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THE PREVALENCE OF CRIME IN THE UNITED STATES AND
ITS EXTENT COMPARED WITH THAT IN THE
LEADING EUROPEAN STATES.^{1a}

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It is a striking, though not a generally known fact, that the increase of crime in the United States has been greatly out of proportion to the growth of our population. This is a fact so important and alarming, that it demands the attention of every true patriot. The common saying that a "wave" of crime is now passing over the country which may subside in time, gives no explanation of the facts, and affords little consolation. Only by a careful study of the statistical evidence is it possible to ascertain the true situation in the United States. A comparison of crime conditions in this country as we learn of them in our national and state records, with the conditions in the leading European countries may help us to understand the situation in the United States and may suggest some possible means of remedy. This is the purpose of the present paper.

In order to understand the true value of criminal statistics in the United States, we should consider first, the character of our national and state statistics. Criminal statistics may be divided in three classes: first, judicial statistics, which are a record of the number of convictions, and the applications of penalties; secondly, prison statistics, which deal with the number of prisoners, their offences, the penalties, etc.; finally, the actual criminal statistics, which give the data concerning the convict's appearance and criminal record. All of these statistics become of value only when compared with the statistics of the population and the social status of non-criminals. Of the various classes of statistics mentioned, we possess for the whole United States only a report of prisoners. To be sure the report attempts to include data that come under the remaining classes, but these attempts, considered from the scientific point of view, are of little value and the latest United States report of 1904 is no exception.

The census report of 1904 being, as I have said, the latest, must necessarily form the basis of our study of the crime of the nation as a whole. It is styled a report on "Prisoners and Juvenile Delinquents in Institutions on June 30, 1904." It contains statistics of criminals and several studies in special phases of criminology. Most of these studies

^{1a}Extracted from the N. W. Harris Political Science Prize Essay, 1911.

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are irrelevant and of little value; e. g., the study of literacy of criminals. Unfortunately enough, the Census Bureau in collecting the statistics for 1904 deviated from the methods used in 1890, with the result, that it creates an entirely false impression of a great decrease in crime. But more of this later.

As the National Census Bureau makes a collection of criminal statistics but once every ten or fourteen years and then in a very defective manner, we are obliged to turn for recent information to the reports of the state prisons and state judiciaries. It must be confessed, however, that with few exceptions these reports are for the student of criminology of very little value.¹ This is due not only to the inefficiency of the officers in charge in collecting statistics, but also to the variety of purposes which their statistics have to serve.

Compare with these meager statistical accounts, which as we have seen, are either faulty or out of date, the altogether admirable statistics of European countries, such as exist in England, France and Germany. While the methods of collecting this information which are pursued in England and France are excellent, those used in Germany are perhaps the most efficient. A detailed biography and description of each criminal immediately after conviction is filed at the Imperial Statistical Bureau. On the basis of such records collected and assorted, at the end of each year, the annual criminal report is constructed.²

Keeping in mind these defects of our statistical reports as compared with those of other countries, we may proceed to consider what the United States "Report on Prisoners" tells us concerning the prevalence and increase of crime. Between the years 1860³ and 1890 we have the following:

Year.	Prison population.	Per million of population.
1860.....	19,086	607
1870.....	32,901	853
1880.....	58,609	1,169
1890.....	82,329	1,315

A glance at this table shows us, that the prison population multiplied itself four times from 1860 to 1890, although the general population only doubled.

As I said before, the method of collecting the 1904 statistics differed essentially from that of previous years, in that it excluded classes of prisoners which up to that time had been included.⁴ It does not record

¹On this subject see the JOURNAL OF CRIMINAL LAW AND CRIMINOLOGY, Vol. I, p. 45.

²Handwörterbuch der Staatswissenschaften, Vol. IV, p. 889.

³The report of 1850 was notoriously incomplete.

⁴United States Census Report "Prisoners and Juvenile Delinquents," 1904, p. 13.

prisoners serving out fines, prisoners awaiting trial, or insane prisoners. Taking no account of these the census of 1904 showed a total of 81,772 persons⁵ confined in civil prisons on June 30 of that year, making a ratio of 100.6 persons to every 100,000 of general population.⁶ If we deduct now, from the census of 1890, the classes which are omitted in the 1904 report, we get a result of 66,803 prisoners in civil prisons of that year, and a ratio, instead of 1,315 per million population, to 1,067, an apparent decrease of 61 per million of population. This denotes, however, a decrease not in the amount of crime, but only in the number of criminals sentenced.

