

Winter 1952

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Camille Faris Hoyek

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Recommended Citation

Camille Faris Hoyek, Observations on the Prevention of Arson, 42 J. Crim. L. Criminology & Police Sci. 694 (1951-1952)

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OBSERVATIONS ON THE PREVENTION OF ARSON

Camille Faris Hoyek

The author recently received the degree of Master of Laws from the Tulane University of Louisiana, College of Law. In connection with his work toward this degree, Mr. Hoyek prepared a thesis on "Scientific Investigation and Medico-Legal Aspects of Pyromania," and his present article is based upon the concluding chapter of this thesis. Mr. Hoyek is now lecturing on Sociology at the American University of Beirut, the Beirut College for Women, and the Lebanese University.—EDITOR.

We have seen previously that the usual and general underlying causes and motives that inspire the commission of the crime of incendiarism are negligence, profit, vengeance, revenge, jealousy, destroying the evidence of another crime, setting fire to commit burglary in the neighborhood, preventing verification of a theft, abuse of confidence, concealment of a previous crime, destruction of books, records, or other incriminating evidence, and fires resulting from mental troubles, in other words, pyromania.¹ As a rule, those motives are the basic drives of criminal incendiarism, and those forms of human aberration have come to the surface everywhere. Human sanctions have mainly beaten against the irrational, the misguided, impulsive, and ill-conditioned acts.

The fire loss on buildings and contents in continental United States now approximates \$500,000,000.00 per year, based on the reports of the Actuarial Bureau of the National Board of Fire Underwriters. Today fire constitutes a serious drain on the nation's resources, considering particularly that the cost of public and private fire protection and loss in wages and production chargeable to fire increase the actual loss to a figure estimated to be in excess of one billion dollars per year. There is, in addition, a loss of about 7,000 lives per year from fire and burns, according to the mortality statistics published by the United States Census Bureau. It has been estimated that the loss would be increased to 10,000 lives if it included deaths due directly or indirectly to fire but reported under other classifications, such as those from exposure, nervous shock, and collisions and other accidents involving fire or incurred in connection with fire extinguishment.² In addition to the deaths reported there are probably as many, or more, serious injuries.

Losses due to known causes are principally due to defective construction, electrical equipment, explosives, spontaneous ignition and smoking. These losses are largely preventable, and loss of life from fires of these origins could be avoided. It has been found that to accomplish a large

1. Camille Faris Hoyek, "Criminal Incendiarism," Jr. of Crim. Law and Criminol., 41 (6):836-845, (March-April 1951).

2. U. S. Department of Commerce, *Manual of Fire-Loss Prevention of the Federal Fire Council*, (National Bureau of Standards Handbook, No. 19, p. 99.)

and permanent reduction in fire losses, improvements must be made in construction, protection, equipment, and other items not directly dependent on the human element.³

Criminal incendiarism cannot be reduced, unless there is a clear understanding and treatment of the causes or motives which inspired the commission of that crime.

The crime of arson for the purpose of collecting fire insurance, i.e. arson for profit, of course, is a very common motive. In this case the desire to defraud the insurer may not always be manifested by the raising of the insurance just before the committing of the crime. Many cases are known in which the insurance has been reduced to some extent before the setting of the fire, in order to avoid suspicion. The insurance angle of arson cases is, however, most important and should be carefully investigated. The writer recommends that the financial status of the suspect, as well as dates of embarrassing payments due about the time of the fire, should also be ascertained.

In conclusion, the interests of society require that fire losses be reduced to the minimum. For that, the author proposes the following remedial suggestions.

1. Organized arson and professional arsonists must be eliminated by spirited, successful criminal prosecution.

2. The burning of property for profit by individuals in isolated cases must be reduced by requiring the assured to keep his books in an iron safe, so that the claim may not be made that the books of accounts have been destroyed by fire⁴ and the enactment of a law which would prevent an accountant from certifying to a financial statement without having verified the inventory.

3. An assured must disclose in his application the amount of insurance carried and the names of the companies. Further, the insurance companies should have a central index for information about the amount of insurance carried in each location. This might prevent the assured from obtaining excessive insurance and so would remove one of the most common motives for the commission of the crime of incendiarism.

4. The burning of property by racketeers for revenge must be reduced by causing the merchants or individuals concerned to feel more secure and free in disclosing to public authorities threats made against them. Also, the Chambers of Commerce, Associations, District Attorneys, State Police, Fire Marshals, Police, Fire Departments, and all

3. *Ibid.*, p. 100.

4. Such a provision is contained in some of the standard forms of fire insurance policies in a few states such as Texas, Alabama, Mississippi, Georgia, Florida, and South Carolina.

public authorities should cooperate to protect the community everywhere from these public enemies.

5. A central index in alphabetical order stating the name of the offender and the name of the offense, with the description, case history and location of any professional arsonist or pyromaniac should be available in all the Departments of Police, the Bureaus of Identification and Records, the Fire Marshal Bureaus, the insurance companies, and the mental hospitals, stating also what surveillance or other precautionary measures are being taken by the authorities, or otherwise, with respect to these persons.

6. A severe model law against arsonists should be drafted for adoption by all the states.

7. The statutes of limitations must be eliminated as regards incendiary fires so that the offense of arson can never be outlawed by passage of time.

8. Criminal incendiarism committed by pyromaniacs is considered to be due to a disease, in offenders who are usually mentally abnormal. The damage that a pyromaniac free in a community can accomplish is almost incalculable. It is essential to recommend that such cases must be under careful and constant supervision, with social control and custody if need be, bolstered by appropriate medical care and treatment.

The writer believes that an active preventive program of the sort recommended would go far toward reducing the causes and motives leading to arson.