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## PIONEERS IN CRIMINOLOGY: WILLIAM DOUGLAS MORRISON (1852—1943)\*

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The author is a doctoral candidate in the Department of Sociology of the University of Pennsylvania. He has recently been awarded a Research Fellowship from the National Institute of Mental Health to support his dissertation on employee theft from department stores. Mr. Robin has previously served as Senior Research Assistant at the Research Center of the School of Social Work of the University of Pennsylvania, Instructor in the Department of Sociology, and Research Assistant in the Department of Psychiatry of the same University. He received his B.A. degree in psychology from Temple University and his M.A. degree in sociology from the University of Pennsylvania.

In the following article Mr. Robin discusses the contributions of William Douglas Morrison to the study of crime and its causes. The Rev. Morrison, who was Rector of St. Marylebone in London from 1908 to 1943, served as a Chaplain in Her Majesty's Prison Service from 1883 to 1898 and derived from his prison experience an interest in criminology and penology which found expression in his two books on adult and juvenile crime, respectively, as well as his numerous contributions to periodicals and newspapers. Mr. Robin describes Morrison's views and appraises them in terms of current criminological thinking.—EDITOR.

It is perhaps the dearth of information concerning the life of the Rev. William Douglas Morrison and his professional position as religious leader rather than as man of science that have rendered his name as an early criminologist rather obscure. Aside from a brief statement in *The London Times*<sup>1</sup> noting his death and a short paragraph in *Who Was Who*,<sup>2</sup> little is known of the Reverend's biography.<sup>3</sup> His demise was not even mentioned in *The Journal of the Royal Statistical Society*, an organization to which he had belonged since 1891<sup>4</sup> and to which he had delivered a paper that was presented as the opening article in the 1897 publication of the *Journal*.<sup>5</sup>

Born in 1852 as the son of R. Morrison of Newton, New Brunswick, W. D. Morrison was educated at Glen Almond, a well-known Boy's School in Scotland, and at the University of St. Andrews, which conferred upon him the honorary degree of LL.D. in 1898. A few years after his ordainment

by Bishop Ripon, he became a Chaplain in Her Majesty's Prison Service, a position which he occupied from 1883 until 1898. His two books on crime, *Crime and Its Causes* and *Juvenile Offenders*, had their genesis in this early prison experience.<sup>6</sup> Morrison was said to be one of those modernists who are also Board Churchmen, meaning that he was willing to live and let live. This attitude, however, should not be interpreted as an acceptance of the status quo on the part of Morrison; any such disposition, in addition to being incongruous with his formal station in the social order, was also belied in his criminological writings. In 1908 Rev. Morrison became Rector of St. Marylebone in London and held this position until he was 91 years of age, when he died from the effects of an accident.

### *Editor, Letter-Writer, and Author*

In addition to preparing a number of religious works, Morrison was the editor of the *Criminology Series*,<sup>7</sup> under whose auspices his *Juvenile Offenders* appeared.<sup>8</sup> Morrison was apparently well acquainted with the work of Lombroso, having written the introduction to *The Female Offender*. In his foreword, Morrison's treatment of Lombroso's theory of atavism and physical degeneracy

\* *Supra* note 1.

<sup>1</sup> THE CRIMINOLOGY SERIES included LOMBROSO & FERRERO, *THE FEMALE OFFENDER* (1895); FERRI, *CRIMINAL SOCIOLOGY* (1897); and MORRISON, *JUVENILE OFFENDERS* (1897).

<sup>2</sup> *Sociology, Politics, and Jurisprudence*, 147 WESTMINSTER REV. 589 (1897).

\* The author is indebted to Professor Thorsten Sellin, of the University of Pennsylvania, whose belief in the importance of William Morrison was responsible for the undertaking of this research.

<sup>1</sup> *London Times*, Dec. 15, 1943, p. 7.

<sup>2</sup> 4 *WHO WAS WHO* 818 (1941-1950).

<sup>3</sup> The writer corresponded with the British Embassy in Washington in the hope of learning more about Morrison's life. The Embassy was unable to provide any additional information, but did suggest that Morrison's daughter or son-in-law might be contacted. Accordingly, a letter was sent to Alice Frances Mary Morrison, but to date there has been no reply.

<sup>4</sup> 60 J. ROYAL STATISTICAL SOC'Y 34 (March, 1897).

<sup>5</sup> Morrison, *The Interpretation of Criminal Statistics*, 60 J. ROYAL STATISTICAL SOC'Y 1 (March, 1897).

is cursory in comparison with his own comments on the functioning of the criminal law and penal administration. Neither, he asserts, is fulfilling its purpose of protecting society; in support of this position Morrison refers to the increase in criminal expenditures and to the growth of the habitual criminal population among all civilized communities.<sup>9</sup> Great Britain herself was incurring a bill of 10 millions sterling annually in connection with crime. This huge expenditure could be somewhat justified if the people of England were getting their money's worth in terms of a decreasing criminal class. Unfortunately this was not the case.<sup>10</sup>