These statistics are for the major and minor offenders. Inasmuch as there is naturally much fluctuation in the proportion of minor offenders we have here the greatest variety of increase and decrease in the various states. Major offenders, on the other hand, present a constant increase from year to year. We shall next take up the statistics of major offenders, which of course show the real state of criminality in the country.

In 1880 the state prisons contained a total of 30,659 prisoners. In 1890 the number increased about 47½ per cent, to 45,233, while the general population increased about 24 per cent. In 1904, the number of state prison inmates was 53,292⁷ and there were 7,261 prisoners in reformatories for adults all felons. The census of 1904 gives the number of major offenders as 59,306, an increase since 1890 of about 31 per cent, the population having increased in the same time a little less than 30 per cent.⁸ The increase of major offenders in the prison population from 1880 to 1904 was 95 per cent, while the increase of general population has been estimated to have been about 62 per cent. We have, therefore, clearly an appalling increase in prison population, in the space of twenty-four years, and yet the infrequency of the enumerations make it possible to determine the specific time when the increase took place.

Fortunately, indeed, the "National Prison Association" in 1895 took a special census of the state prisons. This showed that there were 54,244 commitments.⁹ If these statistics are to be credited, our prison population rose from 45,233 in 1890 to 54,244 in 1895, an approximate

⁵*Ibid.*, p. 14.

⁶By general population is meant the inhabitants of the country exclusive of prisoners.

⁷United States Census Report, etc., pp. 68-87.

⁸In making comparison with the population, it must be remembered that we are compelled to use the enumeration of 1900. There was without doubt a large increase from 1900-1904. Our results are, therefore, simply approximate.

⁹JOURNAL OF CRIMINAL LAW AND CRIMINOLOGY, Vol. I, p. 381.

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increase of 20 per cent in the same period. Our table now from 1880-1904 is as follows:

Year.	State prisoners.
1880.....	30,659
1890.....	45,233
1895.....	54,244
1904.....	59,306

This table shows that a slight decrease in prisoners in proportion to the general population, may have taken place between 1895 and 1904; but it must be remembered again, that the decrease may be simply apparent, for parole and probation laws, and the founding of reformatory institutions received a great impetus during these years.

Having ascertained that between 1895 and 1904, the prison population underwent at best but a slight decrease, we shall next inquire into the distribution of crime over the whole country, between 1890 and 1904:

Division. ¹⁰ ₁₁	June 30, 1904. Prisoners.		June 1, 1890. Prisoners.	
	Number.	Number per 100,000 of population.	Number.	Number per 100,000 of population.
Continental United States.....	81,772	100.6	82,329	131.5
North Atlantic.....	27,389	121.6	28,258	162.4
South Atlantic.....	11,150	100.5	11,409	128.8
North Central.....	21,000	75.2	19,854	88.8
South Central.....	14,614	95.7	16,084	146.6
Western.....	7,619	169.4	6,724	22.1

It will be seen from this table that the distribution of prisoners per 100,000 of population, is greatest in the western division (169.4), the North Atlantic states being second with the sum of 121.6 per 100,000 of population. The south Atlantic states rank third with 100.5.

An examination of the number of major¹² offenders serving sentences in these same years, present again an entirely different aspect of the situation, and here we have a much truer criterion of the criminality of the country.

Division.	State prison inmates June 1, 1890.	Major offenders June 30, 1904.
North Atlantic.....	14,447	15,052
South Atlantic.....	6,466	9,147
North Central.....	10,990	16,215
South Central.....	9,241	12,971
Western.....	4,059	5,921

Without doubt, the increase in major offenders was great between 1890 and 1904, but the increase was also extremely uneven. The North Atlantic states showed practically no increase in proportion to their

¹⁰I have explained the discrepancies of this record previously, but lack of space forbids an analysis of the mistakes for each division.

¹¹United States Census Report on Prisoners, etc., p. 14, 1904.

¹²I assume that inmates of state prisons are major offenders.

population; the North Central states, an increase¹³ of some fifty per cent in prison population, while the general population of this section increased only 25 per cent; and the two southern divisions showed an increase from 25 per cent to 50 per cent.

