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COMPLEMENTARY DATA ON JEWISH DELINQUENCY IN POLAND

GENERAL CONSIDERATIONS SUGGESTED BY ITS STUDY¹

LIEBMANN HERSCH²

I.

Crime in Warsaw

1. We pointed out in our first chapter (sections 10 and 11) that the City of Warsaw would be of special interest to us in our study because we should be able to compare the Jewish and non-Jewish population the better for being enabled to eliminate the disturbing influence of the different proportions of town-dwellers and country-dwellers in the populations compared. Furthermore, we have seen in the course of our treatise how great is the obstacle due to the fundamental difference in the *occupational* structure of these two populations and to how great a degree this obstacle blurs our insight into the relative frequency of certain kinds of their criminality. In the City of Warsaw, the difference in occupational structure is not entirely eliminated: the Jews still have a much larger proportion of merchants, and there are still especially large numbers of officials among the non-Jews. But at Warsaw there are very few agriculturists, and a very high proportion of the non-Jews living in the capital are engaged in industry and commerce, so that there is a considerable reduction of the difference in occupational structure between Jews and non-Jews. The result is that in Warsaw we get a much clearer insight than elsewhere into the differences of criminality between Jews and non-Jews.

In order to understand more fully the figures which follow, we must bear in mind that in Warsaw the Jews form one-third of the population. According to the census of 1921, of the 936,713 inhabitants of Warsaw, 310,334 were Jews; so that there is one Jew to every two non-Jews.

¹ See this *Journal* XXVII, 2 and 3.

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The criminality of both is indicated in broad outlines in our Table I.

TABLE I

Condemned Persons (Jews and Non-Jews) in Warsaw According to the Three Great Criminal Categories (1924-1925)

Categories of Crime	Absolute Numbers	Per Year Per 10,000 Inhabitants	Ratio of Jewish Criminality in % of That of Non-Jews
I. Against the State and Social Order:			
Jews	518	8.3	43
Non-Jews	2,447	19.5	
II. Against Persons:			
Jews	68	1.1	11
Non-Jews	1,269	10.1	
III. Against Property:			
Jews	941	15.2	30
Non-Jews	6,479	51.7	

We may draw the following conclusions:

a. All the three categories of crime are much less widespread among the Jews than among the rest of the population of Warsaw.

b. Although for the whole of Poland Jewish criminality *against the State and the social order* is one-fifth higher than that of non-Jews (Table III, in our second article³), it does not come up to half (43 per cent) of the non-Jewish criminality of the same category at Warsaw, where both the populations compared are urban.

c. In Warsaw Jewish criminality *against property* does not come to one-third (30 per cent) of non-Jewish.

d. Jewish criminality *against persons* is *nine times* lower than that of the rest of the population of Warsaw (11 per cent).

2. But let us consider the phenomena more in detail, as we have done for the two large territories of the Republic. We shall then obtain the following table:

³ This *Journal* XXVII, 3.

TABLE II

*Jews and Non-Jews Condemned for Offences Committed at Warsaw
According to Nature of Offence (1924-25)*

