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THE BILL TO ESTABLISH A CRIMINOLOGICAL
LABORATORY AT WASHINGTON.

EDWARD LINDSEY.¹

There is before the present session of Congress a bill "to establish in the Department of Justice a laboratory for the study of the criminal, pauper and defective classes." This bill (H. R. 17172) was introduced in the House on January 6, 1910, by Mr. Sterling.^{1a} It provides "that there shall be established in the Department of Justice a laboratory for the study of the abnormal classes, and the work shall include not only laboratory investigations, but also the collection of sociological and pathological data, especially such as may be found in institutions for the criminal, pauper and defective classes, and generally in hospitals and other institutions." The above quotation contains the entire provisions of the bill, except for providing a director and three assistants of the proposed laboratory, fixing their salaries and making an appropriation for the expenses "for the proper equipment of and carrying on the work of said laboratory." The proposition is not exactly a new one. Six bills with a similar purpose were introduced in the first session of the Fifty-seventh Congress, upon some of which elaborate hearings were accorded in committee,² but so far Congress has not seen fit to pass the proposed measure.

What the "laboratory investigations" are which the work "shall include" is not specified by the bill, nor is it indicated where the material for the investigations is to be obtained. The use of the word "laboratory" would seem to indicate investigations carried on by means of instruments of precision, and presumably such investigations as would be classed generally under

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^{1a}This article embodies in substance the Report of a Committee of the Warren County Bar Association on House Bill 14798, 57th Congress, first session, Warren, Pa., 1902, with some amplification and restatement.

²See Hearing on the Bill (H. R. 14798) to establish a laboratory for the study of the criminal pauper and defective classes, with a bibliography, by Arthur MacDonald, Washington, 1902, 57th Congress, first session; Senate Document No. 400, 57th Congress, first session; Senate Document No. 12, 58th Congress, special session; Senate Document No. 197, 58th Congress, special session; and Senate Document No. 532, 60th Congress, first session.

the head of anthropometrical are intended. Anthropometry may be said to be a branch of somatology, which is a division of anthropology, or the science of man.

The study of man as an organized and systematic investigation is one of the newest among the sciences, but it is one of the highest importance to all branches of human activity. It includes the study of "his psychical as well as his physical nature, and the products of all his activities, whether in the past or in the present."³ We must investigate, therefore, the outward physical characteristics of man, both of the living organism and of the body, viewed merely as a composition of certain elements. As knowledge is the result of inferences drawn from observations successfully submitted to verification, it is important for this purpose that our observations should be accurate. The science of mathematics affords the means for insuring this. By measurements of the human body we may obtain data as to its physical characteristics, which may be accurately stated in mathematical terms. Such are included under the rubric, anthropometry.

For classification of its observations, anthropometry depends upon the science of statistics. The use of quantitative methods to any extent in biological studies is of quite recent date. As applied to such studies the principal operations employed in the quantitative method are, counting or measuring, seriation of the numbers and determination of the average, middle value, mean, mode, standard deviation and coefficient of variability. The average of a series of quantities is obtained by dividing their sum by the number of quantities in the series. The purpose of obtaining the average is to have a single number which represents the whole series. While the average is an entirely ideal quantity, it is the best representative of a series of measurements made on the same dimension, but when we come to measurements made on distinct individuals there are other quantities that will better represent such series. One is the middle value, which is that above and below which are fifty per cent of the cases. Another is the geometric mean, which is the average of the logarithms of the separate numbers. The mode is the value that occurs most frequently in a series. In biological measurements this is the most significant representative of a series, since it most nearly represents actually prevailing conditions. For comparison the data obtained are combined into a graphic representation. Arranging

³Brinton, D. G.—"The Aims of Anthropology."

the data into equally extensive classes, which are laid off on a horizontal base line at equal intervals as points, erecting perpendiculars proportioned to the frequency of each class, and connecting the tops of the perpendiculars with straight lines, gives the so-called "frequency polygon"; or, using a flowing line to connect the perpendiculars gives the "frequency curve." In comparing the classes with the mode the square root of the average of the square deviations from the mode is obtained, which is termed the standard deviation. To compare these concrete numbers the standard deviations are reduced to percentages of the average value, which are called coefficients of variability.⁴