We have conclusively established the fact that the number of serious offenders multiplied in this country from 1890 to 1904. We are, however, not justified in saying that the criminality of the country has likewise increased, for, in the first place, these statistics, being those of prisoners solely, prove nothing but an increase in commitments. Secondly, we find that with the development of the country, the number of statutory crimes has increased. The growth of corporations, of commerce, and of the urban population has necessitated an enormous number of new laws on our statute books, and consequently a multiplication of felonies and misdemeanors. But we must not forget that coincident with the increase in statutory crime, certain of the older sorts of crime such as hold-ups have decreased within the last ten years. In 1830 the horse thief was perhaps the most frequent offender,¹⁴ but today we rarely hear of him, unless it be in certain of the southwestern states. This question of increase in statutory crime, leads next to the consideration of the great divisions of crime.

In this respect, again, the classification of the 1904 report varies from that used in 1890. The offenses "against the government" have been included in the category of offenses "against public policy," as a sub-division of the general groups "against society." The division of offenses "on the high seas," has been omitted.¹⁵

The following table gives an insight into the distribution of the main divisions of offenses:

Class of Offences	PRISONERS ENUMERATED JUNE 30, 1904.											
	Continental United States		North Atlantic Division		South Atlantic Division		North Central Division		South Central Division		Western Division	
	Number	% Distribution	Number	% Distribution	Number	% Distribution	Number	% Distribution	Number	% Distribution	Number	% Distribution
Total of both sexes	81,772	100.0	27,389	100.0	11,150	100.0	21,000	100.0	14,614	100.0	7,619	100.0
Against Society	17,739	21.7	10,290	37.6	1,467	13.2	3,473	16.5	1,257	8.6	1,252	16.4
Against the Person . . .	26,017	31.8	5,645	20.6	4,724	42.4	6,357	30.3	6,711	45.9	2,580	33.9
Against Property	37,166	45.5	11,272	41.2	4,692	42.1	10,951	52.1	6,587	45.1	3,664	48.1
Double Crimes	126	0.2	47	0.2	29	0.3	16	0.1	23	0.2	11	0.1
Unclassified	127	0.2	34	0.1	6	0.1	67	0.3	19	0.1	1	less than 0.1
Offence not stated . . .	597	0.7	101	0.4	232	2.1	136	0.6	17	0.1	111	1.5

¹³This increase has been attributed to the negro. This I very much doubt, as the census report for 1900 shows a percentage of 2.1 of negro population (p. 17, United States Census Report on Prisoners, etc., 1904).

¹⁴*Nordamerika's Sittliche Zustände* (1835), Vol. II, Appendix.

¹⁵United States Census Report on Prisoners, etc., 1904, p. 20.

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We see, then, that the largest class of offenses is that "against property," with a total of 45.5 per cent. The offenses "against the person" come second with 31.8 per cent, and those "against society" come third with 21.7 per cent. This is the condition for Continental United States. The percentages for the divisions vary somewhat. In the North Atlantic, the north central, and the western divisions convictions for crimes against property are more numerous than for those against the person. In the two southern sections, we find an exactly opposite state of affairs, although the difference is by only a fraction of one per cent in each case. Offenses against society form the smallest percentage in all parts of the United States, the north Atlantic states showing a percentage of 37.6 as contrasted with 16.5 per cent for the north central division. The two southern sections have the lowest ratios, 13.2 and 8.6 per cent for the south Atlantic and south central divisions, respectively.

The census report divides the last named group into two classes: offenses "against chastity" and those against "public policy."¹⁶ By far the greatest number of convictions fall within the group of the latter offenses. They present a total of 15,308 as contrasted with 2,431 convictions for offenses against chastity. The commitments for drunkenness¹⁷ in the former groups alone being 4,701, with those for vagrancy next with 4,287.

In the group of offenses against the person, homicide shows the largest percentage of 41.4,¹⁸ the next group being that of assault with 33.8 per cent. In many states, however, assault is simply punished by fine. The large percentage of prisoners convicted of homicide may be explained by the fact that most of them are incarcerated either for life or for very long terms; hence the large number of 10,774 prisoners for the whole United States.¹⁹

The total number of prisoners convicted for offenses against property was, as we have seen, 37,166. Of this number 49.8 per cent were

¹⁶Offenses against public policy are offenses of counterfeiting, drunkenness, disorderly conduct, vagrancy, violation of U. S.

¹⁷Nearly one-half of these prisoners in the North Atlantic group are accredited to Massachusetts (p. 21, Census Report on Prisoners, etc., 1904.)

