



# Criminal Behavior

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FIRST EDITION  
FIFTH IMPRESSION

McGRAW-HILL BOOK COMPANY, INC.

NEW YORK AND LONDON

1940

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## CRIMINAL BEHAVIOR

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DELINQUENCY
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*Dedicated to*

MARTHA GOODALL WASHINGTON

*and*

WALTER WASHINGTON RECKLESS

## PREFACE

Those who are even slightly familiar with the large and rich archives of criminological study appreciate the fact that a single volume of average size cannot compress within its pages all that is important to say about crime. The present work, therefore, has acted selectively on the material, data, and contributions available for the study of criminal behavior, in accordance with what appeared to the author to give the best insight into the nature, variation, treatment, and prevention of crime.

In view of the lack of verified knowledge, a dogmatic, authoritarian treatise on criminology is wholly unwarranted and quite unbecoming. Instead, a general work on criminology needs to recognize the severe shortcomings of extant knowledge and to contain an abundance of tentative and qualified statements.

The absence of anything approaching scientific positivism in the field of criminological study leads one to embrace a comparative point of view, *i.e.*, to consider the variations, in time and place, of criminal behavior itself and of the methods used to combat it. There is good reason to contend that criminal behavior can be most effectively studied by comparative methods and that criminology as an academic or professional course needs to be taught comparatively.

Although the author's indebtedness to many authorities, authors, publishers, and agencies is recognized in footnotes, he wishes to take this opportunity to express his deep gratitude for their assistance. In particular, he is greatly indebted to Margaret Adelaide Jackson for typing the manuscript, checking references, and making the index of names.

WALTER C. RECKLESS.

Nashville, Tenn.,  
*January, 1940.*

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# CRIMINAL BEHAVIOR

## CHAPTER I

### THE STUDY OF CRIMINAL BEHAVIOR IN PERSPECTIVE

The contributions to the study of criminal behavior have come from persons representing several disciplines: biology, physiology, psychology, anthropology, psychiatry, sociology, law, economics, history, government, police science, and public welfare. If criminology may be conceived broadly as the study of criminal behavior, it is indeed a highly cross-fertilized field of study. As such, it is not inbred as are many other specialized fields.

The hybrid status of criminology is at once an advantage and a disadvantage. Advantages certainly accrue from the many avenues of approach. But the separatism of the multiapproaches make it difficult for contributors to share the same universe of discourse, to weigh the importance of their work in terms of the value of other contributions, to follow clues uncovered by men in another discipline, to concentrate on certain knotty problems, and finally to agree on scientifically acceptable conclusions.

Criminology is, therefore, not a unified body of knowledge but rather a reservoir of diverse insights and, to a large extent, of unintegrated conclusions. Contrary to popular opinion, very few positive pronouncements can be made from its rich archives,<sup>1</sup> because most of its hypotheses and conclusions have not stood the test of verification. The probability that the accumulating knowledge in criminology will ever become reducible to verified universal laws is very slight indeed. The fondest hopes of some of the classicists for the development of criminology as a positive science show no indication of becoming realized.

The most fruitful lines of progress are open to criminology primarily as a comparative science, *i.e.*, as a study of the behavior of unlike individuals in various circumstances. Diverse situations and individuals of varying traits in these situations afford a wide range of comparable data regarding the nature, divergence, volume, and background of criminal

<sup>1</sup>See the two outstanding bibliographies: AUGUSTUS FREDERICK KUHLMAN, *A Guide to Material on Crime and Criminal Justice*, New York, 1929; DOROTHY CAMPBELL CULVER, *Bibliography of Crime and Criminal Justice 1927-1931*, New York, 1934.

behavior. The task of uncovering these variations and explaining them is big enough and important enough to engage the attention of research students indefinitely. Studies which assume that criminal behavior is a variable in time and place and seek to understand its diversities are likely to yield far greater scientific returns than studies which assume that criminal behavior is a constant and seek to discover its general uniformities and causes.

