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## RECENT TENDENCIES IN CRIMINOLOGICAL RESEARCH IN GERMANY

NATHANIEL CANTOR\*

What causes crime? Who are the criminals? Much, if not most, of the research of the past twenty years, both in the United States and on the Continent, centers in these two related questions. No matter how extreme the points of view or methods of research, there is general agreement that without knowledge of the etiological factors underlying specific criminal behavior, control over it remains ineffective.

The American students have approached this problem from the psychological and sociological points of view. The major research in this country, for reasons which need not now be discussed, has been in the hands of the psychologists and sociologists. The continental research, on the other hand, has been directed chiefly by physicians and psychiatrists. Hence, emphasis has been placed upon the physical or structural side of behavior, on hereditary-biological causation.

This paper deals with several techniques and methods which have been recently developed on the Continent. The general movement employing these methods is known as the crimino-biological approach. Since Bavaria has made the most extensive and most critical use of such technique, its crimino-biological work is selected for emphasis in the discussion which follows.<sup>1</sup>

Before entering into a description of the work in Bavaria, it

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<sup>1</sup> One of the basic works is that of the co-founder of the movement, Lenz, *Grundriss der Kriminalbiologie*, 1927.

The more comprehensive reports of the entire movement are to be found in the four volumes of the Crimino-biological Society which comprise the papers read at the four past congresses. *Mitteilungen der Kriminalbiologischen Gesellschaft*, 1928-1933. The work at Württemberg, Saxony and Austria is therein described.

The schedules used by Vervaeck in Belgium, Fetscher in Saxony, the psychobiogramm of Kretschmer, the questionnaires of Lenz in Austria and Viernstein in Bavaria, and the proposed scheme of a criminalpsychobiogramm of Birnbaum are all described in F. Von Rohden, *Einführung in die Kriminalbiologische Methodenlehre*, Berlin, 1933, pp. 179-228. An extended bibliography is found at p. 239 ff.

See also Edmund Mezger, *Kriminalpolitik auf Kriminologischer Grundlage*, Stuttgart, 1934.

For a general and brief description of the movement see Gustave Aschaffenburg's article, *Kriminalanthropologie und Kriminalbiologie*, in the *Handwörterbuch der Kriminologie*, vol. 8, pp. 825-840.

is desirable to relate it to the general tradition of Lombroso, which exerted great influence throughout Western Europe.<sup>2</sup> Although the efforts of Lombroso's predecessors<sup>3</sup> must not be underestimated, he was the first to develop a theory of the criminal based upon definite *morphological* characteristics.

Dr. Louis Vervaeck, a physician and anthropometrist, under the influence of Manouvrier, Bertillon and Lombroso, undertook to find an index of criminality. As Director of the Belgian Service Anthropologique, he has collected approximately 30,000 cases during the past fifteen years from the ten principal prisons in Belgium. Vervaeck believes that he has found in the "grand stretch," that is, the relation between the height of the inmate to the distance between the tips of the fingers of the two hands extended horizontally, an indirect index of criminality. An excessive grand stretch is an index of degeneracy, and criminals and psychopaths are degenerate.

Dr. Vervaeck, in line with the Lombrosian tradition, still clings to *morphological*-bodily-structural criteria of criminality. But the data gathered in the psychiatric annexes and in the medical examinations which are maintained in all of the large prisons, has led him to the view that degeneracy is brought about by the disfunctioning of the endocrine glands and partly by intoxications of the germ plasm.

The importance of Dr. Vervaeck's researches for our discussion lies in the fact that attention was and is given not only to the Lombrosian *morphological* characteristics of a born criminal, but to *psychopathological* traits as well. It should also be borne in mind that part of the schedules of Dr. Vervaeck were taken over by the German students in their crimino-biological investigations.

The belief in the born criminal thus appears in a somewhat different guise. The search for the born criminal is not surrendered. Instead, however, of insisting upon a morphologically predetermined type, the search now proceeds for the nature and character of psychic or structural *dispositions*, temperaments, tendencies which in the socio-economic setting are likely to lead to criminal behavior.

The shift from seeking *morphological*, structural indices of the born criminal to looking for *psycho-pathological* patterns and temperaments was and is supported by developments in other fields.