¹⁸Homicide is by far the most rapidly growing and prevalent of serious crimes in the United States. Not only do our prison records show it, but also many cities complain of the tremendous growth. In 1910, according to the Chicago police report, there were 202 homicides in that city and only one man sentenced to be hanged. In New York since 1901 there have been 1161 trials for homicide and 382 convictions. The report does not say how many homicides were actually committed. In Louisville in 1910, 47 homicides and no executions. In Dallas (92,000 population) in 1910 there were 54 homicides, an average of 1 for each 1704 of the population. There were but 23 indictments and only one offender convicted.

¹⁹United States Census Report on Prisoners, etc., 1904, p. 22.

sentenced for larceny, and 37.8 per cent for burglary, the most common offense in cities. The various applications and distinction in the use of the term larceny substantially affect the records, in that some states consider a theft below \$50.00 petit larceny, while in others a theft of \$25.00 is grand larceny.

Before leaving the subject of the statistics of the 1904 census, a word with regard to juvenile delinquents may be in place. On June 1st, 1890, there were 14,846 of these in penal institutions,²⁰ while on June 30th, 1904, there were 23,034, an increase of some 55.2 per cent.²¹ In vain does the statistician attempt to explain the enormous increase in the number of juvenile delinquents by pointing out the great number of new reformatories, for, as we have already seen, the result of their foundation was not a decrease in population of the state prisons.

In the north Atlantic divisions, there was a steady increase in all of the states which had reformatories in 1890, with the exception of Connecticut, Rhode Island and New Jersey.²² In three south Atlantic states there were reformatories in 1890, and Maryland alone of these showed a smaller ratio in 1904 than in 1890.²³ Of the states in the north central division having institutions in 1890, Minnesota, Nebraska, Ohio and Wisconsin experienced a decrease; Kentucky and Louisiana, which alone among the south central states reformatories, showed a smaller ratio; and the two states in the Western section, California and Colorado, present a decided increase.

Such is the evidence which is furnished us by our national statistical bureau. It goes no further, as we have seen, than the year 1904. We turn, therefore, to the state judicial and prison reports. Unfortunately I have not been able to obtain more than four reports of the former, and but eighteen of the latter, which have been of any value. The majority of the reports do not give summarized totals and attempt only a very superficial tabulation. Nevertheless, it is worth while to inquire into the story they tell.

The report of the Attorney-General of California²⁴ does not contain any comparison in regard to crime for the past six years. The report is interesting simply as a means of comparing the number of convictions with the total of accusations made during the period of the two last years. From July 1, 1908, to June 30, 1910, there were 4,663

²⁰United States Census Report on Prisoners, etc., 1904, p. 227.

²¹There were 39 in 1904, some, as in Louisiana, being private concerns.

²²United States Census Report on Prisons, etc., 1904, p. 228.

²³Delaware and District of Columbia increased 24.5 and 54.5 per cent, respectively.

²⁴Biennial report of the Attorney-General of California, 1910, p. 44.

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accusations in the courts, and only 849 of these resulted in convictions; 329 were acquitted, 2,377 pleaded guilty, and the rest of the cases were "otherwise disposed of."

The Michigan report, like the California report, contains no tabulated summary of increase or decrease, but limits itself also to giving the number of prosecutions, etc. For the year ending June 30, 1910, there were 30,063 cases prosecuted in Michigan, and of this number there were 24,133 convicted, only 2,510 acquitted, and 1,266 cases were discharged on examination—evidence of the vigor of criminal prosecution in Michigan.²⁵

The report of the North Carolina Attorney-General is the most satisfactory of the four. It is the only state report which shows a substantial diminution in crime, 9,505 cases being tried in the superior courts from July 1, 1909, to June 30, 1910, as contrasted with 12,149 tried in the previous year. The most striking decrease is in the number of homicides, the number for 1909-10 being 141 in contrast with 188 during the previous year.²⁶

The report of the Attorney-General of Alabama presents a total of homicides in that state for the last eighteen years which is most alarming. From September 30, 1894, to September 30, 1910, there were exactly 4,264 cases of homicide "disposed of." The fiscal years ending on September 30, 1904, 1906, 1908 and 1910, show a total of 338, 669, 657 and 630 homicides, respectively. A total of 62½ per cent of convictions were obtained during the years 1908 to 1910.²⁷ Of the total number of 20,066 criminal cases reported, 38 per cent resulted in acquittal, were abated, or not tried. The Attorney-General points out that this habit of instituting frivolous prosecutions is demoralizing the judiciary.

