convictions for libel are too rare to require any special consideration.

[2] See the reports in the daily Press between the middle of November 1938 and the beginning of January 1939.

[3] In November 1938 a Post Office telephonist of 26 years was sentenced to six months' imprisonment for sending out a false air-raid warning during the September crisis (*Daily Telegraph and Morning Post*, November 25, 1938).

up crimes committed by their male friends. The common link between the two last-mentioned types of offences, committed for gain or sexual satisfaction, and those cases of public mischief where no economic advantages are involved is the feeling of sensual excitement which the hysterical female needs.

It is impossible to deal here with problems so attractive and complicated as that of the significance of marriage and motherhood for female delinquency, since English *Criminal Statistics* do not offer any material in this respect.

PROSTITUTION

As was previously pointed out,[1] the statistical figures are no safe guide for an estimate of the actual amount of prostitution in this country. The annual figures of women dealt with for offences of this kind, which went down from an average of 10,682 annually for the years 1910–14 to 1,161 in 1930, have since then been rising gradually to 3,542 in 1936 and 3,280 in 1938. On the other hand, experienced observers maintain that professional prostitution has been decreasing owing to the fierce competition of the "amateur."[2] This apparent contradiction may be due partly to more energetic prosecution on the part of the Police and partly to the very high percentage of recidivists among convicted prostitutes,[3] as a consequence of which the number of women involved may have remained small in spite of an increase in proceedings. Moreover, as Miss Dorothy S. Thomas[4] has rightly pointed out, there is another factor which complicates the interpretation of figures of this kind: the connection between prostitution proceedings and drunkenness. "Disorderly prostitutes would generally be drunken prostitutes, and

[1] See above, p. 69 et seq.

[2] See Mrs. Neville-Rolfe, *New Survey of London Life and Labour*, vol. ix, p. 296; the same in *A Social Problem Group?* (edited by Dr. Blacker), pp. 96–7; Henry T. F. Rhodes, *The Criminals we Deserve* (1937), p. 216; Harry Roberts in Ben L. Reitman, *The Second Oldest Profession* (1936), p. xi.

[3] In 1935, out of 271 women sent to prison for prostitution offences 253 were known to have previous offences; in 1936 the corresponding figures were 201 out of 215 (Table VIB) of Annual Reports of Prison Commission). Although the character of these previous offences is not stated, the majority were probably prostitution offences.

[4] *Social Aspects of the Business Cycle* (1927), p. 90.

thus the prosecutions for prostitution might largely be influenced by fluctuations in alcoholic consumption. . . ." This aspect of the matter is important, because wrong conclusions might otherwise be drawn from the fact that prosecutions for drunkenness and for prostitution have been moving in the same direction since 1932, whilst, according to the traditional teachings of criminology, both should show opposite tendencies. The truth is that, although prosperity increases drunkenness and diminishes the actual extent of prostitution, offences by prostitutes (which are by no means identical with prostitution itself) are frequently caused by drunkenness.[1]

The numerical decline in prostitution since the War of 1914–18[2] has done much to clear the streets of the professional night-walker,[3] and it is very rare to read nowadays complaints like that made recently by a West End hotel-keeper at a London Police Court concerning conditions in his neighbourhood at night.[4]

On the other hand, the present system of dealing with prostitution offences is almost unanimously regarded as a failure. The fines which can legally be imposed and those which are actually imposed are too small to be deterrent. Probation is very rarely tried,[5] and when it is undertaken, according to the testimony of experienced Probation Officers, it usually proves a failure, because there is no threat of effective penalties in case of non-compliance with the conditions imposed. Unlike other categories of professional lawbreakers who, although making much money out of crime, clearly realize the final threat of very long sentences, the prostitute knows that the maximum penalty she has to risk is, generally speaking, a fine of 40s.[6]

[1] The *Criminal Statistics* do not distinguish between the various categories of offences by prostitutes.

[2] See above, p. 352.

[3] The position before the War has been described by Dr. A. Shadwell (*Encyclopaedia Britannica*, 11th edition, 1911, p. 462).

[4] *The Times*, June 2, 1939. Any changes that may have occurred since the outbreak of the present war are outside the scope of this book.

[5] In 1936, e.g., in 62 cases out of 3,342 persons found guilty.

[6] Under the Vagrancy Act of 1824, in case of recidivism the sentence may be up to one year imprisonment. This Act, however, is no longer regarded as applicable to mere solicitation not amounting to riotous or indecent behaviour (see *Report of the Street Offences Committee, 1928*, pp. 8, 20). Under the Town

With regard to the *amount of fines*, an investigation carried out by the author at two London Police Courts[1] gave the following result:

Whilst up to the year 1916 the bulk of the fines imposed was between 5s. and 20s., the position began to change in 1916, with the result that between the two Wars the great majority, frequently even 100 per cent, kept between 30s. and 40s.