A distinct type of dynamic psychology, "Characterology," de-

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<sup>2</sup> Von Rohden, F., "Lombrosos Bedeutung für die Moderne Kriminalbiologie," *Arch. für Psychiatrie*, vol. 92, 1930, pp. 140 ff, especially p. 146. where von Rohden pays tribute to Lombroso's great work in emphasizing for the first time the need for the causal investigation of the criminal.

<sup>3</sup> Lauvergne, Despine, Broca, Morel, Prichard, Nicholson, Thomson and Davis.

veloped in Germany.<sup>4</sup> Works on the psychopathology of criminals have been published by German psychiatrists.<sup>5</sup> The implications of biology for criminology are considered.<sup>6</sup> Correlations between psychopathologic conditions (and, hence, criminals) and handwriting have been explored.<sup>7</sup> Kretschmer's investigations in the psychiatric clinic led him to believe that correlations between physique or body-build and temperament exist.<sup>8</sup> Again, others have sought for an index of abnormality in blood classification.<sup>9</sup> Still others are convinced that the skin capillaries reveal degeneration and abnormalities.<sup>10</sup> Endocrinological research has also made its contribution.<sup>11</sup>

One of the most significant approaches to the problem of hereditary factors in criminal behavior has been through the study of twins.<sup>12</sup>

Of outstanding importance is the genealogical approach, which will be dealt with in detail in discussing the work in Bavaria. positions, emphasizing one aspect and ignoring others for the sake of systematization.<sup>13</sup>

These various techniques and approaches have been built into systems. Each system approaches its task with different pre-sup-

Nor are studies lacking contradicting the findings and interpretations of the workers in these allied fields. Other German students

<sup>4</sup> The two most important sources are Kronfeld, *Lehrbuch der Charakterkunde*, 1932, and Hoffmann, *Das Problem des Charakteraufbaus*, 1926.

<sup>5</sup> Birnbaum, *Die psychopathischen Verbrecher*, 2nd edition, Leipzig, 1929; *Kriminal psychopathologie und psychobiologische Verbrecherkunde*, Berlin, 1931.

<sup>6</sup> Stumpfe, "Erbanlage und Verbrechen," *Zeitschrift für die ges. Neurolog. und Psychiatrie*, vol. 145, 1933, p. 283.

Gruhle, "Vererbungsgesetze und Verbrechensbekämpfung," *Monatsschrift für Kriminalpsychologie und Strafrechtsreform* (hereinafter to be referred to as M. Kr. P.), vol. 23, p. 559.

<sup>7</sup> The basic work is that of Klages, *Handschrift und Charakter*, 11th edition, Leipzig, 1930. The works of other students are cited in von Rhoden, *Op. cit.*, p. 83.

<sup>8</sup> Körperbau und Charakter, 1921. For the American investigations consult Wertheimer and Heskette, "The Significance of the Physical Constitution in Mental Disease," *Medicine*, 1926, 5:375-463, and Mohr and Gundlach, "A Further Study of the Relation between Physique and Performance in Criminality," *Journal of Abnormal and Social Psychology*, 1929, 24: 91-103.

<sup>9</sup> Steffan, *Handbuch der Blutgruppenkunde*, 1932; Gundel, *Deutsche Zeitschrift für gerichtl. Med.*, 1928, 11: 99; Böhmer, *Idem.*, 1926, 9: 426.

<sup>10</sup> Jaensch, *Die Hautkapillarmikroskopie*, 1929. Müller, *Deutsche Med. Wochenschrift*, 1930, p. 575 ff. does not agree.

<sup>11</sup> The contributions of Bermann, Fischer and Pende are discussed in Birnbaum, *op. cit.*, 1929, p. 196.

<sup>12</sup> Lange, J., *Verbrechen als Schicksal*, Leipzig, 1929; "Über Anlage und Umwelt, Zwillings biologische Betrachtungen," *Zeitschr. Kinderf.*, 1928, 34: 377-390.