Nature of Offence	Absolute No. of Condemned			Condemned Per Year and Per 10,000 Inhabitants		Ratio of Jewish Criminality in % of That of Non-Jews
	Total	Jews	Non-Jews	Jews	Non-Jews	
<i>Against the State and the Social Order</i>						
1. Political offences	846	83	763	13.4	60.9	22
Including						
High treason	22	7	15	1.13	1.20	94
Espionage	16	6	10	0.97	0.80	121
Illegal meetings, associations and propaganda	153	37	116	6.0	9.3	65
Resistance and insults to authorities	655	33	622	5.3	49.7	11
2. Offences against compulsory military service	56	23	33	3.7	2.6	140
3. Abuse and corruption of power	233	34	199	5.5	15.9	35
Including						
Offences against justice.	95	10	85	1.6	6.8	24
Corruption	40	22	18	3.5	1.4	42
Officials' offences	98	2	96	0.32	7.7	
4. Forgery of documents, currency, bills, etc...	262	61	201	9.8	16.0	61
5. Offences against state monopolies	59	35	24	5.6	1.9	292
6. Acts of destruction constituting a public danger	20	1	19	0.16	1.52	11
7. Illicit speculation	221	70	151	11.3	12.1	93
8. Vagabondage & mendicity	156	25	131	4.0	10.5	38
9. Other offences against the order of social relations	1,086	186	900	30.0	71.8	42
<i>Against persons:</i>						
10. Offences against life....	204	6	198	0.97	15.8	6
Including						
Intentional homicide ..	106	2	104	0.32	8.3	4
Infanticide	12	1	11	0.16	0.88	18
Manslaughter	51	3	48	0.48	3.8	13
11. Offences against health and the body	663	32	631	5.2	50.4	10
Including						
Very serious physical injuries	25	0	25	0	2.0	0
Serious physical injuries	69	3	66	0.48	5.3	9
Slight physical injuries	53	3	50	0.48	4.0	12
Unintentional injuries, in extenuating circumstances	190	7	183	1.13	14.6	8
12. Offences against individual liberty	28	4	24	0.64	1.92	33

Nature of Offence	Absolute No. of Condemned			Condemned Per Year and Per 10,000 Inhabitants		Ratio of Jewish Criminality in % of That of Non-Jews
	Total	Jews	Non-Jews	Jews	Non-Jews	
13. Offences against sexual morality & the family Including Unnatural sexual relations	218	6	212	0.97	16.9	6
Rape	54	0	54	0	4.3	0
Bigamy	24	0	24	0	1.9	0
Souteneurs	41	0	41	0	3.3	0
14. Attack on honor	19	0	19	0	1.5	0
<i>Against Property:</i>	213	20	193	3.2	11.1	29
15. Embezzlement	488	51	437	8.2	34.5	23
16. Theft	6,491	809	5,682	130.3	453.9	29
Including						
Simple theft	5,348	615	4,733	99.1	377.8	26
Recurrent theft	553	95	458	15.3	36.6	42
Sacriligious theft	10	2	8	0.32	0.64	50
Brigandage	103	5	98	0.81	7.82	10
Receiving and trading in stolen goods.....	477	92	385	14.8	30.7	48
17. Fraudulent practices ...	423	77	346	12.4	27.6	45
18. All other offences	55	4	51	0.64	4.1	16
GENERAL TOTALS	11,722	1,527	10,195	246.0	813.8	30

From this table we obtain the following information:

1. For the 40 kinds of crime which figure in the Table, the ratio of Jewish criminality is *above* that of the rest of the population of Warsaw only in the case of three. First come offences against *State monopolies* (clandestine distilling of alcohol and smuggling) in which the ratio of Jewish criminality is almost three times that of the non-Jews. The difference is much less striking in crimes against compulsory *military service*, where the ratio Jewish criminality is two-fifths higher than that of non-Jews. Last comes *espionage*, where Jewish criminality is one-fifth higher.

We should add that in all three cases the absolute numbers are but small. During the two years 64 Jews were condemned for the three kinds of crime put together. As to espionage, for which 6 Jews were condemned in all, the Jewish predominance rests on a *single* case; if five Jews, and not six, had been condemned during these two years, the ratio of criminality would have been equal for Jews and non-Jews. It is clear that no statistical conclusion can be

drawn from so small a number—what smaller absolute figure can we have than *one*?

For all the other offences Jewish criminality is on a lower level, usually a much lower level, than that of the rest of the population.

2. For two kinds of crime, the ratio of Jewish criminality is almost equal to that of the non-Jews, although it is slightly lower. These crimes are illicit speculation and high treason.

As to high treason, the conditions are similar to those which we have noted in espionage: the absolute numbers are very low, and the predominance of one or the other ratio rests on a single person; if there had been one less *non-Jewish* delinquent, the non-Jewish predominance would have disappeared. Hence it would be more correct to say that for both *high treason* and *espionage*, Jewish criminality is very much *on the same level* as that of the rest of the population.