Morrison recognized that the ordinary man could be deterred from crime on critical occasions by fear of punishment and public indignation. But the criminal population, he maintained, is not composed of ordinary men. Consequently the purely punitive principle on which the penal law rests is not applicable to them: "... a high percentage of them [criminals] live under anomalous biological and social conditions. And it is these anomalous conditions acting upon the offender either independently or, as is more often the case, in combination which make him what he is." It is because the criminal laws are not constructed to cope with the social and individual conditions which distinguish the bulk of the criminal population that they are so helpless in their contest with crime.<sup>11</sup> An almost inevitable extension of this reasoning—and one that Morrison does not fail to note—is that the criminal law errs in demanding equal sentences for the same or equal offenses.<sup>12</sup> "The duration and nature of sentences, as well as the duration and nature of prison treatment, must be adjusted to the character of the offender as well as to the character of the offense."<sup>13</sup> This would require, at the most, classification of institutions and, at the least, classification within institutions. For it is useless to apply the same method of penal treatment to a number of different classes of offenders.<sup>14</sup> The penal law, if it is to be effective, must cope with the conditions which produce the criminal. Once this is accomplished and enlightened principles of penal treat-

ment are applied, Morrison insisted, it is certain that society will enjoy a greater immunity from crime.<sup>15</sup>

Having written the preface and having provided a partial translation of *Criminal Sociology*, Morrison could not have been less familiar with Ferri's contributions to criminology than with Lombroso's. In a brief preface to this book Morrison touched upon the superficial interpretations so often placed upon returns relating to crime and the futility of resorting to increasingly severe punishments.<sup>16</sup> It is interesting to note that in translating *Criminal Sociology* Morrison omitted the entire first section of the book because it was too heterodox.<sup>17</sup>

Morrison's periodical commentaries on crime found their way into such scholarly publications as the *Journal of the Royal Statistical Society*, the *Sociological Review*, the *Journal of Mental Science*, *Mind*, and others. But Morrison could not be accused of restricting his thoughts on crime to esoteric audiences. By any standard Morrison would have to be considered an avid civic-minded correspondent, having had appear in the "Letter to the Editor" section of the *London Times* from 1891 to 1938 no less than 28 communications, ten of which dealt with criminal problems.<sup>18</sup>

Despite the wide circulation of Morrison's reflections on crime which appeared in newspaper and journal articles, his major contributions to the field of criminology are to be found in his two books: *Crime and Its Causes*, published in 1891, and *Juvenile Offenders*, which came on the scene nine years later.

#### *Crime and Its Causes*

Shortly after its appearance *Crime and Its Causes* was reviewed in the *Political Science Quarterly*, the *Annals of the American Academy of Political and Social Science*, and *The Nation*. The two latter journals commented favorably on the book, using such expressions as "thoughtful and thought-suggesting book"<sup>19</sup> and "a socio-

<sup>15</sup> *Id.* at xviii, xx.

<sup>16</sup> Morrison, *Preface* to FERRI, *CRIMINAL SOCIOLOGY* at v-viii (N. Y., Authorized Ed. 1897).

<sup>17</sup> *PIONEERS IN CRIMINOLOGY* 287 (Mannheim ed. 1960).

<sup>18</sup> When he was 79 years of age, Morrison contributed an article to the *London Times* titled "Aids to Longevity." Judging from his own life span it would seem that Morrison was eminently qualified to write on this subject. *London Times*, Feb. 11, 1931, p. 8.

<sup>19</sup> Brinkerhoff, Book Review, 2 *ANNALS* 125 (1891).

<sup>9</sup> Morrison, *Foreword* to LOMBROSO & FERRERO, *THE FEMALE OFFENDER* at v (N. Y. 1895).

<sup>10</sup> *Id.* at vi.

<sup>11</sup> *Id.* at viii-ix.

<sup>12</sup> *Id.* at x.

<sup>13</sup> *Id.* at xi.

<sup>14</sup> *Id.* at xx.

logical investigation . . . distinguished for its thoroughly scientific spirit."<sup>20</sup> The *Political Science Quarterly* summarized the main findings of Morrison without commenting on its quality; it did however suggest that Morrison had omitted an important factor in crime causation, namely, the absence of any settled trade or occupation.<sup>21</sup> This criticism of Morrison, though, does not seem entirely justified. While Morrison did not discuss the relationship between productive employment and crime at great length in *Crime and Its Causes*, he did not fail to consider it.

"The closeness of the connection between degeneracy and crime is, to a considerable extent, determined by social conditions. A degenerate person, who has to earn his own livelihood, is much more likely to become a criminal than another degenerate person who has not. Almost all forms of degeneracy render a man more or less unsuited for the common work of life; it is not easy for such a man to obtain employment. . . . A person in this unfortunate position often becomes a criminal, not because he has strong anti-social instincts, but because he can not get work. Physically, he is unfit for work, and he takes to crime as an alternative."<sup>22</sup>

Be this as it may, the *Quarterly's* review of Morrison's work could not by any means be described as disapproving; it was simply non-committal.

The first chapter of *Crime and Its Causes* takes up the statistics of crime. To be exhaustive, Morrison says, criminal statistics should include more than the age, sex, and occupation of the offender and the amount of crime, basic as such information is. These data need to be supplemented by the personal and social history of the criminal. The methods to be employed in deterring criminals can be ascertained only after the most searching preliminary inquiries into all the main facts of crime; accordingly, the life-history technique of data collection is strongly recommended.<sup>23</sup> In the same chapter Morrison divides the factors which are responsible for crime into three great categories—cosmical, social, and individual. The cosmical factors are climate and the variations in temperature; the social factors re-

fer to the political, economic, and moral conditions of man as a member of society; while the individual factors are attributes which are inherent in the person, such as sex, age, mental characteristics, etc. Though Morrison readily admits that these categories can be reduced to two—the organism and the environment—he feels that this three-fold division is more convenient for purposes of analysis.<sup>24</sup> The following chapters of the book, with the exception of the last, examine the facts of crime as expressions of these three general factors. The main conclusions reached by Morrison are as follows.