Perhaps the greatest influence retarding the progress of criminology has been the traditional emphasis on the study of the causes of crime. If the strangle hold which this traditional emphasis has on criminology could be released, enormous resources in research effort could be diverted to the realistic and comparative study of criminal behavior. The concept of causation is, after all, rather inapplicable to the study of social behavior.<sup>1</sup> It assumes a detectable relation between cause and effect, whereas a social phenomenon, such as criminal behavior, is so involved that it may even be a cause of some of the causes which are supposed to cause it. Causation is undoubtedly a more usable concept in the realm of the physical sciences, where isolation of factors can be controlled, but it certainly has its limitations of use in the field of the social sciences and in the sciences that study the behavior of human beings in social situations.

There is no reason to assume that criminal behavior must be reduced to causative factors before we can understand and control it. The host of studies that have attempted to uncover the causative factors of crime or criminal behavior has not met with signal success. Their greatest net gain has been in showing what contentions are not tenable rather than in determining what factors are provocative of criminal behavior and to what degree. Many of the contributions to the causation of crime have been limited by their faulty methods in arriving at conclusions and, in consequence, have made unwarranted contentions.

Studies of age, sex, nationality, class, areal, and regional variations in volume and type of crime comprise a vital part of criminology as a comparative science and, from a realistic point of view; are much more important for an understanding of delinquency and crime than are the rather dubious studies of causation. The possibilities of indicating, with some measure of certainty, the relation of crime to these variables are much greater than indicating that heredity, glandular dysfunction, mental deficiency, psychopathic personality traits, thwarted wishes, family disorganization, unwholesome recreation, unemployment, poverty, and so

<sup>1</sup> Dr. Tadeusz E. Kuczma in his recent work discards the use of causal relationship of factors in favor of "multifarious correlations" of various components. See *Genetyczne Ujęcie Przestępstwa (The Genetic Approach to Crime)*, pp. 381-384, Poznań, 1939.

on measurably cause crime, singly or in combination. From the traits and conditions that are associated with criminal behavior and the individuals who are offenders, categoric criminal risks can be computed which express the statistical chances of persons who fall into varying categories to become official offenders. One should expect the categoric risks to differ in time and place. However, an understanding of the differences is fundamental to a comparative criminology. While differential crime risks, after they have been validated for various categories of people, do not tell why persons become criminal, they do tell what persons become criminals. Instead of pointing to causality, they indicate contingency, which is a more than accidental association of visibly recorded traits and conditions with persons who become officially recorded as offenders. Moreover, valid studies of differential crime risks should lead the way to effective preventive measures, by specifying the levels and categories of individuals in any society who are the most likely to become official offenders.

Recent clues, particularly from the research of American sociologists, suggest that as persons continue in delinquency and crime they accumulate criminal technique, criminal attitudes, and a criminal philosophy of life, all of which climax in a professional criminal career. A professional criminal career, according to Sutherland, apparently has the same basic attributes that other professional careers possess. It has developed from association, experience, and training. Inquiries into the genesis and types of criminal careers are likewise in line with a comparative criminology, since the study of the careers of gangsters in Chicago can be compared with the study of professional criminals in China. The explained differences undoubtedly would reveal something more important about criminal behavior than has been revealed by the attempts to prove the potency of hereditary blemishes in the production of habitual offenders. Studies of the differential acquisition of the modes of thought, feeling, and action that characterize criminal careers can throw light on the process by which habitual and professional criminals generate, independent of the causes which may have produced the initial criminal behavior in each instance or case.