In connection with this investigation, the *occupations* given by prostitutes appearing in Court were ascertained over a period of eight years (ending 1935), with the following result:

TABLE XXXVIII

Occupation	1921	1929–35
Domestic servants ..	10	7
Dressmaker, etc. ..	17	68
Clerical workers ..	3	5
Shop assistants ..	—	3
Chorus girls, etc. ..	8	13
Waitresses	2	39
Married women ..	7	16
No occupation ..	2	9
Prostitute	1	1
Miscellaneous ..	9	4

These figures, which are apparently based upon the unchecked statements of the women themselves, are remarkable in so far as they do not show the predominance of domestic workers which is so characteristic of most other statistics of this kind.

Another special investigation, for which were used the *Court Calendars* referred to in Chapter XII, was made of *convictions for offences other than prostitution* committed by prostitutes. True as Lombroso's thesis undoubtedly is that prostitution acts as the

Police Clause Act of 1847 the maximum penalty is fourteen days' imprisonment. In 1936, 85 persons received sentences of imprisonment without option of a fine for prostitution offences, of which 57 were of fourteen days and under, 26 of over fourteen days, and up to one month and 2 of one to three months. In 1937, 114 persons were received in prison for prostitution offences in default of payment of a fine.

[1] See above, p. 184.

woman's substitute for crime,[1] on the other hand, prostitution creates many tempting opportunities and incentives for the commission of offences.[2] The statement which is sometimes brought forward in order to show that the prostitute, as a type, is of a passive nature as compared with the more active, energetic character of the thief,[3] would seem to overlook that the majority of petty delinquents are likewise distinguished by lacking strength of character and will power. The prostitute, as many similar types, drifts into petty delinquency whenever the opportunity arises. This is fully borne out by the following figures collected from the *Court Calendars*. Out of 74 women convicted for prostitution offences, 39 had, in addition, been convicted for offences other than connected with prostitution and drunkenness, whilst only 35 had no other convictions. The other offences committed by the former group were mainly stealing, but sometimes also false pretences, uttering counterfeit coin, receiving, etc. With regard to the second group it is rather impressive to find that women with anything up to ninety sentences for prostitution offences had never been sentenced for other offences, though the "dark number" of undetected or unprosecuted offences, for obvious reasons, must be particularly high for prostitutes.

[1] See, e.g., Lombroso, *Crime, its Causes and Remedies* (American edition), p. 192.
[2] See, e.g., Miss G. S. Hall, *Prostitution* (1934), p. 43 et seq.
[3] See, e.g., Gregor and Voigtlaender, *Die Verwahrlosung* (1918), p. 500.

CHAPTER TWELVE

RECIDIVISM

I. The author had originally planned to give in this chapter a comprehensive study of the statistical material on recidivism available in this country, supplemented by individual case histories, in order to show any changes in type which may have come about during the period under investigation. Lack of space having prevented this, it was thought desirable to publish at least some of the principal results of a special investigation carried out with the assistance of material contained in the *After-Trial Calendars of the London Central Criminal Court* (the Court of Assizes for London) *and the London Quarter Sessions.*[1] Since Dr. Goring's great work, published over a century ago, very few original investigations into problems of recidivism have appeared in this country.[2] The valuable material given in recent official publications[3] is largely limited to statistics of successes and failures without being concerned with the individual case as a unit. It may therefore be useful to supplement these figures through data which, though in no way comparable with individual case histories, may, nevertheless, reveal certain characteristic trends of *recidivism.* The data given in these *After-Trial Calendars* are: name, age, occupation, previous convictions (with details of type of previous offence, date and sentence), type of new offence with some details as to the object stolen or obtained by fraud, etc., nature of sentence imposed. With regard to summary convictions, only their number and the type of offence

[1] The author wishes to express once more his indebtedness to Sir Alexander Maxwell, K.C.B., Permanent Under Secretary of State, Home Office, and to the Statistical Branch of the Home Office for the facilities kindly granted to him.

[2] Of great interest are the "Observations on two hundred Dartmoor Convicts" by Dr. John J. Landers, *Journal of Mental Science,* November 1938.

[3] See, e.g., *Criminal Statistics, 1932,* p. xi et seq.; *1938,* p. xx et seq.; *Prison Commission Report, 1938,* pp. 17, 42, 130, and corresponding figures in earlier volumes. See also the summary of these figures given by Dr. L. Radzinowicz, *Canadian Bar Review,* October 1939.

are indicated, but neither dates nor name of the Court. The educational standard of the prisoner is occasionally given.

Material has been collected for 1,274 individual cases (1,197 men and 77 women) from the calendars for the twenty years 1915–35 with the exception of 1918. For each year about thirty to thirty-five Central Criminal Court cases and about twenty to twenty-five Quarter Sessions cases have been used. The selection has, on the whole, been made in the order in which the cases are printed; but only cases with *at least four convictions* (including Probation Orders, but excluding summary convictions) are dealt with. The material does not contain persons who had been convicted *only* for petty offences against the Vagrancy Acts, as begging, wandering, sleeping out, as idle paupers, rogues and vagabonds, etc., since it is not this particular type of recidivist with whom we are here concerned.