(a) *Climate and Crime*. Crimes against property preponderate in cold climates and months of the year, while crimes against the person are more prevalent in warm regions and high temperatures.<sup>25</sup> Crimes of a violent nature, in particular, tend to be committed more frequently in warm climates and seasons than in cold.<sup>26</sup> There are two reasons for this: a rise in temperature serves to diminish a sense of human responsibility,<sup>27</sup> and good weather, multiplying the occasions for human interaction, necessarily increases the opportunities for criminal conduct.<sup>28</sup> And yet, Morrison contends, the adverse influence of climate should not be regarded as irrevocable. Innumerable methods and devices exist which can protect man against the hostility of the elements. In this connection Morrison refers to the society of India whose caste structure is such as to neutralize the effect of climate in producing crimes of blood. Although the average temperature of the Indian peninsula is about 30 degrees higher than that of the British Isles, India has fewer crimes against the person than the most highly civilized countries of Europe.<sup>29</sup> Morrison's explanation of India's low homicide rate is strongly Durkheimian, suggesting that the caste status of the masses binds them effectively to social groups with an established way of life from which deviation is neither permitted nor desired.<sup>30</sup>

(b) *Destitution and Crime*. Morrison defines a destitute person as one who is without a home and, though able and willing to work, without a job and thus faces starvation.<sup>31</sup> The essential question

<sup>24</sup> *Id.* at 21.

<sup>25</sup> *Id.* at 28.

<sup>26</sup> *Id.* at 43-46.

<sup>27</sup> *Id.* at 77.

<sup>28</sup> *Id.* at 66.

<sup>29</sup> *Id.* at 46-48.

<sup>30</sup> *Id.* at 57-58.

<sup>31</sup> *Id.* at 82-83.

<sup>20</sup> Book Review, 53 *NATION* 128 (Aug. 13, 1891).

<sup>21</sup> Westen, Book Review, 6 *POL. SCI. Q.* 355 (1891).

<sup>22</sup> MORRISON, *CRIME AND ITS CAUSES* 199 (London 1891).

<sup>23</sup> *Id.* at 3-4.

is whether any appreciable amount of crime is due to the desperation of such individuals. To answer this query, decides Morrison, it is first necessary to analyze the type of crimes these persons would be most likely to commit, namely, begging and theft. He then proceeds to determine the proportion of the total volume of crime that is represented by these two offenses and, secondly, the extent to which they are the result of destitution.<sup>32</sup> Cases of this type were found to constitute 15 per cent of all cases tried in England and Wales during 1887, 8 per cent consisting of offenses against property and 7 per cent offenses against the Vagrancy Acts.<sup>33</sup> However, half of the offenders against property, far from being destitute, were earning wages at the time of their arrest.<sup>34</sup> Of the remaining 4 per cent of property offenders, 2 per cent were habitual criminals and therefore not "destitute" as defined above. So only 2 per cent of the property offenders could have been driven to crime by destitution. With respect to offenders against the Vagrancy Acts in the year 1888, less than half were charged with begging; the other offenses<sup>35</sup> were unlikely a priori to be motivated by destitution.<sup>36</sup> Finally, by a careful process of exclusion, Morrison reaches the conclusion that of the beggars, again not more than 2 per cent were made criminals by destitution.<sup>37</sup> Consequently, the destitute class does not account for more than 4 per cent of the criminal population. In further support of his position that destitution is not a significant cause of crime, Morrison refers to statistics collected by M. Monad of the Ministry of the Interior in France. According to M. Monad a benevolent citizen, anxious to test the truth of statements of sturdy beggars that they were willing to work if given a chance, offered employment at four francs a day to every able beggar who presented himself. During the course of eight months 727 beggars came to this citizen's attention, all complaining that they had no work. Each was asked to come the following day to receive a letter of introduction which would enable him to obtain employment at the above-specified wage. More than half of them (415)

never came for the letter; 138 returned for the letter but never used it; only 18 were found at work at the end of the third day.<sup>38</sup>

(c) *Poverty and Crime*. If actual destitution does not contribute appreciably to crime, perhaps poverty does. Unfortunately Morrison provides no explicit definition of poverty, but he does make it clear that this class of people, while being in a more favorable position than the destitute, are nevertheless in a state of economic distress: Morrison relies upon international statistics to throw some light on the relation between poverty and crime. The offense those in a state of poverty are most likely to commit is theft.<sup>39</sup> Putting together all the offenses against property under the common heading of "theft," Morrison finds that although England is six times as wealthy as Italy, more thefts per 100,000 of the population are committed in England than in Italy. Similarly, though the wealth of France is much greater than that of Ireland, the French commit more property offenses than the Irish.<sup>40</sup> These comparisons are, of course, subject to criticism on the basis of the variation in the collection and presentation of criminal returns among different countries. A comparison between England and Ireland, however, would be especially valid since both of these countries gather their statistics on very much the same principles; they are also very similar in the administration of their law. Such a comparison reveals that the Irish, despite their poverty, are not one-half so addicted to property offenses as the English with all their wealth.<sup>41</sup> Morrison presents additional evidence on this topic, but perhaps enough has been said to indicate that all his facts "instead of pointing to poverty as the main cause of crime, point the other way. . . . It has been reserved for this generation to propagate the absurdity that the want of money is the root of all evil; all the wisest teachers of mankind have hitherto been disposed to think differently, and criminal statistics are far from demonstrating that they are wrong."<sup>42</sup> Thus economic adversity, expressed in destitution and poverty, are rejected as the explanation of criminal behavior.

(d) *Crime in Relation to Age and Sex*. Although females commit considerably fewer crimes than males, asserts Morrison, the offenses they do

<sup>32</sup> *Id.* at 83.