<sup>13</sup> The clearest and most complete account of these various techniques is to be found in Friedrich von Rohden, *Einführung in die Kriminalbiologische Methodenlehre*, Berlin, 1933.

have maintained that the fundamental concepts underlying the various approaches have not been clearly examined by their proponents. The various workers do not agree upon the concepts to be used, nor the method to be applied. The objects toward which the research is directed also vary from place to place. For example, the Kretschmerian schedule at Württemberg is intended to collect data only for scientific analysis. Dr. Lenz, in charge of the criminobiological station at Graz, wants to be able to present a basis to the judge for estimating the degree of responsibility for the criminal's act and the dangerousness of the criminal. Lenz wants a *dynamic* picture of the inmate for judicial prognosis. (For Lenz, the criminal is a relatively *unified* system of biological dispositions which must be understood as such.) The Bavarian research is motivated primarily by practical considerations, namely, determining which prisoners are reformable.

Because of the cross-purposes and confusion which characterize criminobiological research, a group of workers under the leadership of Dr. Adolf Lenz, of Graz University, Austria, Dr. Viernstein and Dr. Vervaeck formed the Criminobiological Society. (Its first congress was held in 1927 in Vienna.)

Instead of attending to differences in technique, approach and goal, let us glance at the common factors upon which members of the criminobiological associations agree:

1. They all agree upon the desirability of understanding the criminal personality as a whole.
2. This can be attained only by viewing his behavior as a *configuration* of the interplay between objective environment factors and the subjective, constitutional, biological, inherited tendencies.
3. Hence, the methods of any science which may aid in this investigation are legitimate, whether they are those of biology, anthropometry, psychology, psychiatry or sociology.
4. No sharp distinction between the methodology of the natural and social sciences can be drawn.
5. The majority of workers are more or less agreed upon the meagerness of results to date, upon the caution with which conclusions must be drawn,<sup>14</sup> and, what is most important, upon the

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<sup>14</sup> Dr. Viernstein, Director of the Bavarian investigations, concluded, however, that at least 50% of those examined were intractable. This drew a flood of criticism. See *Mitteilungen*, 2: 30 ff. for Viernstein's discussion. For the criticism, see Sieverts in *M. Kr. P.*, Sept., 1932, pp. 588 ff.

fact that out of their joint efforts the classification of crimino-biological types will eventually emerge.

In discussing the work in Bavaria we must keep in mind the various approaches noted above, the many sources contributing to the form of the schedules used, and especially the fundamental assumption underlying its crimino-biological research, namely, that the personality of a criminal manifests itself through the reciprocal effects of hereditary and environmental factors; that through an analysis of the data obtained, it is possible to determine whether the criminal behavior is predominantly related to hereditary or environmental causes.

The genealogical division of the Deutsche Forschungsanstalt für Psychiatrie in Munich, under the direction of Dr. E. Rüdin, has, for over twenty years, been interested in one fundamental problem, namely, the degree of inheritance of psychic anomalies of all kinds. Genealogical charts have been prepared of psychologically abnormal persons, the highly gifted, the insane, the feeble-minded, and the criminal. The research has been directed to answer the question, What percentage of the normal people reveal the traits found among the abnormal groups studied?

For example, a patient enters the psychiatric clinic of the University of Munich. His own record is taken, followed by a record of his ancestors, descendants, collaterals, and persons who have married into this family, especially those who have produced children with the bloodkin of the patient. Members of the psychiatric staff visit the physicians, teachers, community agencies and relatives referred to in the records. The frequency of traits found in the large family group is compared with similar traits found in the patient.

Again, in the study of the "highly gifted," the assumption is made that an undue amount of insanity and other mental abnormalities are to be found in the families of the gifted individuals. Cases to be investigated are selected from the honor lists of universities, museums and technical schools. The biographies of the cases are studied, and the church records examined for all relatives. The living relatives are visited and investigated. All evidences of abnormality are recorded.

A similar procedure is used in the study of children in the institutions for the feeble-minded. In each type of problem there is a control found in groups of the average population. The associates of Rüdin are extremely cautious, being aware of the many pitfalls in the random samplings of the control groups.

When, in 1921, Bavaria introduced the progressive grade system in its prisons, the question arose, which prisoners were to be given opportunity for reform and rehabilitation. Only upon those regarded as improvable was effort to be spent. Dr. Theodor Viernstein, Director of the Bavarian Crimino-biological Central Office, which is associated with Rüdin's Research Institute for Psychiatry, defined the crimino-biological work in terms of the problem, Which types of prisoners are reformable? His procedure has been influenced both by the genealogical methods of Rüdin, the work of Vervaeck, and the work of Kretschmer on body-type and behavior.