We have now considered the judicial reports, and turn next to the reports of the various state prisons. Since the limits of this paper will not permit a detailed study of each state, we will limit ourselves simply to the inquiry whether or not crime has increased in these states since the last enumeration. The following table contains a statement of the prison population of six states for the years 1904-1910:

²⁵Annual report of Attorney-General of Michigan, 1910, p. 2.

²⁶Biennial report of Attorney-General of North Carolina, 1910, p. 15.

²⁷One hundred and twenty-one verdicts for murder in the first degree; 27 hanged.

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State.	1904	1905	1906	1907	1908	1909	1910
California (San Quentin Prison) ²⁸	1,476	1,558	1,588	1,549	1,702	1,814	1,922
Georgia (U. S. Penitentiary) ²⁹	194	203	222	212	299	293	237
Indiana (Daily Average) ³⁰	795	888.33	918.90	1,051.06	1,095.12	1,181.11
Maryland (Daily Average) ³¹	984.5	998.5	989.41	926.82	1,007.58	1,075.75	1,085.66
New York ³²	11,500	12,793	11,595	12,277	14,734	13,829	13,281
Washington ³³	693	770	840	887	1,016	1,121	901

Although these six states are not at all representative of the various parts of the country, they all show a substantial increase in the number of prisoners since 1904. This fact would seem to nullify the statement made in the United States Census Report that crime is on the decrease.³⁴ It is interesting to note in this connection that the high water mark in prison population was reached in 1908, in many prisons, the year after the business panic. A similar occurrence took place after the panic of 1893.

Many prison reports contain summaries for only a few years, and the following table tabulates the condition of crime in the other states whose reports I have examined:

State.	Number of prisoners on hand at end of fiscal year.			
	1907.	1908.	1909.	1910.
Connecticut	518	559	605	605 ³⁵
Iowa ³⁶	1,071	1,092
Kansas	1,314	890 ³⁷
Maine	227	209
Massachusetts (all prisons)	32,077	32,228
Minnesota Prison	1,694	706
Minnesota Reformatory	566	581
Mississippi	1,337	1,628 ³⁸
Ohio	1,565
Oregon	390	407
Pennsylvania (Eastern Penitentiary)	1,527	1,407
Virginia	1,325	2,027

²⁸Report of State Board of Prison Directors, 1910, pp. 50-51. Add to the number at San Quentin for 1910 the 1,016 confined at Folsom Prison and 316 men on parole. Total represents an increase of 11.2 per cent over previous year. (Folsom report incomplete.)

²⁹This prison serves as both a national and state penitentiary. See report of 1910, p. 11.

³⁰Annual Report of Indiana State Prison, 1909, pp. 30-31.

³¹Annual Report of Directors and Warden of Maryland Penitentiary, 1910, p. 9.

³²Sixteenth Annual Report of State Commission of Prisons, New York, 1911.

³³Fifth Biennial Report of State Board of Control, Washington state, 1911, p. 149.

³⁴The decrease in various states since 1908 or 1909 is simply apparent, where the number of arrests is decreasing, although crime is flourishing. This is especially true of New York. See reports of states mentioned above.

³⁵Of this number 131 committed for homicide or attempt.

³⁶Abstract from the Board of Parole report, 1910, pp. 29-130 (official figures).

³⁷Of these, 17 were United States prisoners.

³⁸Of this number, 789 homicidal prisoners, and 289 attempted homicide.

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This table, in my opinion, establishes the fact that in the various states the number of prisoners has been increasing at a varied rate. In some states, the increase has been particularly rapid, while in only two, the states of Maine and Pennsylvania, has the number of prisoners actually decreased.³⁹

Having discussed in the preceding pages in the light of the official data that were obtainable, the status of crime in this country up to the year 1910, we are forced to the conclusion that crime is on the increase, that it has grown for the most part steadily and with great rapidity in some parts of the country, and that a more fluctuating movement is noticeable in other parts. The question now arises, whether similar conditions exist in other parts of the world. The difficulties which attend a statistical comparison between various countries must be remembered. Not only do the methods of prosecution differ, but also the length of sentences, and the attitude of the public toward the criminal. In comparing conditions in the United States with those in Europe, we must remember that the statistical material in this country is purely penal, while that of the European countries is both penal and judicial.

By far the most efficient judicial and penal systems of the leading European countries have been worked out in England, France and Germany. Here the statistical material tells the same story. Crime is increasing in all three of these countries, but with not nearly the same rate of increase as in the United States. We shall consider first how crime in England⁴⁰ compares with that in the United States.