<sup>33</sup> *Ibid.*

<sup>34</sup> *Id.* at 84.

<sup>35</sup> These other offenses consisted principally of prostitution, possessing implements of house-breaking, frequenting places of public resort to commit a felony, and being found on enclosed premises for unlawful purposes. *Id.* at 91.

<sup>36</sup> *Ibid.*

<sup>37</sup> *Id.* at 119.

<sup>38</sup> *Id.* at 104-05.

<sup>39</sup> *Id.* at 128-29.

<sup>40</sup> *Id.* at 130-31.

<sup>41</sup> *Id.* at 131-32.

<sup>42</sup> *Id.* at 145.

commit are often much more serious than those of males, and female offenders are therefore less reformable than male. English prison statistics, moreover, indicate that women convicts are much more likely to be reconvicted than men.<sup>43</sup> Nevertheless females are generally less criminal than males, and Morrison attributes this fact to (1) their superior moral quality, fostered by their maternal role, (2) their comparative lack of physical power, and (3) the retired and secluded nature of their lives.<sup>44</sup> It is therefore expected that whenever the social status of women approaches that of men, a stronger resemblance between the sexes will occur in their criminal proclivities.<sup>45</sup> With regard to the age distribution of the criminal population, it is at its lowest level from infancy until 16; from this point on it steadily increases in volume until it reaches a maximum between 30 and 40, whereupon it begins to descend.<sup>46</sup> Women begin their criminal activities later and bring them to a close earlier than men. It is later in starting because of the greater control exercised over girls than over boys, but while it exists it is more persistent because devotion to crime is more intractable in a woman than in a man.<sup>47</sup>

(e) *The Criminal in Body and Mind*. No definite conclusions can be drawn regarding the skull<sup>48</sup> or the brain of criminals.<sup>49</sup> Oddly enough, in discussing the physiognomy of the criminal Morrison posits a rather narrow environmental determinism of facial characteristics.

"[I]t must be borne in mind that a prolonged period of imprisonment will change the face of any man, whether he is a criminal or not. . . . If a man spends a certain number of years sharing the life, the food, the occupations of five or six hundred other men, if he mixes with them and with no one else, he will inevitably come to resemble them in face and feature. . . . [T]he action of unconscious imitation, arising from constant contact, is capable of producing a remarkable change in the features, the acquired expression frequently tending to obliterate inherited family resemblances."<sup>50</sup>

Fortunately, Morrison did not attribute great

causal power to physiognomy as a crime-producing agent. He did find that the English criminal population was characterized by a high percentage of disease and degeneracy<sup>51</sup> and that, on the whole, the criminal class was less-gifted intellectually than the rest of the community.<sup>52</sup> Concerning the emotions of criminals, Morrison felt safe only in saying that they do not possess the same keenness of feeling as the ordinary man and that their family sentiment is underdeveloped.<sup>53</sup> Despite these findings, Morrison concluded, it can not be demonstrated that the criminal has any distinct physical conformation; and, secondly, it can not be proved that there is any necessary connection between anomalies of physical structure and a criminal mode of life.<sup>54</sup>

### *Juvenile Offenders*

*Juvenile Offenders* was published in 1900 and was reviewed by the *Westminster Review*, *Popular Science Monthly*, and *The Nation*. Only the *Catholic World* was critical of this work, charging that Morrison had ignored the moral control and responsibility which the individual has over his own behavior.<sup>55</sup> Nonetheless, this small book was regarded as the standard work on the subject for many years.<sup>56</sup>

The first part of *Juvenile Offenders* considers the conditions which produce juvenile delinquency. Morrison divides these conditions into two fundamental classes, the individual and the social, thereby omitting the cosmical category which appeared in his earlier volume. The principal individual conditions are the sex, age, and bodily and mental characteristics of the juvenile offender; on the whole the results here are so similar to those expressed in *Crime and Its Causes* that they will not bear repetition. Morrison's comments, however, on the most important social conditions of crime may be briefly presented. Regarding the parental status of juvenile offenders Morrison finds that, other things being equal, illegitimate children are more likely to become offenders than legitimates.<sup>57</sup> More than one-half of the inmates of industrial schools are

<sup>51</sup> *Id.* at 190-93.

<sup>52</sup> *Id.* at 194-96.

<sup>53</sup> *Id.* at 196.

<sup>54</sup> *Id.* at 198.

<sup>55</sup> Book Review, 65 CATHOLIC WORLD 117 (1897).

<sup>56</sup> CARR-SAUNDERS, YOUNG OFFENDERS: AN ENQUIRY INTO JUVENILE DELINQUENCY 9 (1942).

<sup>57</sup> MORRISON, JUVENILE OFFENDERS 129 (N. Y. 1900).

<sup>43</sup> *Id.* at 151.

<sup>44</sup> *Id.* at 152-54.

<sup>45</sup> *Id.* at 155.

<sup>46</sup> *Id.* at 160.

<sup>47</sup> *Id.* at 161.

<sup>48</sup> *Id.* at 181.

<sup>49</sup> *Id.* at 182.

<sup>50</sup> *Id.* at 185-86.

children who are either illegitimate, have one or both parents dead, or are the offspring of criminals and/or parents who have deserted them.<sup>58</sup> It is the task of society, so far as possible, to remove any conditions which are deleterious to the young. Therefore whatever tends to reduce illegitimacy and the death rate among adults, and to encourage the moral and spiritual elevation of the community, will aid in this task.<sup>59</sup> But it is not the mere fact of being illegitimate, orphaned, or descended from criminal parents which contributes toward delinquency. These circumstances simply express a more general and important factor in juvenile delinquency: the absence of sound parental moral character in directing the careers of their children. In the case of deserted or illegitimate children all guidance and direction are lacking, while the criminal parent provides his offspring with the wrong kind of guidance.<sup>60</sup> Parental character—or rather lack of it—then, emerges as one of the most significant causes of juvenile crime.