These investigations are of high value and importance, but it must be constantly borne in mind that we are here dealing with the mathematical relation connecting the observations, and not with the real causes and relations of the phenomena themselves. We do not necessarily gain any real knowledge of the causes involved, although through the mathematical relation we may predict the results of their operation. What is accomplished is a correct knowledge of the facts, and that is essential to an intelligent search after their causes. But this search must be made in a rigorously scientific manner if correct results are to be expected.

These graphical and statistical methods have found considerable application of recent years in the biological realm. They have been applied in the study of heredity, and, indeed, in many directions in the study of variable quantities.

With the development of somatological studies, observations on persons convicted of crime began to be made, and the investigators found, or thought they found, certain physical peculiarities occurring with considerable uniformity in large percentages of the criminals studied. The theory of a connection between these physical peculiarities and the criminal acts committed by the persons was suggested. This idea, united to the views of those studying the criminal from the standpoint of philanthropy, furnished the basis for a new theory.

In 1773 John Howard, the philanthropist, entered upon his propaganda for ameliorating the condition of those confined in prisons. Aimed against conditions which were claimed to be so bad that even the worst criminals should not be subjected to them,

⁴Davenport, C. B.—"The Statistical Study of Evolution." *Popular Science Monthly*, Vol. 59, page 447. See also Thorndike, Edward L.—"Introduction to the Theory of Mental and Social Measurements."

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the movement was at first mainly in behalf of persons unjustly incarcerated or incarcerated for minor offenses, but eventually was made to embrace all convicts. The thesis was that the conditions existing were deteriorating and demoralizing in every way to those confined in the prisons, whereas they might be such as to render the incarceration beneficial and reformatory. The movement spread and exerted much influence, and gave rise to the so-called science of penology, having for its avowed object the ascertainment of such treatment of convicts in prisons as would reform them, and thus act as a preventive of crime. This, in itself, and subsidiary to the view of imprisonment as the consequence of the criminal act, was a worthy aim. Its tendency, however, has been toward advocating only such punishment of criminals as would tend to reform them, and the consequence has been to emphasize the view of the criminal as a moral offender.

The penological views of the philanthropists and the idea of a connection between the physical anomalies of the criminal and his criminal acts form the basis for the theory of the so-called Italian or positive school of criminology, of which Lombroso is the most prominent exponent. He holds that criminals are born so, and that their acts, if not wholly involuntary, are still practically beyond the control of the will. Heredity, he claims, explains why this is so, and the born criminal can be recognized from certain physical characteristics which he always possesses to a greater or less degree. He argues from this that the criminal law should direct its attention to the criminal, rather than the crime, and instead of punishing specific acts, dispose of persons who are born criminals so that they cannot commit crimes. The logical outcome of the theory would be that for its protection the state may eliminate from society the so-called born criminal, whether or not he ever commits a crime, as the theory is he will be sure to do so. Lombroso, however, admits that the born criminals, whom he calls the true criminals, are a small percentage of all criminals. The larger number are "criminals by occasion," and as to these he claims that they possess the same characteristics, but less pronounced and more amenable to counteraction. They should be subjected to a reformatory treatment, but be kept segregated unless their natural tendencies are overcome.