In the year 1909, the number of persons tried for indictable offenses (67,149) in England, while smaller than that in 1908 (68,116) was, nevertheless, considerably larger than that of any previous year. Crime in England before 1909 increased steadily from the beginning of the century, previous to which there had been a very perceptible decrease. The increase has become very marked since about the year 1895, the average number of persons tried yearly for indictable offenses during the periods of five years in the quarter session and assize courts being:

1895-99.....	51,050
1900-04.....	56,911
1905-09.....	63,438 ⁴¹

³⁹No real decrease in Kansas, for 646 prisoners were transferred to Oklahoma in 1909.

⁴⁰Includes Wales.

⁴¹Criminal Statistics of England and Wales, 1911, p. 22.

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In the courts of summary jurisdiction, where non-indictable offenses are tried, we have the following yearly average for each of the five years following 1895:

1895-99.....	700,517
1900-04.....	735,447
1905-09.....	692,869 ⁴²

The indictable offenses tried there averaged 39,182, 45,635 and 50,328 for the same periods.

Here we are face to face with the startling facts, that while serious crime is increasing in England, the lesser crimes are decreasing. The figures of 1909 (659,106), reaching the lowest, the highest figure during these years being that of 1904 (747,179). After this year, the number of persons tried becomes smaller until the year 1908, when it again rises from 685,574 to 688,964, while in 1909 another substantial decrease takes place.

The increase of persons tried for indictable offenses per 100,000 of population since 1895 has been:

1895-99.....	163.84
1900-04.....	172.47
1905-09.....	181.53
1909.....	187.79 ⁴³

The increase of crime has, however, in reality been greater than the figures indicate, for there is a growing disinclination in England to prosecute the less serious offenses, a growing inclination of leniency toward first offenders, and a growing reluctance to prosecute a thief who is certain to receive but a slight punishment.⁴⁴

In the United States, we notice similar conditions, though what is true in England with regard to minor offenses is true in the United States of the really serious offenses. The basic cause for this state of affairs in the United States differs essentially from that in England. In England, according to Mr. Simpson in his report on criminal statistics for 1909, a foolish and maudlin sentimentality is at the bottom of leniency. In the United States we must place the disinclination to prosecute at the door of our faulty criminal procedure.

The sentimentality of the English people, Mr. Simpson goes on to say,⁴⁵ has been growing since 1898. Although good results have been obtained in England, especially by the Borstal system for juvenile delinquents, and by the probation act, yet the eagerness to coddle

⁴²*Ibid*, p. 22.

⁴³*Ibid*, p. 24. It is interesting to note that the five-year averages of indictable offenses reported to the police are as follows: 1895-99, 79,459; 1900-04, 84,247; 1905-09, 99,141. Compare this average with that of the number of persons tried.

⁴⁴Judicial Statistics of England and Wales, 1911, p. 9.

⁴⁵*Ibid*, p. 10.

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criminals has amounted almost to a mania. For this the press of England is largely to blame. Not only does it invest the criminal with the charm of the highwayman of romance, but in addition it disseminates and fosters wrong and contradictory views with regard to the real state of criminality. For instance, one of the favorite methods of the press is to depict the increase of crime as a symptom of a revolt of the poor against the rich. This, of course, is an entirely mistaken idea, for the poor man and the "middle class" citizen are the very ones who suffer most from the thief. Of the 1,795 cases of larceny against the person, and of 47,363 minor larcenies, which came into court during 1909, most of the victims were laborers, and ill-paid clerks.⁴⁶

It appears, then, that there are approximately 100,000 more prisoners in England than in America, but that the proportional increase in crime has not been so great there as in this country. At the same time the attitude of the English public toward vigorous criminal prosecutions seems to be as sentimental as that with which we are only too familiar in our own country. Viewing the situation as a whole, however, we may say that the status of criminality in England, thanks to the efficient machinery of her courts, is less alarming than in the United States.

We now pass to France, the country which the sociologists take pride in pointing out as the land where crime has been constantly decreasing. Does the statistical evidence given below justify this conclusion? The number of cases tried before the French courts from 1901-1905:⁴⁷

1901.....	520,868
1902.....	523,783
1903.....	524,258
1904.....	538,557
1905.....	546,257

It is clear from this table that the statistics do not warrant the cheerful opinion of the sociologists. On the contrary, we find on closer inspection that the number of murders has been increasing with great rapidity. The following table contains the number of cases of homicide tried in France from 1901 to 1906:⁴⁸

⁴⁶*Ibid*, p. 11. In 1909 there were 182,816 prisoners in institutions, about 100,000 more than in the United States in 1904.