Care has been taken to make sure that no individual prisoner is counted more than once. Except for very unusual cases, however, this could be checked only by a list of names; if prisoners have been convicted under different names, without showing any outstanding features in their criminal careers, they may nevertheless have been counted more than once, although such cases are probably not frequent.

Some of the convictions go as far back as 1858, so that no less than seventy-seven years of criminal justice are covered which have indeed witnessed very great changes in the administration of the criminal law.

What sort of use could be made of the material thus collected? It is indispensable to be quite frank about its limitations. No information could obviously be obtained about those prisoners who did *not* return to the Courts, and no complete study could therefore be made as to the deterrent or reformative value of the sentences imposed. It is just the distinguishing feature of our cases that they did relapse into crime. Nevertheless, it became clear to the author that many interesting data could be brought to light. Once given the fact that all these persons had not been completely deterred or reformed, it could well be asked on what lines their criminal careers had developed, as, for instance:

1. With regard to the *crimes* committed:

(*a*) *Age* at the time of the first conviction;

(*b*) *Types* of crime usually committed, and *Changes* in these types during the course of a criminal career;

(*c*) *Geographical* distribution of crimes, as indicated by the place of conviction, particularly *international* criminals.

2. With regard to the *penalties* received:

(*a*) Changes in *type* and *length* of punishment inflicted upon the individual criminal in the course of his career.

(*b*) *Effect* of the different methods of punishment as measured (*a*) by the length of the intervals between convictions, or, in the case of penalties involving loss of liberty, between discharge from prison and subsequent conviction, (*b*) by changes in the type of crimes committed (e.g. choice of another and less dangerous type after a severe sentence).

II. (*a*) The following table gives the *ages at the time of the first conviction*:[1]

TABLE XXXIX

Ages	Men	Women	Ages	Men	Women
6 years ..	9	—	15 years	71	4
7 years ..	4	—	16 years	76	6
8 years ..	9	—	17–21 years ..	347	15
9 years ..	12	—	22–25 years ..	157	14
10 years ..	15	—	26–30 years ..	102	10
11 years ..	34	4	31–40 years ..	102	5
12 years ..	47	4	41–50 years ..	43	2
13 years ..	33	5	51–60 years ..	6	—
14 years ..	54	7	Over 60 years ..	—	—

This shows that the majority of the offenders, namely 711 of the men and 45 of the women, i.e. approximately 59 per cent of each

[1] Slight inaccuracies may have been caused by the fact that only the age in completed years, not the day of birth, is given in the Calendars.

group, had received their first conviction before reaching the age of 22. 163 of the men = 13·6 per cent, were first convicted under the age of 14, i.e. before reaching the age which on the Continent usually marks the beginning of criminal responsibility. Only very few had embarked on their criminal careers after the age of 40. It ought to be borne in mind, however, that summary convictions are not included.

Our figures thus bear a rather close resemblance to those given by Dr. Goring for 2,204 convicts.[1]

It is surprising that amongst the men who commenced their criminal activities after the age of 40 there are comparatively many who at that late stage have become habituals with twenty or more convictions for stealing, etc.

The comment recently made upon Goring's figures by Miss W. A. Elkin[2] that they refer to the period before the establishment of Juvenile Courts, when people were more reluctant to charge children, is, at least partly, true of our material also. It may safely be assumed that, but for that reluctance, the percentage of recidivists who made their first appearance in the Courts before reaching the age of 14 would be much higher.

(*b*) The *Types of Offences* committed by *a sample of 226 of our male recidivists* are shown in the table on p. 360.

The question whether recidivists mainly stick to the same type of crime or whether there is a considerable interchange of these types, is one of great interest. An attempt to throw some light on this problem was made in the Introduction to the *Criminal Statistics, 1893*,[3] where the results of an inquiry were reported in the Court calendars for Lancashire, Yorkshire and Warwickshire, and it was stated that the figures of recidivism showed only a small decrease if previous convictions of a different type of crime had been omitted. It was otherwise only with crimes against the person, where the number fell from 178 to 61. In other words, the bulk of the recidivists tended to commit the same type of crime over and over again. In 1908 Dr. J. F. Sutherland[4] made a return of

[1] See the *English Convict* (1913), p. 301.
[2] *English Juvenile Courts* (1938), pp. 1, 20.
[3] P. 82.
[4] *Recidivism* (Edinburgh, 1908), p. 32.

370 convicts and long-term prisoners in Scotland which also showed comparatively little interchange between the various types of crime. Moreover, the Crime Index of Scotland Yard, as is generally known, is based upon similar experiences.[1]

How far does the material used for our study lead to results comparable with those of these previous investigations?