In the beginning Lombroso's attention was mainly attracted by certain anomalies which he found in the skulls of criminals, and interpreted as atavistic, and from which he drew the conclusion

that the criminal was an atavistic type which he identified with primitive man and with savages, or backward races, so-called. He further thought he found atavistic anomalies in the brains of criminals, and asserted that criminals exhibited obtuseness of hearing, of vision, of smell and of taste—in short, that they were characterized by a physical insensibility which he claimed was quite comparable with a similar insensibility of savage peoples. The Austrian Benedikt also thought he found brain anomalies which were typical of criminals. Further investigations, however, disclosed that the same anomalies are found in the brains of normal men, and the weight of the evidence at present is decidedly to the effect that there are no anomalies of brain peculiar to the criminal, as such, or which differentiate the brains of criminals from those of normal men. Nor has it been established that there are any peculiarities of skull formation typical of the criminal. It remains the accepted opinion that, as stated by Morrison, “in the first place it cannot be proved that the criminal has any distinct physical conformation, whether anatomical or morphological, and, in the second place, it cannot be proved that there is any inevitable alliance between anomalies of physical structure and a criminal mode of life.”⁵ Lombroso’s argument as to sensory insensibility has also been negatived by more recent investigation. In the first place, other investigators do not find any sensory inferiority among criminals.⁶ In the second place, Lombroso’s assumption that there is such insensibility among the so-called lower races does not seem to be in accordance with the facts. We are probably not in possession of sufficient information to state very positive conclusions. Such information as we have, however, tends to show that there is no essential difference in powers of sense perception among the races of men existing at the present time. The question of such racial differences has recently been discussed by Prof. Woodworth, and he reaches the conclusion that, “on the whole, the keenness of the senses seems to be about on a par in the various races of mankind. * * *

We are probably justified in inferring from the results cited that the sensory and motor processes and the elementary brain activities, though differing in degree from one individual to another, are about the same from one race to another.”⁷

⁵Morrison, W. D.—“Crime and Its Causes.” Chap. vii.

⁶Morrison, op. cit.

⁷Woodworth, R. S.—“Racial Differences in Mental Traits.” Science, N. S., Vol. XXXI, p. 171.

Lombroso later somewhat modified his theory to the extent of recognizing arrested development and disease as the cause of some of the physical characteristics which he found among criminals. Here he was probably more nearly approaching solid ground, but he took the extreme view that all those whom he classes as "born criminals" were degenerates, and even specifically epileptics. On the supposition that crime is purely a social phenomenon, we should expect to find a higher percentage of physical anomalies due to malnutrition and arrested development among criminals than among non-criminals. When observations on criminals are spoken of, convicts are usually meant, and the convict class includes all those who have been convicted of petty offenses, as well as of grave crimes. The petty offenders are naturally the most numerous, and the whole class is, of course, an arbitrarily defined one. But if the same anomalies and the same characteristics occur among non-convicts, as well as among convicts, they are void of any significance for the definition of a criminal type. To reach a valid result the convicts must be compared with non-convicts from the same social classes and from similar environments. Does such a comparison allow the differentiation of the convicts from the non-convicts by any physical stigmata or characteristics? This question can only be answered in the negative, so far as the observations go. When convicts are compared with non-convicts from the same walks of life and similar environment, they show no physical characteristics markedly different from their fellows.⁸

Ferri, while still laying great stress on the physical and mental characteristics of criminals, emphasized also the importance of investigating their physical and social environment. He formulated his modification of the theory in the statement that the environment gives the form to the crime which has its basis in the biological factor. The man of criminal type, in other words, by reason of his physical constitution, is formed and ready to commit whatever acts society shall determine to be crimes. The criminal type of the positive school is thus a sort of a personification of the anti-social or individualistic tendencies of mankind. Ferri held that the criminal type was not found in all who commit crimes, but only in a certain number whom he called congenital

⁸Smith, Samuel G.—"Typical Criminals." *Pop. Sci. Monthly*, Vol. 56, p. 539; Wilson, Thomas—"Criminology," *Proc. Am. Assn. Ad. of Sci.*, Vol. XLIX, 1900, p. 294.