The economic circumstances of juvenile offenders are, to a large extent, determined by their parental condition. There is, then, a close relationship between parental character and economic position; and the juvenile at a disadvantage regarding the former is, almost of necessity, at a similar disadvantage with respect to the latter. It is extremely difficult for a juvenile living under these conditions to learn any trade which would make him independent and self-supporting. His lack of apprenticeship, continues Morrison, either makes it impossible to find any employment at all or necessitates his becoming a laborer. Either of these alternatives becomes a fruitful source of crime.<sup>61</sup> This position is supported by the fact that while the laboring group does not exceed 20 per cent in the general community, the proportion of laborers in the male prison population amounts to approximately 70 per cent.<sup>62</sup> Irregularity of employment, which itself is the result of parental penury, perpetuates the same condition in the offspring. To be sure, in espousing financial adversity as a prominent cause of delinquency Morrison makes the usual qualifying statements,<sup>63</sup> but his position is nonetheless puzzling when one

recalls the considerable lengths to which he went in *Crime and Its Causes* in discounting poverty and destitution as factors leading to crime. *Crime and Its Causes*, however, dealt primarily with adult crime; and Morrison could argue that the inability at the outset of life to obtain regular employment ultimately develops into a distaste for it,<sup>64</sup> so that its causative power on the juvenile level would not have its counterpart on the adult level. Even so, such an explanation is not entirely satisfactory.

Part II of *Juvenile Offenders* is devoted to the repression of juvenile crime and attempts to show how existing methods of dealing with the younger generation may be better adapted to reducing the causes of misbehavior. Methods of repression are divided into three classes—admonitory, punitive, and educational. Admonitory methods simply warn the offender against a repetition of the offense, place him on good behavior, or put him under surveillance; punitive techniques consist of fines, corporal punishment, or imprisonment; the educational measures involve sending the juvenile offender to industrial, truant, or reformatory schools, or to voluntary homes.<sup>65</sup> Morrison is in favor of using admonitions whenever practical, since an actual conviction presents a serious impediment to the future success of the young.<sup>66</sup> Fining also appeals to Morrison because of its effectiveness in handling offenses which require more than admonition but less than deprivation of liberty; at the same time it is the only punitive measure which is not irremediable.<sup>67</sup> In this connection the Reverend recommends the acceptance of installment payments.<sup>68</sup> Such a practice could do much to prevent the initial prison experience of the juvenile, which so often transforms him into a habitual criminal;<sup>69</sup> it would also be more in keeping with the original intent of the law, which sought not to imprison but to punish financially. Although Morrison is a disbeliever in the deterrent value of capital punishment, he does not support its abolition. It is his firm conviction that as all law rests in the last resort on the sanction of the public, it would first be necessary to convince the people that capital punishment was

<sup>58</sup> *Id.* at 145.

<sup>59</sup> *Id.* at 146-47.

<sup>60</sup> *Id.* at 148.

<sup>61</sup> *Id.* at 171.

<sup>62</sup> *Id.* at 168-69.

<sup>63</sup> *Id.* at 172, 177.

<sup>64</sup> *Id.* at 154-55.

<sup>65</sup> *Id.* at 180-81.

<sup>66</sup> *Id.* at 189.

<sup>67</sup> *Id.* at 195.

<sup>68</sup> *Id.* at 199.

<sup>69</sup> *Id.* at 220.

no longer needed for the protection of society.<sup>70</sup> He sees little value in corporal punishment or imprisonment: the former, in particular, contains nothing of a constructive nature to prevent the repetition of the offenses.<sup>71</sup> He lists as one of the chief defects of imprisonment the fact that the conditions of institutional life are diametrically opposed to those found in the free community. If prison experience is to prepare an individual for appropriate conduct in the world outside, the conditions of prison residence should approximate the conditions of normal existence.<sup>72</sup> In any event, when imprisonment is necessitated the separation of juveniles from adults, as well as other refinements of treatment, is absolutely necessary. No less essential than the classification of prisoners, however, is the classification of the prison staff, for without trained personnel utilized differentially on the basis of the reformatory contributions they can make, classification becomes perfunctory.<sup>73</sup> The more or less conscious recognition of the failure of imprisonment, suggests the Reverend, has resulted in the establishment of corrective institutions as an alternative manner of handling juvenile offenders.<sup>74</sup> Reports on the after-conduct of children released from reformatories and industrial schools suggest that these institutions are proving highly effective: three-quarters of the children committed to reformatory schools in England do well after their discharge.<sup>75</sup> On the other hand, it cannot be assumed that all those committed to corrective institutions would have become criminals if they had been sentenced to prison—or had been otherwise dealt with. Admitting these possibilities, Morrison still concludes that the work of these schools is highly important and beneficial to their charges.<sup>76</sup>

The preceding should not be interpreted as a complete rejection by Morrison of the punitive value of punishment. Punishment, Morrison maintains, cannot dispense with its punitive character; but, to be effective, it must progress beyond the mere infliction of pain and must offer in addition an experience from which the offender may learn something socially useful.<sup>77</sup>

<sup>70</sup> *Executions*, London Times, Dec. 22, 1910, p. 4.