⁴⁷Compte Général de l'Administration de la Justice Criminelle pendant l'année, 1905, p. 10.

⁴⁸*Ibid*, p. 19.

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1901.....	163
1902.....	186
1903.....	222
1904.....	230
1905.....	274
⁴⁹ 1906.....	382

The number of misdemeanors tried in the correctional tribunals also shows a substantial increase from 1901-1905. The record stands:

	1901.	1902.	1903.	1904.	1905.
Cases tried.....	166,010	168,988	168,400	171,264	173,804
Persons accused.....	203,305	206,197	206,990	211,944	213,882

The ratio of convictions in both the superior and lower courts is high; the following table indicates the number of convictions and the proportion to the population:

Year.	Convictions, Court of Assizes.	Ratio per 100,000 of population.	Convictions, correctional tribunals.	Ratio per 10,00 of population.
1901.....	3,016	7.7	184,124	47.2
1902.....	2,878	7.3	184,769	47.2
1903.....	2,972	7.6	183,741	47.3
1904.....	3,063	7.8	186,065	47.7
1905.....	3,306	8.4	189,654	48.6

Although the number of cases tried indicate an increase in the criminality of France, the number of convictions, on the other hand, creates the impression that crime is stationary or that but slight fluctuations have occurred. We shall see that as in England the increasing spirit of leniency has had much to do with this. This is more particularly true of leniency to vagrants, which has cut down the total number of convictions since the act of 1897; vagrants, nevertheless, are becoming a positive menace to the public welfare. In spite of this decree, and various others of a similar nature which followed it, the number of vagrants arrested, rose from 19,000 in 1904 to 20,500 in 1907, a remarkable increase considering the subservience of the French police to decrees. The increase in serious crime has also been steady, especially in regard to larceny and abuse of confidence, the number of convictions going up in the last four years, 640, 654, 669 and 690.⁵⁰

There are several principal reasons given for the increase of crime in France. First to be mentioned is the dislike of the French people for prosecution, which seems to be due to the dilatory methods of the

⁴⁹Joly "Problèmes de Science Criminelle," p. 23. Joly, "Problèmes," etc., p. 27. The number of vagrants after the Act of 1897, which forbid their detention unless proven criminals, dropped from 19,356 in 1892 to 12,602 in 1898.

⁵⁰Joly, p. 26.

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courts and the inquisitorial methods of the police. In the second place, we should note the growth of fraudulent speculations and breaches of trust. The *Compte Générale* of 1892 remarks, for instance, that the criminality of the notaries, in proportion to their total number, has become 43 times greater than that of other French citizens. Long trials and almost certain impunity is an incentive to this class of criminals to continue their fraudulent practices.⁵¹ Crimes against chastity have incontestably increased. The very fact that in 1908, 62,638 women⁵² were arrested in Paris alone for unlicensed prostitution is undeniable proof that this form of social evil is assuming serious proportions.⁵³ Criminal immorality of any sort is a hotbed for crimes of violence.

But by far the most serious problem of France today is that of juvenile crime. In proportion to the population we find that the youth from 16 to 21 years of age are the most criminal part of the population. The following table⁵⁴ indicates the ratio:

	Convicted, 16-21 years of age, for every 10,000 of population.	Convicted, over 21 years of age, for every 10,000 of popu- lation.
Crimes against chastity.....	1.9	1.7
Petty larceny.....	291	113
Grand larceny.....	9.6	2.3
Arson	0.6	0.4
Abuse of confidence.....	16	11
Assault	187	114
Homicide	4.0	2.22

It is impossible to say whether this juvenile criminality is due to laxity in family life or not.⁵⁵

The conditions existing in France may be summed up as follows: The analysis of statistics shows that crime is increasing, but not at the same rate at which it is growing in the United States. Moreover, although both countries show similar growth in juvenile crime, juvenile delinquency is of a much more serious nature in France.

Of all continental European states, Germany seems to have worked out the most perfect system of criminal procedure. A corresponding perfection is to be found in the criminal statistics of Germany, which since the year 1882 have been absolutely reliable.

⁵¹Joly, p. 36.

⁵²Report of the Prefecture of Police (Paris), 1908, p. 4.

⁵³Clandestine Prostitution is strictly regulated in France.