Every prisoner sentenced to more than four months is studied in the prison and in the Central Office at Munich. An elaborate questionnaire, based on the one used in the genealogical division of the Institute for Psychiatry, divided into fifty-one divisions, furnishes the original records. Sections 1-24 seek information concerning the close relatives of the prisoner, his parents, brothers, sisters, uncles, aunts and grandparents on both sides. Such data includes their economic and social position, their drinking habits, criminal records, psychic disposition, peculiarities of character, temperament and education. Sections 25-51 deal with the personality of the inmate, his educational and work records, attitudes toward family, military service, criminal record, social relations, marital status, number of children, their school, the social, economic and personal characteristics of the children, the physical history of the prisoner, and his own interpretation of the criminal act. Question 42 gives the psychical picture of the inmate. (The Belgian and Lettish forms were used. Now, since October 11, 1921, the Kretschmer psychobiogram is used.) The somatic characteristics and defects are noted. Questions 43-47 give a clinical psychiatric classification. Questions 48-50 deal with the anthropometric examination. Question 51 concerns itself with the glandular system.<sup>15</sup>

In brief, the report is divided into five parts: 1. the environmental and "hereditary" backgrounds of his relatives; 2. the prisoner's history and personal account of it; 3. his physical and mental make-up; 4. a differential diagnosis; 5. the social prognosis. The examination is conducted primarily by the prison physician. Since it requires quite some time, not all prisoners are given it. Other classes of prisoners are given a shortened form by the chaplain or teacher of the prison staff. This shortened form is restricted to only the sociological and psychological data.

<sup>15</sup> For schedules used see F. von Rohden, *Einführung in die Kriminalbiologische Methodenlehre*, Berlin, 1933, pp. 197 ff.

In addition to the objective quantitative data that is obtained, an effort is made through a series of conversations with the prisoner to obtain information as to his developmental history.

The results of these examinations, especially the non-quantitative data, are verified by means of official reports obtained from social agencies or institutions which have dealt with the prisoner, from his minister, school authorities and local police officials. Duplicates of the reports are filed in the German Central State Crimino-biological Bureau, which is connected with the Psychiatric Research Institute in Munich. The data of these reports are condensed on individual cards. It is hoped that this rich data will yield a picture of the criminal classes, of the etiology of crime.<sup>16</sup> Furthermore, the name of each individual person and the data mentioned in the detailed biological reports is listed on a card. There are approximately 85,000 such cards at the present time. (Jan., 1934.)

The Bureau, on the basis of its completed record, renders an opinion on the corrigibility and reformability of the offender.

What may be said of this crimino-biological procedure? In the first place, its working *hypothesis* that a large percentage of criminals *are* predestined by heredity to a crime career is precisely what is in issue. The question to be raised is, therefore, Are the techniques and methods valid?

Viernstein assumes that Rüdin's methods of studying insanity are applicable to the study of criminals. Rüdin's heredity investigations, through the genealogical analysis, rests upon a fairly sound basis. They deal with relatively *well-defined* and *extreme* cases of psychic or physical factors, such as dementia praecox or feeble-mindedness. *Such factors may, without too great danger, be considered hereditary.*

But when we deal with *criminological* behavior patterns possibly involving numerous socio-economic influences, the hereditary character of criminal disposition may not be so easily assumed. The assumption that if a certain individual manifests criminal tendencies his kin-group will also reveal criminal tendencies cannot be made until the importance of the environment in creating criminal tendencies has been carefully ascertained.

Hence, Viernstein utilizes a method which, while suitable when applied in one field, cannot be carried over in another where the problems are more complex.

<sup>16</sup> Up to Oct. 1, 1934, there were approximately 9,200 medical criminobiological reports and 7,600 psycho-sociological reports, altogether about 16,800 reports.