The case is otherwise with *illicit speculation*, which is, strictly speaking, a mercantile crime; for this 70 Jews and 151 non-Jews were condemned. It seems very significant that the general ratio of criminality for this crime, taken relatively to the *total* population, should be somewhat *lower* for the Jews than for the rest of the population.

Not for any single one of the 35 kinds of crime which remain does the ratio of Jewish criminality rise to two-thirds of that of the rest of the population.

3. The ratio of Jewish criminality is above half and up to two-thirds of that of the non-Jewish population for one kind of political crime, viz., *illegal association and propaganda* (being 65 per cent of the non-Jewish ratio). The same applies to one species of crime belonging to common law—the *forgery of documents, currency and bills, etc.* (61 per cent).—The few kinds of offence hitherto mentioned all belong to the category of crimes against the State and the social order.

4. The Jewish ratio of criminality at Warsaw is from *two to three times lower* than that of the non-Jewish population: for *sacrilegious theft* it is 50 per cent of the non-Jewish ratio, for *receiving and trafficking in stolen goods* 48 per cent, for *fraudulent practices* 45 per cent, for *recurrent thieving* 42 per cent, for the mixed group of other offences against the order of social relations 42 per cent, for *vagabondage and mendicity* 38 per cent, and for *abuse or corruption of power* 35 per cent.

It should be particularly noted that for *fraudulent practices* and for *traffic in stolen goods*, when we compare an urban Jewish population with an urban non-Jewish population, as is the case for the City of Warsaw, the ratio of Jewish criminality does not reach even half of that recorded for the non-Jewish population.

5. Jewish criminality is *three to four times lower* than that of non-Jews for offences against *individual liberty* (33 per cent), and against *honor* (29 per cent) and also for that form of crime which is much the most frequent—*theft* (theft of every kind 29 per cent and simple theft 26 per cent).

6. It is *four to five times lower* for offences *against justice* (24 per cent), *embezzlement* (23 per cent) and the whole group of *political offences* (22 per cent).

Thus is destroyed the opinion which is so widespread both among revolutionaries and reactionaries, among the Jews themselves and among anti-Semites—an opinion borne with pride or resignation, or cherished with concealed or unrestrained hatred—that opinion which would make the Jew more revolutionary by nature than the non-Jew. Probably this opinion is mainly due to the fact that towns usually produce far more revolutionaries than does the country. But in Warsaw, where an urban Jewish population can be compared with an equally urban non-Jewish population, we find that political offences among the Jews are not even one-quarter of those committed by the non-Jewish population.

7. The ratio of Jewish criminality is *five to ten times lower* than that of the non-Jewish population of Warsaw for *infanticide* (18 per cent), for *manslaughter* (13 per cent), for *slight physical injuries* (12 per cent), for *acts of destruction causing public danger* (11 per cent) and for *resistance to or insulting authorities* (11 per cent). It will be seen that for the last-named, Jewish criminality is nine times less than that of the non-Jewish population.

8. The ratio of Jewish criminality is *ten times lower* than that of the non-Jews for the group of offences against *health and the body*, taken as a whole (10 per cent) and for *brigandage* (10 per cent).

9. This ratio ranges from *ten to twenty-five times (!) lower* among Jews than non-Jews for *serious physical injuries* (9 per cent), *unintentional offences against health and the body* (8 per cent), the whole group of offences *against sexual morality and the family* (6 per cent) and also for crimes *against life* taken as a whole (6 per cent).

10. The ratio of criminality for *intentional homicide* (murder and assassination) is *twenty-five times less* among Jews in Warsaw (4 per cent) than among the non-Jewish population (two Jews and 104 non-Jews being condemned).

11. Lastly, for a whole series of serious crimes, for which in all 169 non-Jews were condemned, *no Jew at all* was found guilty during the two years under review. These crimes were the following: *very serious physical injuries* (25 non-Jews condemned), *rape* (24 non-Jews), *unnatural sexual relations* (54 non-Jews), *bigamy* (41 non-Jews), and the position of *souteneur* (19 non-Jews). The fact that in a large town like Warsaw no Jew was condemned as a *souteneur* for two years confirms the suggestion made in our second article,⁴ Section 12, as to the local character of this form of criminality among the Jews (especially in the department of Lodz).