A sample of 183 records has been examined with a view to

TABLE XL

Type of offence	Number of convictions (including orders without convictions)
Larceny	921
Embezzlement	6
Burglary, Breakings (including possessing implements)	335
Robbery	15
False Pretences, Fraud, etc.	219
Crimes and Offences against the Person	71
Sexual Crimes and Offences	39
Forgery	29
Coining	17
Receiving	43
Wilful Damage and Arson	46
Vagrancy	81
Prevention of Crime Act	58
Others	52
Total	1,932

classifying the various combinations of offences usually represented, and the following code has been used for the convenient designation of the types of offences:

I = Larceny
II = Breaking
III = Robbery
IV = False Pretences, Fraud, etc.
V = Receiving
VI = Crimes against Person (not sexual)
VII = Sexual Crimes (including bigamy)

[1] See, e.g., George Dilnot, *Scotland Yard*, p. 291 et seq.

VIII = Forgery
IX = Coining
X = Malicious damage and Arson
XI = Vagrancy
XII = Prostitution and living on earnings of Prostitutes
XIII = Drunkenness
XIV = Prevention of Crime Act
XV = Highway Offences
XVI = Others

It has been found that records of recidivists specializing in only *one* of these types are almost entirely absent. There are 4 cases which show exclusively Type I, and one record indicating exclusively offences of Type IV. Records with even 2 different types only are also rare, 24 in all, the most frequent combinations being:

I + II = 8
I + IV = 7
I + XI = 3

30 records show 3 different types; 5 of them belong to the combination I + II + XI, 10 others to I + II + various types, whilst the remaining ones are distributed among all types. The majority, i.e. 124 records, show combinations of *more than 3 types:*

I + II + . + . = 42
I + III + . + . = 7
I (or II) + IV + . + . = 21
I (or II or III) + VI + . + . = 31
I (or II or III) + VII + . + . = 7
I (or II or III) + VIII (or IX) + . + . = 16

Combinations of crimes against property (Types I–V) and others are to be found in 112 cases, i.e. in 61·2 per cent. In no less than 44 cases = 23 per cent, a combination of crimes against property (I–V), on the one hand, and crimes against the person (VI) or sexual crimes (VII), on the other, has been found. These figures show that the variety of offences amongst this sample of our records is much greater than that found in previous investigations, and the general impression gathered from a close study of the whole material in our possession strongly confirms this result. The average recidivist, although mainly concerned with crime against property, also, more often than not, tries his hand in other spheres of the criminal law.

III. Some details as to the various types, classified according to offences, may be given.

(1) The recidivist *thief* or *housebreaker* is too familiar a type to require much comment in this connection.

The *objects* involved in thefts, however, are often illuminating. Whilst in some cases the endless repetition of stealing objects of the same type does not seem in the least surprising, it may, in other cases, make one wonder as to the state of mind behind behaviour so strange and apparently profitless. We think we can understand the woman who, in the course of twelve years, goes four times to prison, twice to penal servitude and finally to preventive detention for stealing jewellery, in the last instance to the value of £800. Equally not beyond our comprehension seems to be the man who, among his thirty-four convictions, has ten sentences for stealing boots and fourteen for stealing clothes, or the labourer, aged 82, who has seventeen convictions for stealing coats or overcoats, the cook with seven convictions for stealing bacon, or the ironmonger with four convictions for stealing chain, or the barber with five convictions for stealing razors or scissors, or the salesman who persistently steals concert tickets, or the musician who prefers saxophones. If we examine, however, the records of those and similar cases more closely, some doubt may creep into our minds as to the soundness of such transactions. Take the man of 72, described as an actor, convicted seventeen times within twenty-two years, sixteen of which were for stealing books, or the soldier with ten convictions of the same kind, or the shoemaker of 68 who has among his twenty-seven convictions over a period of fifty-two years sixteen for stealing dogs. We are, of course, informed by no less an authority than Henry Mayhew[1] that already in his time dog stealing was not only "very prevalent, particularly in the West End of the Metropolis," but also "a rather profitable class of felony." Following, however, the career of our shoemaker more closely, we find that he started this business as a boy of 16, when he got three months' imprisonment, and twenty years later he had worked up his way to

[1] *London Labour and the London Poor*, Vol. II: *Those who will not work* (1861), p. 48 et seq.

two sentences of five years' penal servitude each. Altogether he received over thirty-five years' imprisonment or penal servitude respectively for stealing dogs only. A colleague of this man, who, according to *The Times* of April 8, 1915, "was stated by a detective to be the most notorious dog thief London has ever known, told the magistrate that he only took an interest in a dog that had lost an eye." Horse stealing was probably more lucrative at the time, but even here we are inclined to become a little sceptical when faced with the following record:

1896 Horse stealing, twelve months.
1898 Uttering base coin, thirty days.
Horse stealing, eighteen months.
1901 Horse stealing, three and a half years' penal servitude.
1904 Horse stealing, three years' penal servitude.
1908 Horse stealing, four years' penal servitude.
1912 Stealing pot, twenty-one months.
1914 Horse stealing and habitual crime, three years' penal servitude and six years' preventive detention.
1921 Horse stealing and habitual crime, eighteen months.
1923 Breaking and stealing, three years' penal servitude and ten years' preventive detention.