The possible influence of socio-economic factors on the development of the offender's personality traits has been neglected. The presence of similar traits in other geographical, occupational, religious and neighborhood groups which are non-criminal should be ascertained in order to make a comparison of the incidence of the anomalies in both criminal and non-criminal groups. The correlations of anomalies and criminal behavior may be merely descriptive, rather than causally significant. The correlations may be chance correlations and the interpretations entirely arbitrary.

Again, Kretschmer's correlations between body-build and temperament are used as if they are quite valid, which is not the case. The *opinions* of prison physicians, lawyers, chaplains and teachers, on the basis of the questionnaire data and personal impressions as to the intractability of the offender, may be accepted from a practical prison point of view. Such opinions, however, are not scientific conclusions.<sup>17</sup>

In brief, the aims of the crimino-biological investigations are primarily practical rather than scientific. An index of unreformability is sought (Bavaria) to segregate certain types of offenders. Again, the investigations are made (Graz) to aid the court in the disposition of the case. Exact measurement of certain isolated body traits are easily subjected to rechecking and to comparison with a control group. But to extend exact measurement to complicated psycho-social characteristics is another matter. Correlations are set up with variables which have not been carefully defined nor uniformly and consistently measured. Nor has the possible significance of such correlations been checked through comparative studies made on the non-criminal population. Most important of all, the possible influences of socio-environmental factors in shaping the psychic abnormalities said to be inherited have not been investigated.

Yet the student acquainted with the crimino-biological literature, or better, one who has had direct knowledge of the work being done, cannot, it seems to me, get rid of the impression that the crimino-biological movement is tremendously important.

Currently, in this country we have overemphasized, I believe, the importance of environmental influences. Hundreds of environmental studies in crime causation have been carried on in this country. We are still far from understanding the causes of crime. It may well be that apart from faulty methodology and inadequate

<sup>17</sup> Von Rhoden insists that the leaders or directors of the criminobiological bureaus must be psychiatrically trained physicians, *Op. cit.*, p. 15.

techniques, the barrenness of results is due to our over emphasis upon the sociological or environmental approach.

The least that may be said of the crimino-biological personality movement is that it represents an attempt to investigate the criminal personality as a whole; that it focuses attention upon the reciprocal influence and interplay of organic constitution and environment. It recognizes, and I believe correctly so, that a causal-statistical analysis of crime will in itself prove unfruitful; that a dynamic cross-section of the offender's personality at the time of the commission of the criminal act must be understood.

Professor Aschaffenburg, one of the most critical of European criminologists, declares, "The deepest conviction that body and mind present a unity justifies the establishing of crimino-biological types and establishes the right to fruitful crimino-biological consideration, although we cannot as yet nor even ever altogether grasp the more subtle interrelations."<sup>18</sup>

The crimino-biologists assume that while no one is born pre-determined to a life of crime, heredity plays the more important role in determining the *manner* in which one's social experience will be undergone and assimilated. The crimino-biological investigations to date will not stand up under critical scrutiny. Their central assumption has not been scientifically established. Whether it may be validated remains to be seen.

J. Lange, one of Rüdin's associates at the Institute of Psychiatry, has shown that in ten cases both twins of the thirteen *monozygotic* pairs brought up in a similar environment have been sentenced for various crimes committed in different places. Of the seventeen pairs of *dizygotic* twins brought up in a similar environment, in only two cases had both twins committed criminal offenses. The probabilities that no significance attaches to these results are millions to one.<sup>19</sup> No matter what the term "heredity" covers, in the case of the *monozygotic* twins, it is *highly improbable that the social environment alone accounts for their crimes.*

The Rosanoffs and Handy, in a similar work on 340 pairs of twins, state, "It will be noted that our findings are in the main similar to those of Lange and Legras. They point to the existence of either pre-germinal or germinal causative factors in adult criminality."<sup>20</sup>

<sup>18</sup> Aschaffenburg, *Op. cit.*, p. 328.

Von Rohden, *Op. cit.*, pp. 58 ff.

<sup>19</sup> Lange, J., *Crime and Destiny*, 1930, p. 211.

<sup>20</sup> Rosanoff, Handy and Rosanoff, "Criminality and Delinquency in Twins," *Journal of Criminal Law and Criminology*, Jan.-Feb., 1934, p. 929.