criminals. Of course, it is an unquestioned fact that a certain number of persons who commit crime, while not falling within the classification of the insane, are more or less abnormal, either physically or mentally, or both. What significance this fact has for criminal law, however, is not a question for anthropology or sociology, but for the criminal law itself. The real significance of Ferri's theory, just as in the case of Lombroso's, however, he himself seemed to consider to lie in the conclusions in the domain of criminal law which he drew from it. He held that the criminal law has not furnished an adequate defense of society against criminals. He clearly apprehended the nature of punishment as a psychological motive thus acting as a deterrent. "Punishment," he says, "which is one of the social forms of pain, is always a direct motive in human conduct, as it is also an indirect guide by virtue of its being a sanction of justice, unconsciously strengthening respect for the law. But still this psychological truth, while it demonstrates the natural character of punishment and the consequent absurdity of abolishing it as absolutely void of efficacy, does not destroy our conclusion as to the slight efficacy of punishment as a counteraction of crime."⁹ The effect of social punishment must be slight, he contends, because of its slowness and uncertainty as compared with the reaction of nature against the infringement of natural laws. Obviously these are questions, as Beccaria, in his "Crimes and Punishments," clearly pointed out, of the kind, mode and methods of punishment. To the negative effect of punishment should be added methods of indirect defense which Ferri calls "penal substitutes." As examples of his penal substitutes he gives lowering of import tariffs, thus decreasing smuggling; taxing wealth, instead of the necessaries of life; the use of metallic instead of paper money, decreasing forgery; the introduction and use of coffee instead of liquors as a diminution of drunkenness; popular savings banks, as preventing usury, and many others. These, of course, are miscellaneous matters of administration, law and social practice, some involving questions of whether certain acts should or should not be included in the category of crimes, others questions as to the best and most efficacious methods of carrying out what are considered desirable purposes of government, and still others, social questions over which government can have, in the nature of things, little or no influence.

⁹Ferri, "Criminal Sociology," Morrison's Trans., p. 104. N. Y. Appleton, 1896.

Indeed, Ferri himself recognizes that they are entirely apart from the penal code. While not original, of course, with Ferri, his emphasis on the principle that crime is essentially a social and governmental product is the most valuable feature of his theory of criminal sociology. As he says, "when a minister introduces a law, for instance, on railways, custom duties, wages, taxation, companies, civil or commercial institutions, there are few who think of the effect which these laws will have on the criminality of the nation, for it is imagined that sufficient has been done in this respect by means of reforms in the penal code. In the social organism, on the other hand, as in individuals, there is an inevitable solidarity, though frequently concealed, between the most distant and different parts." These considerations cannot be too strongly emphasized, and they apply to all legislation, which is so unsparingly resorted to for every purpose under modern conditions.

Ferri concludes that "in every social environment there is always a minimum of inevitable criminality"; that "as society cannot exist without law, so law cannot exist without offenses against the law," and that "the execution of punishment, though it is the less important part of the function of social defense, which should be carried out in harmony with the other functions of society, is always the last and inevitable auxiliary." After recognizing, however, the true nature of punishment as psychological motive, Ferri completely turns his back on this principle, and, in his discussion of practical reforms, considers punishment to be "the application of the law which is most appropriate to the perpetrator of the crime, according to his more or less anti-social characteristics, both physiological and psychological." His idea of punishment here is the elimination or "unfixed segregation" of the criminal, "adapted to the danger personified by the criminal." Transportation or indefinite imprisonment sums up his practical recommendations as to punishment. This is merely a return to the simple and crude expedient of outlawry so conspicuous in early legal systems, and if we were to follow the Lombroso reasoning we might term it an atavistic idea. It is a very obvious expedient, and practical in early societies, but hardly meets the demands of modern conditions. He is also unduly influenced in his view by the assumption that punishment originated in the idea of vengeance. We cannot dispose of the origin and evolution of punishment in so summary a manner. This is a large

subject in itself, but it may here be suggested that the taboo and the prohibition of savage and barbaric societies must certainly be considered in investigating the genesis of punishment. Even in the ancient *lex talionis*, which was one, at least, of the ancestors of the modern law of punishment, it may be doubted whether the idea of revenge was so prominent as is usually supposed. It may have been an element, but the idea of compensation was probably a far more important one. Take, for instance, the matter of the blood feud, the right and duty of a certain kinsman to kill the slayer of one of the kin. If not in the earlier, at least in the later, form of this institution the payment of the wergild to the clan of the deceased by the clan of the slayer atoned for the killing. The idea of compensation is here clearly present. The clan has been damaged in the loss of a member, and receives compensation from the clan which has inflicted the damage. But it is also equally present in the earlier form. Here the parties are restored to their original relative positions by the infliction of an equal damage on the offending clan, instead of compensating the injured one. The same principle is operative in modern law in the doctrine that a detriment to one party, as effectually as a benefit to the other, may constitute a consideration to a contract, and in its modern form it accords with present ethical standards.