This means about thirty-seven years' imprisonment or similar penalties within twenty-seven years. Stealing silk also sounds very businesslike—but is it worth eight sentences of together twenty-six years? This woman of 82 had received altogether twenty-six sentences of a total of about forty-six years, with two exceptions, for stealing articles for dress. Stealing silk was her first offence at the age of 22, and her last one sixty years later.

Lewis E. Lawes, the famous warden of Sing-Sing, has once said:[1] "Bibles can be had for the asking, yet a librarian in Brooklyn reports that the Bible is the most stolen book in her library." Surely, the analogy is not perfect—but a psychological examination of the cases referred to in the light of modern knowledge would probably have discovered some more complicated agencies than purely economic factors behind what, on the surface, seems a simple case of professional crime.

[1] *Twenty Thousand Years in Sing-Sing*, p. 342.

One man has among his thirteen convictions nine for church-breaking or sacrilege, whilst his first offence, at the age of 26, was school-breaking. His remaining convictions were for damage and as idle pauper, rogue and vagabond and suspected person. Altogether he received forty-seven years' imprisonment, penal servitude and preventive detention. A psychological investigation into the causes of his behaviour might also have been interesting and useful.

(2) *Receiver* types—pure and simple—are very rare. There is a dealer who gets his first conviction at the age of 51 and during the following sixteen years receives six further convictions for this offence.

(3) The *Coiner* is usually regarded as the prototype of the recidivist; he "tends more than any other to become habitual."[1] In addition to several occasional coiners, our material contains the records of seventeen persons (fifteen men and two women) who had been more than twice convicted of this crime.

(*a*) Most remarkable of all is the case of a man, aged 89, with fourteen convictions, nine of which were for coining, the rest for stealing and breaking. His sentences totalled about fifty-four years within sixty-four years. He always seems to have returned immediately to his profession, with only one break of about seven years between the last two sentences. Preventive detention was never used in this case, probably because he was regarded as already too old, being 65 years when the Prevention of Crime Act of 1908 came into force.

(*b*) A man, aged 58, with eleven convictions, four times penal servitude, no preventive detention.

From a closer inspection of the records of these coiners the following facts seem to emerge:

First, a tendency of men between 40 and 50, who had not before been convicted, to resort to coining, perhaps after their definite failure to earn a living by honest means. Having once turned to crime of this type they seem to be unable to break away from it. Repeated forms of penal servitude have not even had the effect of making these men change the type of their criminal activities. The only cases where a sentence of penal servitude stopped further

[1] *Prison Commission Report, 1911-12*, p. 24.

coining offences (although by no means other crimes) is that of a woman and also of a young habitual thief who, after a few escapades in the province of coining, at the age of 40 did not think himself too old for a return to stealing.

Secondly, the chain of convictions usually begins with "uttering counterfeit money" and, after an intermediate stage of "possessing moulds," ends with the "making" itself. This shows either that the men enter upon this career as junior members of a gang with the task of distributing the product, or that it is particularly difficult to secure sufficient evidence for the graver crime before the offender has already become known to the Police.

Thirdly, there is only one sentence of preventive detention among those seventeen cases, although most of them seem to have amply fulfilled the necessary legal, and probably also the criminological, requirements.

A combination of coining and repeated crimes of violence is rare, but it exists, as is shown in the following record:

1888 Uttering base coin, fifteen months.
1890 Stealing money, three months.
1891 Stealing cloth, six months.
1893 Robbery with violence, three years' penal servitude.
1896 Robbery with violence, three years' penal servitude.
1899 Wounding, five years' penal servitude.
1904 Burglary, eighteen months.
1908 Uttering base coin, eighteen months.
1909 Burglary, seven years' penal servitude.
1915 Making counterfeit coin, five years' penal servitude.
1921 Making counterfeit coin, seven years' penal servitude.

This case is remarkable for the fact that a criminal career so dangerous to society and so persistent in its pursuit began at the late age of 41. It was probably for this reason that preventive detention was never applied, although at least after the ninth conviction the characteristic symptoms of professional crime must have become apparent.

Not very conspicuous in these records is the kindred crime of *forgery*. There are only five men who might be called professional forgers, one of them aged 54, with the following sentences:

1899 Conspiracy, eighteen months.
1902 Forgery, seven years' penal servitude.
1910 Forgery, five years' penal servitude.
1916 Forgery, ten years' penal servitude.
1925 Conspiracy to obtain money by virtue of forged instrument, four years' penal servitude.

Another turns to forgery at the age of 24 and receives six sentences of together forty-five years within forty years (including one of preventive detention). Much less dangerous are probably those numerous amateurs who, between other offences, occasionally try their hand at forging, as, for instance, that man who, after twenty-eight convictions as idle pauper and incorrigible rogue, at last forges a postal draft, which brings him in three years' penal servitude. Sometimes we find men who, after a career of persistent stealing, in their old age turn to the less laborious calling of forgery: there is an old thief and receiver who, after eighteen convictions, in his 60th year finally resorts to forgery for which he gets three sentences, or another who, at 47, receives fifteen years' for forgery, but takes it up again immediately after release and is sent to preventive detention for forging cheques at 66.