⁵⁴Joly, Problèmes, etc., p. 74.

⁵⁵French family life, as M. Joly points out, is gradually being undermined by various causes, and he attributes the increase to causes of this nature.

The number of convictions from 1899 to 1908 is as follows:⁵⁶

Year.	Persons accused.	Persons convicted.	Punishable actions.
1899.....	605,274	478,139	574,339
1900.....	593,136	469,819	563,819
1901.....	627,592	497,310	593,972
1902.....	650,210	512,329	609,790
1903.....	643,297	505,353	601,563
1904.....	660,857	516,976	611,082
1905.....	661,802	520,356	615,006
1906.....	676,799	533,767	639,938
1907.....	674,674	530,723	624,242
1908.....	696,127	548,410	643,396

This table shows a considerable increase of crime in Germany. If we take the year 1882 as a starting point the increase is still more noticeable.

In 1882 the number of persons condemned was 996 out of every 100,000, whereas in 1908 the number was 1,221. This is an apparent increase of 22.6 per cent. But the figures do not represent the true ratio of increase, for since the year 1882, the number of new statutory crimes has grown greatly. In the year 1908 there were about 25,000 persons convicted under laws that had been passed since 1882, thus reducing the number of convictions from 1,221 to 1,165 per 100,000 population, and making the ratio of increase 17 per cent instead of 22.6. Nor has this increase taken place in the groups of serious crimes, but rather in the groups of misdemeanors.

In the divisions of serious offenses, an examination of the statistics shows that the crimes of manslaughter, duelling, rape with misuse of trust, and crimes against property, recidivists have not grown in number appreciably; the statistics fluctuate from year to year. On the other hand, robbery, assault, libel, blackmail, grand larceny, violations of child labor laws, rape and practically all of the crimes against chastity have increased considerably. At the same time the increase in a large number of these latter crimes has been caused by the passage of new laws and by the more stringent enforcement of existing statutes. Seventy-five per cent of the increase within this group consists of crimes of violence, especially dangerous assaults; crimes of violations of trust⁵⁷ and larceny form 20 per cent; and crimes against chastity 5 per cent of the total increase.⁵⁸

Murder, fraudulent bankruptey, petit larceny, crimes by officials, and a few others show a slight decrease. Contrast this state of affairs with conditions in the United States where there is scarcely any group

⁵⁶*Statistisches Jahrbuch für das Deutsche Reich, 1901-10. Statistik des Deutschen Reichs, Kriminalstatistik, 1890-1907.*

⁵⁷Compare with increase in France.

⁵⁸*Statistische Monatschrift, Jan., 1911, pp. 1-3.*

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of serious crimes which is not increasing, and this is true above all of the crime of homicide.

German writers and statisticians are not at a loss to account for the increase in crime in their country. One of the foremost reasons they give is the "sickly rage for leniency." But by far the most significant cause, they recognize in the change of the moral thinking of the people, a change which Dr. Forcher characterizes in the following terms: "Perhaps deterministic spectres from the decayed province of hyper-culture have had their hand in the game, and in the course of time have destroyed all of our conceptions of guilt and atonement."⁵⁹

Two other essential causes have likewise been pointed out as affecting the increase in crime in Germany. The leniency toward first offenders, the short sentences for serious offenders, and the fact that the German judges have fallen into the rut of routine and no longer interpret the spirit, but only the letter of the law. This state of affairs differs from that in the United States, where sentences are long enough, but where maudlin sentimentality and faulty procedure interfere, long before sentences can be rendered.

Such in brief are the conditions of crime in the leading European countries. That they are in many ways similar to conditions in this country, the writer need but indicate. Nevertheless, the problems which confront us in this country are in many respects more serious. Lack of space prohibits us from entering into a discussion of the causes and the best means of their remedy. It is not only necessary for us to build up a more effective administrative machinery, but we must seek to correct those intrinsic faults in our national character which suffer these criminal conditions to exist.

In conclusion, I wish to add, that in the face of a serious situation such as confronts our nation, nothing could be more frivolous and dangerous than mere experimentation. The disease which is eating into the very marrow of our social body needs heroic treatment. At all events the situation is one which demands the attention and study of the leaders of American thought and action. The shocking amount of crime in the United States, and especially unpunished crime, is exceedingly discreditable to us as a nation and indicates a standard of civilization of which we cannot be proud.

⁵⁹*Statistische Monatschrift*, Jan., 1911, p. 35.