It will have been seen that the gravest crimes are usually to be found towards the end of this enumeration (from 7 to 11). In other words, *it is the gravest crimes in respect of which Jewish criminality is found to be especially low in comparison with non-Jewish.*

12. Taking crimes of every kind, small or great, *the total ratio of Jewish criminality in Warsaw does not reach one-third of that of the non-Jewish population of that town* (246 persons condemned per year per 100,000 inhabitants among the Jews against 814 among the non-Jews, the Jewish ratio of criminality being thus 30 per cent of that of the non-Jews).

It is difficult to imagine more profound differences between two elements of the population of one town. We ourselves consider it to be a *sociological enigma*.

What is the key to this riddle? Will it be found some day? Shall we be able to clear it up, free from prejudices, sympathies or antipathies?

But whatever may be the explanation, we shall do well to make a brief summary of the facts themselves, as follows:

Jewish criminality is quantitatively much less, and qualitatively much less serious and less brutal than that of the non-Jewish population.

II.

The Delinquent Woman.

3. As we have already stated in our first article⁵ (Section 3), the *Statistique Criminelle* furnishes information in which the kind

⁴ This *Journal* XXVII, 3.

⁵ This *Journal* XXVII, 2.

of crime is combined with the religion of the condemned person, and his sex. We have therefore, for the years 1924-25, detailed information as to the criminality of the Jewish woman; we can compare this with the criminality of the non-Jewish woman.

In the present study, we shall not enter into the details of Jewish feminine criminality; this deserves special examination. Besides, we have information only for two years and the number of female criminals is very small indeed. We should find it difficult to enter into details, important though they may be, without having to deal with too low numbers. But it may be interesting to point out here the chief features of Jewish feminine criminality in Poland, as compared with those of non-Jewish feminine criminality in the same country.

It is a widespread and long-established phenomenon that women are much less criminal than men. This is likewise true of Polish feminine criminality, in respect both of Jews and non-Jews. Seeing that the criminality of the Jewish population is so low, it may be assumed that crime among Jewish women will be very rare indeed. But as criminality in general is so low among the Jews, can the difference in the criminality of the man and the woman be very great? Can the difference be as striking as in the case of non-Jews? Or—which comes to the same thing—does the great difference found between Jewish and non-Jewish criminality also persist be-

TABLE III

General Criminality of Jewish and Non-Jewish Women in the Two Large Territories of the Polish Republic (1924-25)

	<i>Ex-Russian Territory</i>				<i>Ex-Austrian Territory</i>			
	<i>Women Condemned</i>		<i>Per year per 10,000 women residents</i>	<i>Total number of condemned per year p. 10,000 inhabitants</i>	<i>Women Condemned</i>		<i>Per year per 10,000 women residents</i>	<i>Total number of condemned per year p. 10,000 inhabitants</i>
	<i>Fem- inine popu- lation (In thou- sands) (1921)</i>	<i>Absol- ute fig- ures</i>			<i>Fem- inine popu- lation (In thou- sands) (1921)</i>	<i>Absol- ute fig- ures</i>		
Total ...	8,055	19,485	12.1	33.9	3,998	34,806	43.5	130.8
Jews	1,098	1,395	6.4	18.7	391	1,399	17.9	58.1
Non-Jews	6,957	18,090	13.0	36.2	3,607	33,407	46.3	141.5
Ratio of Jewish Crim- inality in % of that recorded among the non-Jews			49	52	39	41

tween the feminine criminality of these two elements of the Polish population? Table III gives a general reply to this question for both the large territories of the Republic.

We can say, therefore, that *both among the Jews and among the other inhabitants of Poland, and both in ex-Russian Poland and in Galicia, feminine criminality is about three times less than the average criminality of the population in question* (which means that it is about *five* times less than the masculine criminality of the same population).