(4) The number of recidivists of the *pure swindler type* is small, no more than 55 cases. The most conspicuous example is that of a man of 58 with twenty-six convictions spread over thirty-six years: nineteen convictions for fraud and false pretences, six for unlawfully wearing uniform, which probably were nothing but preparations for frauds, and an isolated case of stealing. Although four sentences of penal servitude proved of no avail and he almost immediately after release used to resume his swindling, he was never sentenced to preventive detention. On the contrary, after the age of 50 his treatment became more and more lenient.

There are, in addition, seventy-four cases of mixed larceny and false pretences delinquency (with at least three convictions of each type).

A few men specialize in railway bilking, the highest number of convictions for this offence being fifteen, which is much behind a case reported in the *Evening Standard* of April 7, 1938, where forty convictions of this kind had been registered.

Of some interest is the case of a man who, before the last War,

had been seven times convicted of fraudulent enlistment. Another might be regarded as the personification of the versatile and mendacious type of criminal, as he had convictions for fraud, false pretences, forgery, perjury, impersonating police officer, bigamy and unlawfully wearing military decorations.

Fraudulent bankruptcy had been the favourite occupation of one man whose record shows four convictions of this kind within seventeen years.

(5) There are a few specialists in *arson*, one of them being five times convicted of this crime within nineteen years. More frequent are the *malicious damage* recidivists, some of whom with no less than twenty to forty convictions. Even sentences of penal servitude which are sometimes imposed on such men cannot divert them from so senseless a practice. Most of them may have been vagrants, prompted by the desire to exchange workhouse for prison. It is hardly necessary to say that—as far as they stick to this and similar types of crime—they do not belong to the class of professional criminals.

(6) Crimes and Offences *against the Person* other than sexual are usually mixed up with crimes against property or sexual crimes, or with drunkenness. Typical is the record of a man of 61 with eleven convictions for assaulting police, ten for being an incorrigible rogue and fifty summary convictions for drunkenness and begging. Another, with four sentences each for assault on female and on police, shows the close affinity between sexual delinquency and violence. A comparatively frequent combination is that between assault on police and living on the earnings of prostitution—the pimp who tries to protect his girl against what he regards as unjustified business interference of the police. There is the man with four convictions of the former and eight of the latter type who, at the age of 39, having received twenty-four lashes, turns to housebreaking and burglary. With more serious crimes of violence, as robbery and manslaughter, the pimp is also not infrequently connected, as the following record may show:

1906 Embezzlement, recognizance.
1908 Living on earnings of prostitution, six months.
1910 Assault, two months.

1913 Living on earnings of prostitution, six months.
1914 Robbery with violence, five years' penal servitude.
1920 Breach of Aliens Order, six months.
1921 Breach of Aliens Order and insulting behaviour, and two summary convictions for insulting behaviour, five months.
1922 Robbery with violence, four years' penal servitude and fifteen strokes.

There are also a few cases where the delinquent behaviour is almost entirely limited to offences against the person:

1927 Assault, forty-two days.
1928 Grievous bodily harm, nine months.
1930 Stealing empty cases, nine months.
Grievous bodily harm, assault, four months.
1931 Drunk and damage, two months.
Assault, recognizance.
1932 Assault, drunk, six weeks.
1933 Stealing attaché case, twenty-four summary convictions for assault and drunkenness, nine months.

Three women received repeated (three to nine) sentences for attempted suicide.

Amongst the women we find the following representative of the passionate and violent type:

11 years of age Wounding, twelve months' imprisonment.
19 years of age Bigamy, recognizance.
20 years of age Perjury, twelve months' imprisonment.
24 years of age Bigamy, 18 months' imprisonment.
30 years of age Throwing corrosive fluid with intent to do grievous bodily harm, one summary conviction for assault, three years' penal servitude.

(7) *Blackmail* is not a crime committed habitually; it is rather a sideline taken either by inexperienced and adventurous youths or by desperate old criminals who find their former activities too wearisome. There is, however, one case on record of a man convicted three times, between his 22nd and 25th year, for sending letters threatening to murder, and even a sentence of penal servitude fails to deter him.

(8) *Sexual Offences.*—Here *indecent exposure*, as could be expected, takes the first place. Very rarely, however, is it the only type of offence committed by the same individual. The case of a man, aged 34, who within fourteen years had eleven convictions for this offence, and no others, is exceptional. Whilst his first ten sentences did not exceed three months' imprisonment, the last one on record was nine months. Probation had never been tried. As many of his convictions covered several cases, it is highly probable that he reverted to his bad habits as soon as he came out of prison.