The unpublished anthropometric work of Professor Hooton of Harvard on

It is difficult to overemphasize the importance of this twin-study approach. A method has been discovered of keeping the social environment relatively constant and studying its effect upon monozygotic twins with almost identical hereditary structures.

Even assuming that there are certain "predispositions" toward criminal behavior, the problem remains why criminal behavior is actualized in certain cases and not in others. The answer will be found only when the relative importance of the different kinds of inherited and environmental factors is ascertained. The writer agrees with the critical reader that the concepts heredity and environment are not satisfactory; that we need a term which connotes the dynamic activity of a living organism. The problem, however, would remain, namely, accounting for the differences in organic activity. *Because behavior is manifested only in a cultural setting ("social environment") is no reason to deny the role of the organic structure.* Inability to investigate its influence has become a denial of its existence.

Criminological research in Germany has not been confined solely to crimino-biological investigations. Social and environmental studies of crime and criminals have also been undertaken. But the tendency among the German students is to study *particular* offenses or *particular* classes of criminals.

An outstanding series of studies under the editorship of Professor Franz Exner of the University of Munich<sup>21</sup> indicates the type of study referred to. The series, in which about twenty-five special monographs have already appeared, is devoted to psychological and statistical studies undertaken by *lawyers*. Professor Exner feels that the legally trained student, as well as the physician and psychiatrist, should become familiar with and contribute toward the development of the fields of criminology. The titles reveal the special kinds of studies included in the series: "War and Criminality," "Forgery and Fraud During the World War," "Recidivistic Swindlers," "Recidivistic Thieves," "The Murderers," "Receivers of Stolen Goods," "Female Criminality and Marriage," "Criminality and School," "Manslaughterers," "Perjurers."<sup>22</sup>

thousands of criminal and non-criminal individuals seems definitely to support the assumption of structural factors in crime careers.

<sup>21</sup> *Kriminalistische, Abhandlungen*, Leipzig, 1926-1935. The most recent volume by Schnell, *Anlage und Umwelt bei 500 Rückfallsverbrechern* (Heredity and Environment of 500 Recidivists) is the closest approximation in Germany to the Gluecks' study of 500 criminal careers. The Schnell volume does not compare, however, either in scope or analysis or critical attitude to the Glueck work.

<sup>22</sup> Exner, *Krieg und Kriminalität*, vol. 1, 1926.

Trommer, *Urkundenfälschung und Betrug im Weltkrieg*, vol. 6, 1928.

Beger, *Die rückfälligen Betrüger*, vol. 7, 1929.

Apart from the Exner series, several outstanding special studies may be mentioned, as, for example, the work on sexual crimes,<sup>23</sup> and on incest<sup>24</sup> and prostitution.<sup>25</sup>

Mention should be made of still another type of research which more closely resembles the kind of investigations carried on in this country. I refer to the attempts at correlating criminal offenses with social, economic or geographic factors. Thus one of the more critical German criminal statisticians shows the relation between crimes against the person and property and economic factors, alcohol and seasons.<sup>26</sup>

A similar statistical analysis for urban and rural crime rates is made by Professor von Hentig.<sup>27</sup>

Many students have occupied themselves with special studies on recidivism.<sup>28</sup>

An interesting approach to the psychology of the criminal has been made by Luz. He sought the inmate's own opinion as to the causes of the crime and its prevention.<sup>29</sup>

Research on the causes and treatment of juvenile delinquency has also been carried on.<sup>30</sup>

How significant are such studies for the understanding of crime causation? The criticisms which have been directed against crime research in America will hold true, generally, of the work in Germany. To be sure, we have emphasized the case study approach

John, *Die Rückfallsdiebe. Eine Untersuchung über Erscheinungsformen des Verbrechens*, vol. 9, 1929.

Gast, Peter, *Die Mörder*, vol. 11, 1930.

Weiss, H., *Die Hehler*, vol. 13, 1930.

Krille, Hans, *Weibliche Kriminalität und Ehe*, vol. 15, 1931.

Hoffner, *Kriminalität und Schule*, vol. 17, 1932.

Lorentz, *Die Totschläger*, vol. 18, 1932.

Teichmann, *Meineidige u. Meineidssituationen*, vol. 21, 1935.