<sup>71</sup> *Op. cit. supra* note 57, at 220.

<sup>72</sup> *Id.* at 234.

<sup>73</sup> *Id.* at 262–63.

<sup>74</sup> *Id.* at 275.

<sup>75</sup> *Id.* at 285–86.

<sup>76</sup> *Id.* at 288.

<sup>77</sup> *Op. cit. supra* note 22, at 204.

### *The Interpretation of Criminal Statistics*

Morrison's work in criminology is characterized, above all else, by its empirical orientation. The Reverend was careful to avoid an uncritical application of statistics to his material. An excellent example of Morrison's sophistication and analytical perception in this connection is to be found in a paper which he read before the Royal Statistical Society on December 15, 1896.<sup>78</sup> He began by dividing criminal statistics into three fundamental branches: police, judicial, and prison statistics;<sup>79</sup> the purpose of this division was to enable him to point out the differential weight to be attached to each of these methods of recording the nature and proportions of crime.<sup>80</sup>

Police statistics are defined as a body of returns relating to the number of offenses annually reported to the police and the number of police apprehensions as a result of these reports. Statistics of this nature, Morrison writes, are the most comprehensive account of the annual dimensions of crime. Neither prison nor judicial statistics merit the same claim to completeness. Prison statistics, in their turn, are less representative of the prevalence of crime than are judicial statistics; as partial proof of this the number of convictions in England and Wales in 1892 amounted to 589,532, but only 172,225 prisoners were committed to local prisons.<sup>81</sup>

Police statistics are the best index of crime simply because large numbers of crimes are regularly reported for which no one is apprehended.<sup>82</sup> The

<sup>78</sup> *The Interpretation of Criminal Statistics*, 60 J. ROYAL STATISTICAL Soc'y 1 (March 1897).

<sup>79</sup> *Ibid.*

<sup>80</sup> *Id.* at 2.

<sup>81</sup> *Ibid.*

<sup>82</sup> In connection with unapprehended criminals, Morrison suggested a type of legal compensation to those who were convicted. He proposed that punishment be increased in point of magnitude as it fell short in point of certainty. In short, sentences should be graduated in the various counties of England by the percentage of apprehensions to crimes. For example, in the metropolis 34 persons were apprehended for every 100 crimes. In the south and south-western counties 73 were apprehended for every 100 crimes. Morrison held that since the person who was convicted in the south or southwest county had chances of detection that were 39% better than one living in the metropolis, this person should have his sentence shortened by 39% of what it would otherwise be. In the hardware district where only 49 persons are apprehended per 100 crimes, the judge would simply increase his sentence by 24%, the difference between the number of apprehensions per 100 in the south-western area and the detections in the hardware district. *Excessive Sentences*, London Times, Feb. 2, 1892, p. 12.



average annual number of indictable crimes known to the police for the period 1890-1894 was 83,777; whereas the average annual number of prosecutions for indictable offenses for the same period was 56,070. It would, of course, be a mistake to suppose that even police statistics were complete, for the actual number of offenses committed annually is always in excess of the amount of officially recorded crime.<sup>83</sup>

With this as the essence of his paper, Morrison proceeds to elaborate upon the disadvantages and compensations of each of the sources of criminal statistics. In developing the topic, it is of interest to note that he discusses a phenomenon which recently has been called the categorical risk of offenses, one expression of which is the relation between the accuracy of statistics and gravity of offense.<sup>84</sup> Morrison demonstrates this relationship by referring to the officially decreasing rate of drunkenness from 1874 to 1894, despite the fact that the 53rd annual report of the Registrar-General stated that "the deaths attributed to intemperance have increased year by year since 1884 and in 1890 were both absolutely and relatively to the population more numerous than in any previous year." It is clear to the Reverend that the decrease in intemperance is illusory and to be explained by the more tolerant attitude of the police toward the drinking class.<sup>85</sup>

#### *The Increase in Crime*

Morrison's almost obsessive concern with the interpretation of criminal statistics was not without direction. His analysis of the procedural aspects of data collection, his attention to attitudinal changes on the part of the police and public, his consideration of shifts in judicial policy—in a word, his intensive examination of the *meaning* of criminal statistics—are all utilized to substantiate an unshakable conviction that is central to his entire system of thought and consequently permeated all of his writing: crime is increasing in England and Wales.<sup>86</sup> Although Morrison discusses the movement of crime in the first two chapters of both his books, it is in an article published in the *Nineteenth Century* in 1892 that this subject is covered most pointedly and system-

atically. In it the movement of crime in England and Wales was tested by an investigation of the statistics of cases tried, both summarily and on indictment, during the three decades 1860 through 1889.<sup>87</sup> The yearly average of cases tried in the decade 1860-1869 was 466,687; in 1870-1879 it was 628,027; and in 1880-1889 the number reached 701,060. "The most superficial glance at these figures is enough to show that the total volume of crime has increased very materially within the period to which they refer." Although the creation of new offenses, especially the Elementary Education Acts of 1870, has fostered the growth of crime in the last two decades, this is counterbalanced by the abolition in recent years of several old penal laws, as well as by the greater reluctance of the police to set the law in motion against trivial offenders. In any case, the fact remains that in the last three decades crime has steadily increased.<sup>88</sup> Morrison shows that this was not only an absolute but a relative increase: in 1860-1869 one case was tried annually for every 44 citizens of England and Wales; in 1880-1889 one case was tried for every 38 inhabitants.<sup>89</sup>

To test whether crime was increasing in severity along with its expansion in absolute volume, Morrison presented figures on the yearly average of indictable offenses tried: in 1860-1869 there were 19,149 such cases, in the second decade there were 15,817, and in the last decade 14,058. Although at first glance these figures would seem to indicate a decrease in serious crime, certain preliminary observations were forthcoming. In the last two decades, as a result of the passage of the Summary Jurisdiction Act, a large number of offenses which previously (1860-1869) were indictable could now be disposed of summarily. In order to arrive at an accurate estimate of serious crime committed in the first decade as compared with the following two decades, Morrison selected murder as representative of a serious offense<sup>90</sup> unaffected by changes of public feeling

<sup>87</sup> Morrison, *The Increase of Crime*, 31 NINETEENTH CENTURY 950 (1892).