Thus, the same difference between Jewish and non-Jewish criminality which we have found for the whole population is reflected in the feminine population. *Jewish women commit barely half as many crimes as non-Jewish women* (49 per cent in ex-Russian Poland and 39 per cent in Galicia).

4. But here again we have compared a population which is three-quarters urban with one which is four-fifths rural. The influence of town and country respectively on criminality is even more marked for women than for the whole population. Without going into a detailed examination of this phenomenon (which is only indirectly connected with our subject), we may quote here, as we have done in our preceding article⁵ (Section 15), information dealing with the non-Jewish population of the City of Warsaw (where of course the whole population is urban), the department of Warsaw (lying around Warsaw and containing 16% non-Jewish

TABLE IV

Feminine and Total Criminality of the Non-Jewish Population of the City of Warsaw and of the Departments of Warsaw and Novogródek (1924-1925)

	Feminine Population (1921)	Absolute figures	Women Condemned	Total	Feminine	Ratio of criminality in % of that of department of Novogródek	
			Per year p. 10,000 women residents (f)	number & 10,000 inhabitants (a)	ratio of criminality in % of average ratio (f/a)	Feminine ratio (f)	Average ratio (a)
Department Novogródek	427,788	404	5	18	28	100	100
Department Warsaw	1,101,658	2,767	13	33	40	260	183
City of Warsaw	346,220	2,486	36	81	44	720	450

⁵ This Journal XXVII, 2.

urban population) and the department of Novogródek (the most rural district in Poland, where only 7 per cent of the non-Jewish population is urban).

In these three parts, the feminine ratio of criminality (f) is much lower than the average ratio (a). But in the department of Novogródek, it is only 28 per cent of the average ratio, while in the department of Warsaw it is 40 per cent, and in the City of Warsaw actually 44 per cent of that ratio. Towns always show a higher average of criminality than rural districts; but these figures indicate that feminine criminality in towns increases at a much higher rate than average criminality. And, in fact, in comparison with the department of Novogródek, we find in the department of Warsaw an increase of 83 per cent on the average ratio of criminality and of 160 per cent on the feminine ratio; for the City of Warsaw the increase is 350 per cent on the average ratio and 620 per cent on the feminine ratio.

We have already seen how greatly a comparison of the total Jewish population with the total non-Jewish population, without distinction as regards town or country, diminishes the real difference between Jewish and non-Jewish criminality. We can therefore judge even less clearly when we compare the feminine sex of these two populations, one of which dwells chiefly in towns and the other mainly in the country.

5. Hence we will again linger to consider the criminality of the City of Warsaw, thus comparing the criminality of Jewish and non-Jewish women when both live in the same large town. We get the following table:

TABLE V

Feminine Criminality, Jewish and Non-Jewish, in Warsaw (1924-1925)

	Feminine Population (1921)	Absolute figures	Women Condemned Per year p. 10,000 woman residents (f)	Total num- ber of condemned per year & p. 10,000 inhabitants (a)	Feminine ratio of criminal- ity in % of average rate ($\frac{f}{a}$ - 100)
Total	514,510	2,747	26.7	62.6	43
Jews	168,290	261	7.8	24.6	32
Non-Jews	346,220	2,486	35.9	81.4	44
Rate of Jewish criminality in % of that recorded for the non-Jews			22	30	..

We note the following facts:

a. For non-Jews feminine criminality exceeds two-fifths (44 per cent) of the average criminality; for Jews feminine criminality is barely equal to one-third (32 per cent) of the average.

b. As, moreover, the average criminality of Jews in Warsaw is only 30 per cent of the average criminality of the non-Jews, *the criminality of Jewish women in Warsaw is almost five times less than that of the non-Jewish women* (22 per cent).

c. Our table manifests another notable fact, viz., that *in Warsaw the average criminality of the Jewish population (both sexes) is one-third lower than the feminine criminality of the non-Jewish population* (24.6 against 35.9).