For five other recidivist exhibitionists a few data are given in the following table:

TABLE XLI

Number	Age at first conviction for indecent exposure	Number of convictions		Sentences for indecent exposure other than short terms of imprisonment
		For indecent exposure	For other offences	
1	45	5	2	—
2	43	7	9	1 (bound over)
3	38	5	5	—
4	38	4	5	—
5	20	3	6	—

Rather melancholy reading makes the record of a man, aged 40, who, after a few convictions for false pretences, etc., receives the following sentences of penal servitude for *gross indecency* and buggery:

1921 Five years and twenty lashes (Canada).
1925 Five years.
1931 Seven years.

Or that of a man aged 39 with no other convictions:

1923 Gross indecency, twenty-one months.
1926 Gross indecency and indecent assault, five years.
1932 Gross indecency and indecent assault, five years.

A third man has, in addition to four sentences for gross indecency, convictions for forgery, coining and wounding.

Repeated convictions for *incest* are not quite as rare as might be expected. In one of these cases brother and sister are twice convicted: the first time he receives twelve months, whilst she is bound over; four years later he gets three years' penal servitude and she twelve months. It is regrettable that we cannot follow up the later history of this couple.

Repeated convictions for *bigamy* have usually a strong economic flavour and are accompanied by false pretences or living on the earnings of prostitution.

Abortion recidivism is rare; in one case it assumes a very serious character:

1895 Attempt to procure abortion, six years' penal servitude.
1904 Manslaughter, seven years' penal servitude.
1921 (At the age of 70) Manslaughter, penal servitude for life.

As compared with living on the earnings of prostitution, repeated convictions for brothel-keeping are rare. One woman, however, received no less than seven consecutive sentences for this offence within ten years, ranging from two to ten months' imprisonment.

The data concerning prostitution offences are given in connection with the whole prostitution problem.[1]

Finally, it may be of some interest to show the nature of the previous convictions of our twelve male *murderers*. They are mainly young men, only four of them being over 30 years of age, and although the majority of them had many convictions, only three had served one sentence of penal servitude each, whilst one had had two such sentences. Their offences were not of a particularly violent character: they rather show the usual mixture of stealing and housebreaking. Only one of them had been convicted for robbery with violence, whilst another, who had been sentenced to penal servitude for wounding, was later found insane on arraignment. No more than one of them might have been eligible for preventive detention.

An important problem is the distribution of the various types of crime among the different age groups. It has sometimes been maintained that most criminals begin their careers in early youth with

[1] See Chapter XI, p. 355.

petty larcenies in order to embark later on upon the more serious types of crime against property, as breakings and robbery—a stage where they may remain for some decades until forced by the approach of old age to resort to the quieter types, such as forgery, false pretences, perjury, etc. This picture does not altogether conform to the actual truth, in so far as the average offender shows in his youth a distinct preference for the various kinds of breakings. Frauds and false pretences are, of course, more frequently committed by older men.[1] In our material comparatively little evidence has been found of a change in the type of crime according to age, with the exception of coining which appeals more to the maturer age groups. In a few cases the change that has become noticeable may have been the effect of a particularly heavy sentence. One man, for instance, who, after four sentences for stealing and breaking, receives fourteen years' penal servitude for shooting with intent to murder, turns to false pretences after his release. Another with five convictions for false pretences before the age of 30, turns to persistent stealing after his first sentence of penal servitude. This shows that the interchange between stealing and false pretences is sometimes unconnected with age. Housebreaking and burglary have been committed by several men of over 70; there is even a housebreaker of 83.

Does our material show any traces of the existence of *international* professional criminals in England? It is a well-known fact that this country has always been fortunate in this respect as compared with other less securely situated parts of the world.[2]

It is therefore not surprising to find in our material only about 80 persons who had previously been convicted abroad. Out of these, 12 had been convicted in France, 8 in Belgium, 1 in Sweden, 1 in Switzerland, 1 in Spain, 2 in Denmark, 2 in Germany, 16 in the U.S.A., whilst 44 had been convicted in the Dominions (18 in South Africa, 13 in Australia, 12 in Canada, 1 in New Zealand).

It sometimes happens that two recidivists—sometimes man and

[1] See, e.g., the figures given in *Criminal Statistics, 1938*, p. xxxii.

[2] See, e.g., the figures given in the *Handwörterbuch der Kriminologie*, vol. i, p. 737.

wife, but also merely male companions, are *jointly* convicted time and again over a long period of years. In one case such an association began when the man was 31 and the woman 17 years of age; it covered six joint convictions for stealing, etc., over seventeen years. The interesting feature is that, although the husband's sentences were almost always considerably longer, the wife was never reconvicted during his absence; soon after his release, however, they both reappeared before the Court.

Where a man and a woman are jointly convicted, the severer sentence of the former usually finds its explanation in the fact that he is older and has more previous convictions. But even in those rare cases where the woman is apparently the elder, and the more hardened recidivist, she occasionally gets off with a lighter sentence.[1]

There are only a few cases on record where the significance of *insanity* or *mental deficiency* in relation to recidivism becomes apparent. Some of those few are, however, rather striking.