Opposed to the notion that criminal careers are usually normal acquisitions from exposure to criminal lore and criminal characters and provide their own motive power for continuation, is the notion that a criminal is an individual whose heredity, physique, mentality, and temperament are badly loaded against his making a normal adjustment to society and that criminal behavior is somehow abnormal behavior. There is no evidence that the modern European criminologists who stress the constitutional explanation of crime have any better or more certain proof for their contentions than Lombroso had, in spite of many ingenious

studies. The data in the studies stressing the constitutional determination of crime are, for the most part, unreliable and the conclusions therefrom are usually invalid. For example, the basis for the classification of concordant and discordant and of monozygotic and dizygotic in the criminal-twins study of Lange is not reliable. Even if it were, and assuming that Lange used several hundred instead of thirty cases, the conclusions from his study would not be valid, because he did not prove that nondelinquent identical twins were nondelinquent because of the absence of an inherited criminal tendency. Without a matched control group, it is impossible to demonstrate that inherited criminal tendency is really a characteristic trait of concordant monozygotic twins. Kretschmer's data on body build and associated temperaments are quite unreliable and his conclusions are unwarranted. Where endocrinologists, especially in Italy, have cited glandular imbalance or dysfunction as a causative factor in criminality, one must remember that the norms for what is normal glandular functioning have not been established. Even if they were, it has never occurred to endocrinologists to match nondelinquent persons of the same sex, age, weight, height, nationality, and economic class with the criminals, to discover whether glandular abnormalities are really more characteristic of offenders than of nonoffenders.

The conflict between those authorities who stress the situational factors in crime and those who stress the constitutional, *i.e.*, hereditary, mental, and physical, factors in crime shows no sign of subsiding. Positive proof is not available to either side, although one might say that, with the exception of the intelligence-factor studies as run by standard tests on delinquent and nondelinquent samples, the research students in the field of the situational factors have made more progress in eliminating unwarranted contentions and in attempting to validate conclusions than have the researchers in the field of the constitutional factors.

So much emphasis has been placed on the explanation of criminal behavior that some authorities believe that this area of knowledge is the primary content of criminology. The knowledge about the punishment and treatment of offenders, as well as about the prevention of crime, has been relegated to a minor place in the study of criminal behavior. The reason for this is probably to be found in the fact that, in the so-called modern scientific age, explanations of causes have held the spotlight of importance, on the assumption that once the causes are known the recipe for controlling a problem would be revealed. But there is no justification for magnifying the importance of the study of causative factors over and above the study of measures and programs for the control of criminal behavior. Consequently, from this point of view, contributors to prison administration and methods of handling prisoners, such as John Howard, Alexander Maconochie, and E. C. Wines, have been just as important

to the total study of criminal behavior as contributors to the theories of causation, such as Lombroso, Tarde, and Goring, have been. In some respects, the contributions of the former may even be considered more important than those of the latter, if we judge from the standpoint of residual gains to society.

Studies gauging the outcome of treatment and the operation of preventive measures have lagged considerably behind the contributions to knowledge and practice of prison methods and court handling. In fact, serious investigations of the results of treatment and prevention have just begun. So far they have largely concentrated in the United States. As studies more and more test and attempt to understand the workings of treatment and preventive measures, one should expect from the conclusions some of the most important contributions to the knowledge and control of criminal behavior. Delinquency and crime apparently constitute a type of human problem for which experimental programs of control can be conducted without first having to wait for thorough and definite knowledge about causation. It is highly probable that very significant insight into the nature and generating forces of delinquency and crime will be revealed from adequate testings of the operational effectiveness of treatment and preventive measures.

Future studies should be able to test with prognostic or predictive devices the limits and chances of certain categories or classes of offenders to improve with certain courses of treatment. The groundwork for this approach has already been laid and it is merely a matter of carrying forward the excellent beginnings made by Burgess, Glueck, Healy, and others in America and by Vervaeck, Viernstein, von Rohden, Schiedt, and others in Europe.

If a valid method of sorting out the improvable cases can be found, the investigation of the treatment possibilities with this group of offenders could take two courses. In the first place, attention could be focused on whether the so-called improvable cases are actually assisted by rehabilitative measures, by subjecting a sample of the prognosticated improvable cases and another similar sample, matched for age, sex, race, nationality, type of offense, to certain treatment measures and to the absence of these measures. Such an approach might test whether cases can "go it" alone with as good results as cases assisted by rehabilitative agencies. In the second place, studies could test the differential results obtained from handling of matched improvable cases by various methods of treatment, in order to discover what sorts of measures produce the best results.