6. Let us again examine feminine criminality in Warsaw according to the three great criminal categories, and then close. Our figures will be found in Table XIX.

TABLE VI

Feminine Criminality, Jewish and Non-Jewish, in Warsaw According to the Great Criminal Categories (1924-1925)

		Against the State and the social order	Against persons	Against property
Absolute number of women condemned	{ Total	935	240	1,572
	{ Non-Jews	809	226	1,451
	{ Jews	126	14	121
Women condemned per year and per 10,000 women inhabitants	{ Non-Jews	11.7	3.3	21.0
	{ Jews	3.7	0.4	3.6
Jews condemned per year and per 10,000 inhabitants (both sexes)		8.3	1.1	15.2
Ratio of Jewish criminality in % of the non-Jewish	{ female sex	32	12	17
	{ both sexes	43	11	30
Percentage of condemned women be- longing to the specified category	{ Non-Jewish	32.5	9.1	58.4
	{ Jewish	48.3	5.4	46.4

We may note the following facts:

1. The composition of the mass of delinquent women according to the nature of the offence differs considerably from one population to the other: among the *non-Jews* nearly three-fifths (58.4 per cent) of the women condemned have committed an offence against *property*, but the largest group of condemned Jewesses (48.3 per cent) have been guilty of offences against the *State and*

the social order. In this respect, non-Jewish women resemble the men who, whether Jewish or non-Jewish, commit the greatest number of offences against property (See Table I, Section 1, for Warsaw), while condemned Jewish women resemble neither one nor the other in this respect.

2. It should not, however, be imagined that Jewish women in Warsaw show more criminality against the State and the social order than non-Jewish. The contrary is true: *for all categories of offences, including offences against the State and the social order, Jewish women show much less criminality than non-Jewish.* The only point is that the criminality of Jewish women is particularly low for the two other categories. In point of fact:

- a) the criminality of Jewish women against the State and the social order is *three times* less than that of non-Jewish women (3.7 against 11.7 per 10,000 women inhabitants);
- b) the criminality of Jewish women against property is *six times* lower than that of non-Jewish (3.6 against 21);
- c) it is *eight times* lower in offences against persons (0.4 against 3.3).

3. For crimes against persons, in which the difference between Jewish and non-Jewish criminality is the greatest, this difference is very nearly the same for the two sexes taken together and for the female sex alone; as to the two other categories of crimes, the difference of criminality for the women of the two populations is again much greater than for the average of the two sexes. Thus, for offences against the State and the social order, the average Jewish criminality exceeds two-fifths (43 per cent) of the non-Jewish criminality at Warsaw, while the criminality of Jewish women hardly reaches one-third (32 per cent) of the feminine criminality of the non-Jews. The average Jewish criminality for offences against property is almost one-third of the non-Jewish criminality, while the same *feminine* Jewish criminality barely comes to one-sixth (17 per cent) of the non-Jewish feminine criminality.

4. Lastly, we may note that, *for all three categories of crime, the average* criminality of the Jews (both sexes) is in Warsaw considerably lower than the *feminine* criminality of the non-Jews. In fact, the Jews as a whole show a criminality against the State and the social order of 8.3 per 10,000 inhabitants, while the non-Jewish women show a criminality (belonging to the same order)

of 11.7; against property, the average criminality of the Jews is 15.2 against 21 among non-Jewish women; and lastly, against persons, the Jews show a criminality three times lower than non-Jewish women (1.1 against 3.3).

Again we ask ourselves: what causes such great differences in two populations inhabiting the same territory and even the same city?

III.

On a Weighted Rate of Criminality.

7. The facts we have just reviewed raise a number of sociological, juridical and psychological problems, of which some are general and others have special reference to the Jews and the populations in the midst of whom they live within the boundaries of the Polish Republic. We shall not even recapitulate these here.

Nor is it our intention to discuss here the practical conclusions which might be drawn from the facts we have ascertained.

We desire, however, to linger a moment on one of the methodological problems suggested by the present study.