The view of the criminal as a personification of "anti-social characteristics" has also influenced Ferri, as well as others, who advocate making the punishment fit the criminal, and not the crime, but this view cannot be justified, either on a physical basis or from the teachings of group psychology. Both social and anti-social characteristics are normal properties of every individual in society; indeed, when we look solely at the individual it is always the purely personal, and to that extent the anti-social, characteristics which are prominent, so far as conscious thought and purpose are concerned. It is only when we look to that abstraction called the group that we see anything but a mass of divergent aims, sentiments and actions; that we see emerging uniformity of aims, continuity of purpose and regular development. Yet, no matter how much the individual acts in apparent antagonism to others, he is still under the group influence. "From it he takes his thoughts and the language in which to express them, his economic values are those recognized by it, its ideals are his, he will strive in vain to escape the iron bands of

the social order about him."¹⁰ Originality, creative impulses to development, however, arise only in the individual, and it is precisely on the number and diversity of these individual creative impulses that the growth and development of society depends, just as variability conditions evolution in the biological realm. Of course, these individual impulses to be useful to the group must be more or less correlative to the continuity of development of that particular group. What might serve a social purpose at one stage of development or in certain environmental conditions might be detrimental to society under other conditions. The deeds of heroes under one set of social conditions may be the acts of criminals under another. Among the Homeric Greeks cattle stealing was so honorable that a suitor might in this manner prove to his bride's father his fitness to be a bridegroom,¹¹ but on the ranches of our western states, not so long ago, it was the most promptly punished of crimes. The social significance is thus not so much in the psychical or mental processes of individuals as in what those processes are applied to. While there are some differences between individuals in their mental processes as applied to a given subject matter, these processes are very responsive to training, and thus open to educative influences.¹² The social problem is how to provide that each individual in society shall have the fullest opportunity for the development of his faculties, consistent with the maintenance of the continuity of development of that society.¹³ The determination of this limitation on the activities of individuals and its enforcement is arrived at by different methods by different social groups. The criminal law we must regard as being the determination of this limitation for one particular group, and that the most recent in order of development and most purely voluntary of all forms of social groups which we know—that is, the state. The criminal law is, in modern times, to a large degree political, and its definition and enforcement a function of government. The theory of individualization of punishments is a return to the arbitrary system in vogue when the centralized state was just attaining conscious existence in the latter part of the Middle Ages. It might be characterized as atavistic as justly as the theory of segregation. It

¹⁰Brinton, D. G.—"The Basis of Social Relations," p. 29.

¹¹Keller, Albert G.—"Homeric Society," p. 293.

¹²Woodworth, op. cit.

¹³Brinton—"The Basis of Social Relations," p. 41; Willoughby, W. W.—"Social Justice," p. 24.

is based upon a personal regard of the offender. But this belongs rather to the domain of morality and ethics than to government. Although there is an overlapping, a confusion between these two domains can only be disadvantageous to both. "The field of legal rules of conduct does not coincide with that of moral rules and is not included in it, and the purposes for which they exist are distinct. Law does not aim at perfecting the individual character of men, but at regulating the relations of citizens to the commonwealth and to one another."¹⁴ No doubt a reformatory and an educative element may and should be admitted in the nature of punishments applied. But this must be subsidiary to punishment itself as psychologic motive. The matter must be considered in its social, and not its individual, aspect. "There may be cases in which, as to the particular criminal or criminals concerned, a remission of punishment would exercise a more beneficial influence than its imposition, but in which social considerations demand a satisfaction of the law's full severity."¹⁵