There is, first, a woman of 52 with the following list:

1907 Attempted suicide, recognizance.
1909 Stealing boots, recognizance.
1912 Attempted suicide, sent to infirmary.
1913 Stealing money, two months.
1914 Stealing money, two months.
Attempted suicide, recognizance.
1918 Attempted suicide, six months.
1920 Attempted suicide, recognizance.
1921 Attempted suicide, recognizance.
1922 Attempted suicide, six months.
1923 Attempted suicide, recognizance.
1924 Attempt to commit suicide, to be removed to an Institute for Mental Defectives.
22 summary convictions for drunkenness.

The list of a man who started his criminal career at the age of 22 shows the following variety of crime:

1905 Stealing, three months.
1906 Embezzlement, three months.

[1] See Chapter XI, pp. 343-44.

1907 Unlawful possession, two months.
Stealing wheels, three months.
1908 Stealing wool, three months.
Stealing metal, ten months.
1909 Wounding, three years' penal servitude.
1912 Damage, two months.
1913 Attempted carnal knowledge, two years.
1916 Horse stealing, eighteen months.
1919 Stealing costumes, six months.
Stealing clothes and twelve summary convictions (drunk, assault, etc.), detained under Mental Deficiency Act.
1923 Murder, to be kept in strict custody as a criminal lunatic.

An interesting question is whether the sentences imposed on recidivists show a consistent tendency to become more severe with the increase in the number of previous convictions.[1]

We are confronted with at least three, partly conflicting, tendencies: on the one hand, the tendency to greater severity on the ground of the growing number of previous convictions; on the other hand, milder sentences on the ground of old age and owing to the change in the general policy of the Courts towards greater leniency.

The examination of our records of a group of recidivists aged over 50 shows that the length of their sentences and the severity of their treatment in general has not persistently increased even up to middle age, with a subsequent decrease. A sample of these records has been analysed with the view to ascertaining the ages at which the men received their harshest sentences. Whilst records not showing any remarkable rise or fall have been omitted, others with several peak periods have been counted more than once.

TABLE XLII

AGE AT WHICH THE MOST SEVERE SENTENCES HAD BEEN RECEIVED

Under 20	20–30	Over 30	Over 40	Over 50	Over 60
3	38	58	63	44	22

[1] Here the Introduction to the *Criminal Statistics*, *1893*, p. 83, first broke the ground by investigating the records of prisoners convicted of larceny in the West Riding of Yorkshire with at least four previous convictions of the same type.

This shows a fairly equal distribution between the ages of 30 and 50; there are, however, far more long sentences after 50 than before 30. There are, nevertheless, many cases where the offender, after 50, received a short sentence for the same crime for which he had had to suffer a long term of penal servitude in his youth; for instance:

A: (1) aged 26: seven years for possessing moulds for coining,
(2)–(4): Three long terms of penal servitude for the same crime,
(5) aged 61: six months for the same crime,
or B: (1) aged 21: seven years' penal servitude for stealing coat,
(2)–(6): two penal servitude and three prison sentences,
(7) aged 43: one month for stealing coat,
or C: (1) aged 24: five years for making counterfeit coin,
(2) aged 42: five years for possessing mould,
(3) aged 52: twenty months for making counterfeit coin.

Criminal justice sometimes gives the impression of getting tired and pessimistic about the usefulness and the wisdom of repeated long sentences.

The *intervals* between discharge from prison and the subsequent conviction, or, in the case of penalties not involving loss of liberty, between two convictions, are usually very short. The rapidity with which one conviction follows another cannot fail to make a deep impression upon anybody examining these records. In particular, it is certainly not the case that longer sentences are followed by longer intervals than shorter ones. Rather the contrary is true. Only one hundred and seven times was there an interval of more than five years between the approximate date of release from prison[1] or the conviction (including order without conviction), and the subsequent conviction, and of these one hundred and seven intervals no less than sixty-three occurred during the last War and are therefore only symptoms of the abnormal criminological situation of that period. Even intervals of two to five years' duration, although more frequent, are not at all common. Particularly impressive is the fact

[1] The exact dates could not be ascertained, as the actual length of the remission earned was not known. It is, however, safe to assume that in the majority of the cases the maximum period of remission was earned.

that in so many cases an accumulation of long terms of penal servitude or preventive detention apparently had not the slightest effect as a deterrent. A dozen examples may be quoted from a long list of this kind:

TABLE XLII

Within	31 years	30 years served in	8 sentences*
Within	26 years	24 years served in	10 sentences
Within	23 years	19 years served in	6 sentences
Within	20 years	19 years served in	5 sentences
Within	26 years	20 years served in	6 sentences
Within	22 years	20 years served in	5 sentences
Within	50 years	48 years served in	6 sentences
Within	20 years	20 years served in	6 sentences
Within	28 years	26 years served in	7 sentences
Within	39 years	40 years served in	8 sentences
Within	27 years	27 years served in	6 sentences
Within	50 years	53 years served in	7 sentences

* Remission periods are throughout excluded; this explains the fact that the total of sentences sometimes appears to exceed the period covered. The maximum remission which can be earned is one-sixth in cases of imprisonment, and one-quarter in cases of penal servitude.

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