We have seen that the criminality of two populations may be very different not only in quantity, but also in quality, inasmuch as one may show a higher proportion of serious crimes, while the other may have many more offences on record, but offences of very minor importance. The simple general ratio of criminality, regarded as the sum total of condemned persons compared with the total population (or even with the penally responsible population) may under these conditions give a very erroneous idea of the relative criminalities of the populations compared. Such error might be heightened still further if minor breaches of police regulations were included.

Must we then, when comparing the total criminality of two populations, renounce all attempt at synthesis? Must we be content to compare them according to each specific kind of offence separately and even, in each kind of offence, according to the intentions of the authors of the crimes, the aggravating or extenuating circumstances, etc.?

Could we not adopt in matters of criminality the procedure often adopted, for instance, for the index numbers of prices, taking as our general ratio the *weighted* average of the ratios of the various specific offences? We should then multiply the various kinds of crime by a *coefficient of gravity* ("weight"); and the sum of the

products of the frequency of each kind of crime, multiplied by its coefficient of gravity, would when compared with the population figure give us a *weighted ratio of criminality* for the populations under consideration. In this way we should take into account the difference in gravity of the various offences among different populations.

8. Only, by what criterion should we judge the gravity of offences, which are often of very different kinds? Should we not inevitably be liable to subjective judgments?

In default of an objective criterion, we might perhaps adopt *conventional* criteria after these had received the general assent of criminologists and statisticians: this procedure would bar the way to arbitrariness and individualist subjectivism.

In the sphere of *international* comparisons I find it difficult to see any other solution than a convention drawn up by a mixed commission of criminologists and statisticians and approved by the respective international Institutes.

But in our days the question is much more acute, both scientifically and practically, for comparisons between the various elements of the population *within* each country, elements usually coming under the same penal code. To compare criminality within the same country according to sex, age group, civil status, occupation, social position, education, concentration of population (town or country), district, religion, race or ethnical nationality, etc.—this is a problem which faces sociologists and criminologists much oftener than comparisons between different countries.

And, within each country, there is conventional criterion of gravity, not only for all kinds of crime, but also for each individual case. In actual fact, the *code* and the *judge* reduce in some way the almost infinite variety of crime to a common denominator through the *penalty*, which they make proportionate to the gravity of the offence. By showing the relation between the sum of penalties inflicted on a given population and the total of this population, we get an index of criminality which takes into account both the frequency of crime and its gravity. (This is what is called in statistics an aggregative mean; in reality it is the same as the arithmetical weighted average, but it is computed in another way).

9. This procedure, it is true, calls for many reservations and for considerable limitations.

First of all, penalties are not all homogeneous, either. There is the fine, the deprivation of liberty, the deprivation of civic rights

and also, in many countries, capital punishment, to say nothing of other kinds of punishment seldom found in civilized countries. The deprivation of liberty may itself be of various kinds (ordinary imprisonment, penal servitude, deportation, etc.). But no one will deny that this variety of quality is sharply limited and in any case infinitely less than is the variety in crime itself. Generally offences of different kinds and different degrees of gravity are punished by a deprivation of liberty of the same nature, varying only in duration, that is to say, quantitatively. For cases in which penalties of different nature are imposed, it would not be difficult to fix a coefficient of equivalence between certain penalties (e.g., between fine and gaol, between ordinary imprisonment and solitary confinement with hard labor, etc.). Often the penal code itself fixes this coefficient. Nor would it be difficult to fix by convention how many years are equal to a perpetuity of a certain penalty. There is but one penalty which is of fundamentally different nature from all the rest—the death penalty. But even here we should not go very far wrong in our study of the total criminality of a population if we were to admit an equivalence between capital punishment and, say, perpetual solitary confinement with hard labor, the latter multiplied by an agreed coefficient. Any inexactitude there might for various reasons be almost negligible. Firstly, cases of capital punishment are usually extremely rare as compared with the total number of persons condemned. Secondly, capital punishment is usually inflicted for very serious crimes (such as homicide) committed in extremely serious circumstances; often there is only a difference of degree between the gravity of crimes punished by death and that of other crimes of *the same kind* punished by solitary confinement with hard labor (ten years, twenty years, life sentence, etc.); if in our calculations we substituted for the death penalty its agreed equivalent in years of such confinement, we should as a rule be restoring a difference of quantitative criminality which the penal code was *obliged* to punish by a penalty of different quality, not having anything in solitary confinement with hard labor which goes beyond a life sentence.