Morality must, by its nature, look to the individual and his peculiar circumstances, and be of individual application. The criminal law looks solely to the relation of man to the state, considered as an entity. It is true that the justification for all criminal law is to be found in its necessity for the self-preservation of the state. The state, however, is an entity distinct from society. It is comparatively a rigid and unchanging organism, and the conditions which must be observed toward it by individuals are also comparatively certain and unchanging. Its relation is the same to every individual within it. The criminal law, therefore, proscribes only such actions as it is necessary to proscribe for the welfare of the state, and it is of general application to all. Its purpose is to secure that certain acts shall be done, and certain others not done. Its method for securing the desired course of action by its citizens is to provide that certain painful results shall follow the doing of certain acts. This is a strictly scientific use of natural laws. The psycho-physiological process of the institution of actions consists of mental concepts, awakened by sense stimuli and pleasurable feelings associated with them. If, in the mental view of the circumstances of the act, there may be associated disagreeable feelings, inhibitory concepts are awakened and prevent the act. The result in a given instance

¹⁴Pollock, Sir Frederick—"First Book of Jurisprudence," 2d ed., p. 46.

¹⁵Willoughby, W. W.—"Social Justice," p. 361.

will depend on the strength of the instinctive concepts and the power of the inhibitory concepts. The true office of punishment, then, is to institute and strengthen concepts inhibitory of criminal acts. It does not require any metaphysical discussion of freedom of will to sustain the reasonableness of this theory of punishment. It follows, however, as a prime requisite that the penalty should be sure to follow the commission of the act. And as, in the first place, only such acts should be prohibited as it is necessary to the welfare of the state to prohibit, so the penalty should be severe enough and only so severe as is necessary to awaken the inhibitory concepts in the mass of individuals.

The criminal law, then, is not so much a system for preventing criminal acts as a condition of political existence. Its effect is not alone, or perhaps not chiefly, on the individual who is punished, but upon the whole body politic. To hold differently would be to abandon the sustaining of the law to morality. It does not exclude other methods of preventing crime, but neither does it embrace them.

This view of crime regards it as to a degree an artificial thing, a creation of the law. Opposed to this view is the theory of Garofalo, or what he terms the sociological conception of crime. The legislator, he says, did not create either the idea or the term, crime; "he has borrowed it from the popular language; he has not even defined it; he has only gathered together a certain number of acts, which, according to him, are crimes."¹⁶ Crime exists, he maintains, as a natural offense, apart from the mere dictum of the legislator; it is "a harmful act which, at the same time, wounds some of those feelings which it has been agreed to call the moral sense of a human aggregation. The element of immorality necessary in order that a harmful act should be considered as criminal by public opinion is the violation of that part of the moral sense which consists of the fundamental altruistic feelings, pity and probity."¹⁷ And this, too, he says, in the average measure in which those feelings are possessed by a community. He then inquires whether there are psychic types of men showing absence of pity and probity, and while concluding that there is no distinct anthropological criminal type, thinks that the criminal shows a psychic type analogous to that of the lower

¹⁶Garofalo, R.—*La Criminologie*, quoted in Parmelee, Maurice, "Principles of Anthropology and Sociology in Their Relations to Criminal Procedure," p. 48.

¹⁷Op. cit.