<sup>23</sup> Wulffen, *Der Sexualverbrecher*, 11th edition, 1928.

<sup>24</sup> Hentig and Viernstein, *Inzest*, 1925.

<sup>25</sup> Albrecht, "Die Prostitution in Berlin," *M. Kr. P.*, vol. 21, p. 171.

<sup>26</sup> Roesner, *Der Einfluss von Wirtschaftslage, Alkohol und Jahreszeit auf die Kriminalität*, 1930. See also Grünwald, "Alkohol und Vergrechen," *M. Kr. P.*, vol. 18, 1927.

<sup>27</sup> "Die Soziale Grossstadt und das Kriminelle Land," *M. Kr. P.*, vol. 18, 1927.

<sup>28</sup> Von Heindl, *Berufserbrecher*, 5th edition, 1927.

Hagemann in *Handwörterbuch der Kriminologie*, vol. 1, pp. 132, 567, 621.

Schulze, Fritz, *Zur Ätiologie des Rückfalls*, Dresden, 1934.

<sup>29</sup> Luz, *Ursachen und Bekämpfung des Verbrechens im Urteil des Verbrechern*, 1928.

<sup>30</sup> For example, Schweizer, E., *Die Ursachen der Kriminalität und der Verwahrlosung bei Kindern und Jugendlichen*, 1933.

Grühle, H., "Die Ursachen der jugendlichen Verwahrlosung und Kriminalität," *Heidelberger Abh. d. Krim.-Psych.*, 1928.

Aichhorn, August, *Verwahrloste Jugend; die Psycho-analyse in der Fürsorge Erziehung*, Leipzig, 1925.

Leipmann, *Krieg und Kriminalität in Deutschland*, 1930.

and neighborhood studies, as well as psychiatric and psychological classifications, in and out of our correctional institutions. One of the outstanding criminologists of Europe feels that in these respects we have out-distanced the German work.<sup>31</sup>

From the point of view of utilizing the results of these many studies in the problems of *practical administration*, I do not doubt that this is so. From the point of view of contributing to a knowledge of the etiology of crime, our richer literature has not given us a deeper understanding.

We, in this country, will probably continue seeking for the causes of crime primarily in the social environment. In the process of this research, let us hope, we will critically examine and gradually refine our conceptual tools.

Long before we had made such studies, the sociological approach to the causal analysis of crime was represented in Germany by von Liszt and his students. But since the war the criminobiological movement has spread throughout Europe. This approach supplements the sociological approach. It is equally important and, in time, may yield more satisfactory knowledge of the etiology of crime than we now possess.

It is difficult to predict what effects the new German politics and law will have upon scientific research in crime causation. One reads in Mezger's *Kriminalpolitik* that the totalitarian state cannot accept an extreme environmental theory of crime causation.<sup>32</sup>

Professor Sauer, who in 1933 made one of the best efforts in crime classification,<sup>33</sup> declares in 1935, "The cause (of crime) is only the individual himself, that is, only the decision of his will and his deed; the cause is only the striving of the individual's will. . . . Heredity and environment are only patterns for this striving of the will."<sup>34</sup>

Dr. Frank announces that the "evil will is the origin of crime," in the *Commentary* to the New National Socialist Criminal Law, 1935.<sup>35</sup>

It will be most unfortunate for scientific progress in Germany if research and theory, too, must be tailored according to political patterns in order to produce an Aryan criminology.

<sup>31</sup> Exner, Franz, *Kriminalistischer Bericht über eine Reise nach Amerika*, Walter de Gruyter and Company, Berlin, 1935, pp. 84-85.

<sup>32</sup> "Eine extreme Milieutheorie ist in ihrem Kriminalpolitischen Konsequenzen für den totalen Staat unannehmbar," p. 173.

<sup>33</sup> *Kriminalsoziologie*, 1933.

<sup>34</sup> "Anlage und Umwelt als Verbrechensursachen," in *Zeitschrift der Akademie für Deutschen Recht*, Aug., 1935, No. 8, p. 522.

<sup>35</sup> So also Prof. Dahm, *Nationalsozialistischen und faschistischen Strafrecht*, 1935, pp. 17-18, and Dr. Freisler in *Deutsche Justiz*, 1934, p. 523.