For the computation of a general weighted index of criminality, or, what amounts to the same thing, *a general ratio of penalty* for various groups of a population under the same penal code, we do not, therefore, technically see any great disadvantage in taking as the basis of our calculation the sum of the penalties imposed.

10. But there are serious objections of another order to this method of procedure.

In point of fact, the weighting of offences according to the penalties imposed is worth just as much as the penal code which fixes the standards of punishment, and the judge who imposes them. And it often happens, especially in the "critical epoch" in which we are now living, that certain penalties, notably the most severe, do not in any way correspond to the gravity normally attributed to the offences in question: in the minds and consciences of the population these offences are no longer regarded as so very serious. In our days it often happens that certain acts are punished with "exemplary" severity, precisely because they are generally considered as innocent, legitimate or even praiseworthy among certain elements of the population. This remark is primarily true of offences of opinion and, in general, of political offences. During periods of unrest, it not infrequently happens that an established government, at the very moment when it no longer represents the legal and political conscience of the great bulk of the citizens, enacts the severest penalties against all desire to change the régime.

But this objection applies not only to the method of weighting proposed, but also to criminal statistics and criminology in general. For the very conception of crime depends on the prevailing penal code and system of justice. Criminal statistics as a whole have only a relative value within the limits of the existing code and existing justice. Our system of weighting does not enable us to transcend the limits of criminal statistics itself.

Of course, if the penal system is not the same for different categories of citizens or if certain classes of citizens come under exceptional legislation, any comparison of the criminality of these categories can only lead to error; the difference in criminality found to exist will, at least in part, be the effect of the discriminations in the code and in judicial practice; they may often be a characteristic of the code and of justice rather than of the populations themselves.

If the code admits discriminations between opinions, prohibiting any manifestation of certain of these or penalizing propaganda for them, etc., a comparison of the criminality coming *under this heading* as between various elements of the population may also be misleading—if we give this kind of criminality the same moral and psychological significance as other kinds.

At times of keen social struggle such as those in which we are now living, political criminality (the limits of which, although relative, can yet be defined fairly approximately) should really be examined apart from other kinds of criminality.

With these reservations and restrictions, some of which are valid for the whole of criminal statistics, we are of opinion that the weighted ratio of criminality which we proposed above would make it possible to make a comparison of the whole of the criminality of various populations coming under the same penal code. We also think that such comparison would conform more closely to the reality than that based on the simple sum total of the crimes committed divided by the figure of the population.

The general ratio of criminality, even when so computed as to take account of the different gravity of the various crimes, would obviously not enable us to dispense with detailed analyses of the mass of crimes and criminals.

11. We have computed the total of criminality in order to compare Jewish and non-Jewish criminality according to the usual method of procedure, by simply adding together the persons condemned for any kind of crime, without taking account of the different gravity of the various offences. The nature and gravity of the offences committed by Jews and non-Jews in Poland being very different, we should have liked to compute the general *weighted* ratios of their criminality according to the principle which we have just set forth. Since, as a rule, Jewish criminality is not only less in quantity, but also less serious in quality than that of the rest of the Polish population, the difference of the weighted ratios of Jewish and non-Jewish criminality would prove to be even greater than that which we have seen in the present study.

Unfortunately, the *Statistique Criminelle* does not contain the numerical information necessary for the computation of the total amount of *penalties* imposed, either for the various kinds of crime or for the total number of crimes. But the elements entering into this information exist and it would not be difficult for the statistical service to collect them and publish them—if it had the necessary funds.

Let us hope that one day this will be done. It would fill a gap which we believe to be unfortunate in many other respects, a gap which is not found in Polish criminal statistics alone.