animals and savages, as he says. It is true that the mere *ipse dixit* of a legislator or group of legislators cannot make law in any proper sense of the term. Law, in its true sense, must be regarded as the product of social life itself. The interaction of individuals in society results in mental concepts and tendencies different from those of the constituent individuals and proceeding in accordance with the requirements of their existence. This social type of man includes not only the conscious, but the unconscious psychical processes. It is this sum total of social life which produces law in accordance with the actual needs and experience of the group. It expresses itself in custom, which is the only criterion of law in primitive societies, the surest one to-day. Public opinion cannot take its place, because public opinion represents merely the conscious psychical processes of society, and not the complete total which express themselves in actual modes of living. But at the same time contract or voluntary agreement is an important factor in the life of society and is a source of law. It has been of constantly increasing importance with the development of society. Legislation is, in theory, based upon the agreement of all members of society. Representative government is an attempt to make the facts of legislation square with the theory. That it has not been wholly successful is true, and is at the same time an explanation of much of the ineffectiveness of some legislation. The criminal law developed from a law of torts and developed parallel with the growth of the voluntary state. In fact, the existence of a criminal law as such cannot be said to antedate the existence of the state. Its essential feature is the idea of a transgression against the state. The state, while supplementing, organizing and to some extent controlling the activities of natural social groups, is essentially a conscious and voluntary human group. There is a wide field in which its activities have been and may be exercised to the advantage of society. Its activities are undoubtedly limited by the natural law of group and individual interaction. Whether this limit has not frequently been overpassed in much modern legislation; whether much of the prevalent apparent disregard of law is not due to a conflict between legislation and actual law, as determined by the life of society itself, are important and interesting questions. It may be at once admitted that when legislation comes into conflict with social experience the legislation can only be productive of additional social evils. Whether dictated by one or by a class or by a very preva-

lent public opinion, legislation cannot make law unless it is substantially in accordance with the actual experience and demands of social life. This is the element of truth at the basis of Garofalo's theory of natural offenses. But that these are founded on merely emotional states, correlated with a lack of these emotions in the criminals, must be held to be an erroneous opinion.

At all events, it will not soon become the general opinion that the state, as a voluntary organization, cannot, by the agreement of its citizens, define those acts which are absolutely inimical and dangerous to its existence and suppress their commission by the infliction of punishment. The definition of what those acts are is another question.

The failure to establish any peculiar physical or psychical type of the criminal, as such, directs attention more strongly toward environment in connection with the study of criminology. Yet it is desirable that further anthropometric studies of criminals be made, but more important still is the anthropometric study of all sorts and conditions of men. If the federal government is to embark in this line of scientific investigation at all, it may be questioned whether an investigation of large series of average individuals would not be of greater value to science than that merely of criminals. It is true that the bill provides for the study of the "pauper and defective classes," as well as of criminals, and, too, "the collection of sociological and pathological data." Quantitative methods may be applied to some extent in the investigation of the psychology of the offender and of his social environment. At the same time, while there is a correlation between psychical activity and physical structure, the physical is not a measure of psychical function which can only be compared qualitatively.¹⁸ Crime conceived of as a social phenomena must be studied in connection with the social group, and not merely the individual criminal. The group, however, must be studied first in the mental and physical life of the individuals composing it, and, secondly, in the activities and processes peculiar to itself which it exhibits.¹⁹ The collection of facts, both in regard to the criminal and in regard to crime and their classification, for convenience of reference, is a desideratum. It should proceed, however, in a purely scientific manner, and without too great haste to draw conclusions therefrom, as to change or experiment in the

¹⁸Brinton—"The Basis of Social Relations," p. 13.

¹⁹Idem, p. 31.

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field of criminal law. Such conclusions can only be profitably drawn after consideration of such data derived from large series of observations in connection with the facts of sociology, history and ethnology. It is not apparent that the federal government has any special facilities for the collection of such data, unless the appropriation of money might be so considered; certainly such do not exist in the Department of Justice, in which it is proposed to place the laboratory. A system for recording data concerning criminals has been embodied in a report of a committee of the American Institute of Criminal Law and Criminology, which has been carefully considered, and probably embraces the points which seem at present to be most promising for study. This system may be applied in all existing institutions. It would seem that the collection and publication of data by an organization such as the Institute, and its submission to expert analysis and discussion from the standpoint of the different sciences naturally consequent thereon, would be the method most likely to be productive of valid theoretical results. Nothing can take the place of voluntary effort in the advancement of science, though to be most effective such effort must be organized. By whatever means it may come, students of man and students of society will welcome further light upon the problem of crime.