<sup>88</sup> *Id.* at 951.

<sup>89</sup> *Id.* at 952.

<sup>90</sup> Undoubtedly Morrison's most articulate detractor was E. F. DuCane, whose article "The Decrease of Crime" appeared in the *Nineteenth Century* less than a year after Morrison's "The Increase of Crime" was published in that same journal. DuCane took Morrison to task for the way in which he determined the increase in juvenile crime, for interpreting an enlargement of the police force as indicative of a growth in the criminal class, and for relying upon "the most

<sup>83</sup> *Supra* note 78, at 3.

<sup>84</sup> *Id.* at 8. For a complete statement of categorical risks in crime, see RECKLESS, *THE CRIME PROBLEM*, ch. 3 (1961).

<sup>85</sup> *Supra* note 78, at 9.

<sup>86</sup> For a discussion of the increase of crime in Liverpool, see *Excessive Sentences*, *supra* note 82.

or judicial procedure within the period under study. Accordingly, he found that in 1860-1869 the yearly average of murders reported to the police was 126<sup>91</sup> as contrasted with 160 reported in 1880-1889. He concludes, therefore, that the decrease in the number of indictable offenses from 1860-1889 cannot be attributed to an actual decrease in serious crime.<sup>92</sup> In passing on to examine the movement of juvenile crime, he discovered a steadily upward trend: the yearly average committed to prison in the decade 1860-1869 was 127,690 as compared with 170,827 in 1880-1889; the annual average of juveniles in reformatory and industrial schools<sup>93</sup> in the first ten-year period was 6,834 and rose to 25,505 in the last decade. This despite the enormous expansion of philanthropic enterprise in the form of homes for the young and assistance to the destitute.<sup>94</sup>

### *Prison and Prisoners*

Morrison had little confidence in the effectiveness of imprisonment.

"We are sometimes told that the existing English prison system is the best in the world. And if the value of a prison system is to be measured by its uniformity of discipline, its attention to cleanliness, its machine-like methods of dealing with convicted men, no doubt our prisons need not shrink from comparison with other institutions of a similar kind abroad."<sup>95</sup>

He was never at a loss in answering his critics who pointed to the decrease in the prison population in very recent years (which Morrison never denied) as evidence that crime was not increasing and that imprisonment was exerting some de-

terrent effect. This method of reasoning, he argued, was fallacious because the rise and fall of the prison population depends upon many circumstances besides the amount of crime.<sup>96</sup> An increasing proportion of those who are convicted of crime are not sentenced to prison but are nonetheless criminal. In 1868 the number of summary convictions was 372,707 and the number imprisoned 95,263. The number convicted summarily in 1887 had risen to 538,930, but the number sentenced to prison had fallen to 78,438. In other words, the number of convicted persons sentenced to prison had decreased from 25 percent in 1868 to 14 percent in 1887. Similar results are found in the case of serious offenses.<sup>97</sup> Hence, the diminution of the English prison population of late is accounted for by the imposition of shorter sentences and the substitution of other forms of repression.<sup>98</sup>

But what does the prison do psychologically and socially to its inhabitants?

"[I]mprisonment so far from serving the purpose of protecting society adds considerably to its dangers. The casual offender is the person to whom crime is merely an isolated incident in an otherwise law-abiding life. The habitual criminal is a person to whom crime has become a trade; he is a person who makes his living by preying on the community. The prison is the breeding ground of the habitual criminal. The habitual offender is the casual offender to begin with. But the prison deteriorates him, debases him mentally and morally, reduces him to a condition of apathy, unfits and indisposes him for the tasks and duties of life; and when liberated he is infinitely more dangerous to society than when he entered it. It is not sufficiently recognized that punishment may be of a character which defeats the ends of justice."<sup>99</sup>

Morrison reasoned that the increase in annual expenditures<sup>100</sup> in connection with crime was due primarily to the augmentation of the habitual criminal class.

"Is it to be supposed that the borough and

<sup>96</sup> Morrison, *The Study of Crime*, 1 MIND: Q. REV. PSYCHOLOGY & PHILOSOPHY 493 (1892).

<sup>97</sup> *Excessive Sentences*, *supra* note 82.

<sup>98</sup> *Supra* note 78, at 13.

<sup>99</sup> Morrison, *Prison Reform: Prisons and Prisoners*, 69 FORTNIGHTLY REV. 782 (1898).

<sup>100</sup> For a detailed breakdown of expenditures in connection with crime, see Morrison, *supra* note 95, at 459.

serious of crimes" as representative of serious crime in general. By utilizing police testimony and by a careful critical analysis of Morrison's statistical presentation, DuCane arrives at conclusions which are in direct opposition to the Rev.'s. The compelling validity of many of DuCane's arguments can not be easily dismissed. See DuCane, *The Decrease of Crime*, 33 NINETEENTH CENTURY 480 (1893).

<sup>91</sup> It is curious that Morrison, having decided to use cases tried as the criterion of the movement of crime, suddenly switches to police statistics when referring to the offense of murder.