Insight into and research on crime prevention have been much more retarded and sterile than have been the contributions to the knowledge of institutional handling and treatment measures. Prior to the World War, very few authorities had any comprehensive or workable ideas

about the prevention of delinquency and crime. Charles R. Henderson's proposals for prevention represent the one shining star, illuminating the paths to a many-sided approach to the problem. Even today very few criminologists and welfare workers have an adequate working conception of prevention. For the most part, their proposals and the actual programs they sponsor are either farfetched or confused with treatment.

The principles of prevention announced by the Gluecks represent the newer insights gained in America since Henderson's day. There is less lost motion in them, less hit-or-miss fumbling for a cover-all approach. If one compares the principles and programs covered by the Gluecks with the assumptions and proposals of Henderson's plan of prevention, one finds that several older contentions have been eliminated because more recent insight suggests that they contain very little preventive worth. Reference is made particularly to the fact that the Gluecks in their recent coverage on the potentially most significant measures and ideas of crime prevention do not mention the improvement of the quality of the population by eugenic or sterilization measures, the renovations of the economic and political order, or the instituting of protective and security measures through social legislation. The Gluecks' symposium on preventive measures gives priority, by implication of the very programs it covers, to the attempts to reach the behavior problems of children and the problems of child adjustment. There is considerable justification for focusing crime-preventive effort at the juvenile level and for suspecting that programs that aim to prevent delinquency among children contain the greatest potentiality.

It is not assumed that the reduction of preventive measures to those that curb delinquency in children represents the last word on the subject of crime prevention. In fact, effective preventive measures, no matter what level they reach, must be posited on the variables in the cultural base of any locality, region, or country. A program may be effective in one community or country and not in another locality, because of differences in culture. Efficacious preventive measures, therefore, should be considered relative rather than absolute. As relative in time and place, they become important to the study of criminal behavior as a comparative science.

Objective and scientific insight into the prevention of crime will not be gained until experiments are conducted which adequately gauge the operational effectiveness of local programs and give some understanding of the reasons why they are effective or ineffective. The difficulty heretofore has been that piecemeal programs have been introduced and imposed without due regard to whether they could effectively operate in the areas in which they were instituted. Little effort has been made to



test the effectiveness of operation and to validate the adequacy of methods prior to making sweeping claims for newly sponsored programs.

The Chicago Area project, conducted by Shaw, is a signal exception, since it has constituted from the beginning an effort to test the operational effectiveness of procedures before prior claims of efficacy were made. The efficacy has come out of the investigation of how the program works. The procedures used in this program undoubtedly can be adapted for use in other American urban areas of high delinquency rate. Whether or not the methods of the Chicago experiment can be effectively transplanted to urban situations in Poland, Sweden, Germany, Italy, and other localities with a cultural base varying greatly from the American urban situation remains for future research in crime and delinquency prevention to demonstrate.

Apart from the foregoing statement of what appear to the author to be the most important implications of the existing state of criminological knowledge, the purpose of the present treatise is to give critical understanding of the nature and variation of criminal behavior and the ways by which society has dealt or can deal with it. More specifically, the following topics are the principal ones covered in the succeeding chapters: the relation of criminal behavior to what is socially defined as criminal and to the agencies bringing violations to light; the contrast of societies of frequent and infrequent crime; the areal and regional variations in volume and type of offenses; variations in volume and type of crimes by age, sex, class, nationality, and race; the contrast of organized crime with ordinary violations and the main historic forms of organized crime; the process by which criminal careers are acquired; a critical review of the outstanding studies of the causes of crime; the nature and variation of punitive practices and the trends in punishment; the convergent development of and variations in court practices and institutional handling of offenders; the results of treatment programs in the light of the problem of relapse; and a review of the varying conceptions and programs of crime prevention from the standpoint of operationally effective preventive work.

While a truly comparative criminology will have to await much future research, the effort has been made throughout to infuse comparative data and a comparative point of view wherever possible. The present treatise of criminal behavior, therefore, is intended to represent as close an approximation to a genuine comparative criminology as the existing status of knowledge and information affords.