<sup>92</sup> *Supra* note 87, at 952.

<sup>93</sup> Morrison apparently overlooks or discounts the possibility that the rising number of juveniles in reformatory and industrial schools reflects a greater social consciousness expressed in the concern for the young, rather than an increase in juvenile crime.

<sup>94</sup> *Supra* note 87, at 954-55.

<sup>95</sup> *Are Our Prisons A Failure?* 61 FORTNIGHTLY REV. 460 (1894).

county authorities...are continually adding to the dimensions of the police force for the mere pleasure of seeing a larger proportion of the adult male population walking about in blue uniforms? The idea will not bear a moment's examination....The increase in the police force will go on, and the growth of expenditure on crime will go on, until we can succeed in reducing the dimensions of recidivism."<sup>101</sup>

Though the Reverend disparaged imprisonment, he did feel there were certain advantages to be gained from locally-controlled and operated prisons in contrast to the system of centralized prison administration, which was currently in existence. Morrison's inquiries revealed that during the last five years of local prison administration (1873-1877) the number of offenders re-committed to prison after one or more convictions amounted to 40 per cent of the prison population. During the last five years of the new system (1888-1892) the number of recommitments increased to 48 per cent.<sup>102</sup> Moreover, the rate of insanity among prisoners under the centralized system was twice that under local prison administration.<sup>103</sup> And individualized treatment was more likely to occur under local prison authority.<sup>104</sup> For these reasons Morrison supported a Prisons Bill, the object of which was to "decentralize an over-centralized system, to distribute responsibility, to establish a healthy balance of power within the administration, to make accurate information accessible to the Home Secretary, and through him to the public at large." On the more specific level of the daily life of the prisoner, the bill proposed (1) to shorten the offender's stay in prison by making the duration of his sentence dependent on the proportion of the fine he is able to pay, and (2) to allow prisoners sentenced to nine months and over to earn a remission of their sentence equivalent to one-quarter of its duration.<sup>105</sup> Apparently this bill never became law, since it was not again alluded to in print.

#### *Density of Population*

Although Morrison consistently held that the causes of crime were multiple and were to be

found in the interaction of the social and individual factors previously discussed, he did isolate one factor which he considered essentially responsible for the increase in crime.

"With respect to the growth of crime in general, my opinion is that the increasing density of population is to a large extent accountable for it. It may be set down as a tolerably accurate axiom that the more dense a community is, the more offenses it commits in proportion to its members....The following statistics for the 20 years 1857-76 will explain the intimate connection between density of population and crime. In 1871 Wiltshire, Dorset, Devon and Cornwall, Somerset contained 238 persons to the square mile and had .59 indictable offenses per 1,000 inhabitants; Yorkshire had 402 persons to the square mile and .79 indictable offenses; Cheshire and Lancashire had 1,131 persons to the square mile and 1.22 indictable crimes. Crime, therefore, tends to grow in consequence, to a considerable extent, of the greater concentration of the population."<sup>106</sup>

In turn, the increasing density of population is caused by a growing tendency of the community to congregate in large cities: "A highly concentrated population fosters lawless and immoral instincts in such a multitude of ways that it is only an expression of literal exactitude to call the great cities of today the nurseries of modern crime." All statistics point in this direction, but it can be understood, contends Morrison, without the aid of figures. The aggregation of large multitudes within restricted areas heightens the chances of conflict and thereby promotes opportunities for crime. Moreover, a population in this crowded state has to be restrained and controlled on all sides by a formidable network of laws; and as every new law forbids something previously permitted, a multiplication of laws is necessarily followed by an increase of crime. Besides these evils, Morrison goes on, the immense concentration of property within such areas generates a host of temptations, and a thieving class is developed which possesses unlimited opportunities for theft.<sup>107</sup>

#### *Contemporary in All but Time*

The essential content of Morrison's thought-system in criminology was developed and reached

<sup>101</sup> *Id.* at 467.

<sup>102</sup> *Id.* at 463.

<sup>103</sup> *Id.* at 468.

<sup>104</sup> *Id.* at 461.

<sup>105</sup> Morrison, *supra* note 99, at 786-87.

<sup>106</sup> Morrison, *supra* note 82.

<sup>107</sup> Morrison, *supra* note 87, at 956.

maturity in the late nineteenth and early twentieth century. He was nonetheless remarkably advanced in the pursuit and substance of his subject. He shared with present-day social scientists a calm commitment to social reform. He looked at the society of his time and saw in it social miseries from which it had to be liberated, if higher forms of civilized life were to be attained. These problems—unemployment, pauperism, insanity, crime—may have differed in external appearance. But at a deeper level they were strongly united: each was intimately connected with the other and collectively they constituted the Social Problem. Morrison hoped that in his own way he could contribute to the solution of the Great Problem by studying a small part of it.

The work of William Douglas Morrison was characterized by the demand for cautious interpretation of criminal statistics, the insistence on understanding the conditions surrounding the data before drawing inferences from them, the reliance upon empirical confirmation whenever possible, the emphasis placed upon the study of the offender as well as the offense, the enunciation of what was tantamount to a theory of differential association, disapproval of capital punishment and dissatisfaction with imprisonment as a solution to the problem, the stress upon classification of offenders in an effort to individualize treatment, the rejection of intemperance and economic conditions as the primary causes of crime, and the analysis of criminal behavior as the result of certain major individual and social factors working interdependently relatively free of free-will.

The validity of his ideas is attested to by the fact that they have become an integral part of the contemporary criminological scene.

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