

International Comparison in Criminal Statistics.

By Prof. VELI VERKKO.

Different views on the Possibility of Comparison.

The first judicial criminal statistics in the world were established in France in 1827. About the turn of the century these statistics were in existence in nearly all European countries.

The existence of such statistical material in the different countries gradually made topical the question of the comparability of this material.

Various opinions were put forward regarding the comparability.

To start with let us look at the opinion of the great man of German statistical science, *Georg von Mayr*, which is positive although very indefinite.

He considers that the idea of dealing monographically with individual crimes, of considerable extent or character, is fully justified, and that such monographs, furthermore, are of special significance as thorough attempts at international comparison can be made only concerning the said crimes — and even then are faced with many great difficulties.¹⁾

The Italian *Augusto Bosco*, the first criminologist with greater experience of international comparisons, considers the comparison possible for certain of the most typical crimes of most marked moral significance. As examples he mentions larceny and wounding. However, in his opinion, homicide is perhaps the crime best suited as an object of comparison, but at the same time attention must be paid to the dissimilarities in legislation in the different countries.²⁾

Bosco bases his statement, solely on law-court statistics, arriving nevertheless at a positive solution.

The German *Ferdinand Tönnies* completely rejects international comparisons. He points out how crimes are judged differently in the same periods and in one and the same country. Murders and international homicides even are not regarded in the same light in all countries, neither within the sphere of legislation, let alone in different periods, nor morally or even juridically. It may even happen that in one and the same country, a similar act is regarded by one law-court as murder, by another as international

¹⁾ *Von Mayr*, »Statistik und Gesellschaftslehre» III, p. 593.

²⁾ *Bosco, Augusto*, »Lezioni di Statistica, raccolte e compilate da P. Mengarini e A. Tamburini. Parte prima. Metodologia statistica«. Roma 1909, p. 598 and 599.

homicide in extenuating circumstances, and in a third, due to lack of evidence, the act remains unpunished.³⁾

A unique standpoint as regards international comparisons is taken by the Italian *Gaetano Zingali*. In his opinion the variation in the definitions of crimes in the different countries make direct international comparisons impossible. But he sees the solution to the problem of international comparison in the taking of a certain country as the starting point for comparison, constituting the basis and foundation of comparison. Statistical figures of the different crimes should be grouped to correspond as accurately as possible to the statistical figures of the country serving as the basis for comparison. In other words, foreign statistics must be »translated into the same language«, as the statistical grouping of the country with which they are to be compared. The differences in conceptions between the classification of crimes in the different countries can thus be co-ordinated. Zingali considers that, if this method is used, it is not necessary to restrict the comparison to the gravest crimes only, and the comparison can be carried out on a wider basis.⁴⁾

Zingali's opinion, based on court statistics, deserves an extensive description.

Its underlying idea is no doubt correct; no direct comparisons can be effected on the basis of judicial statistics; one country must serve as the basis of comparison. To such a degree do the conceptions of crime differ from one another in the different countries. But when he maintains without further argument that the different crimes, irrespective of their gravity are comparable internationally, he is mixing together two different things. The statistical figures indicating conceptually similar crimes in two different countries, in my opinion, are always comparable, but only in the sense that they show how numerous are those prosecuted for and convicted of a particular crime in the two countries compared, i. e. without consideration at all of the real number of the crimes concerned in the countries to be compared. This applies also to the statistics indicating established instances of crime. Such comparison, therefore, shows the amount of the work done by courts of law and by the police in the countries concerned.

The case is quite different where the real number of crimes in two different countries is concerned. In such a case crimes of which the general trend of development cannot be ascertained by means of criminal statistics cannot be compared at all.

³⁾ *Tönnies Ferdinand*, »Handwörterbuch der Staatswissenschaften, IV Aufl. Sechster Band, Kriminalstatistik-Reklamesteuer. art., Moralstatistik«, Jena 1925, p. 641.

⁴⁾ *Zingali, Gaetano*, »La statistica della criminalità. Studio teoretico«. Bologna 1916, p. 182 and 183.

In addition, among the crimes of which the trend can be observed, only the relatively most discernible, the homicides, can be considered. In addition, in exceptional cases, wounding with grievous bodily harm ensuing may enter into question in countries where criminal legislation and other conditions are similar.

Further, it must be pointed out that Zingali has misunderstood the comparison technique of international comparisons. It is impossible to »translate« the statistical figures of any country to make them correspond with the figures of the country serving as the basis of comparison, apart from exceptional cases. The crime classifications in the official statistics of the different countries are fixed, and no one, especially not a foreigner, can subsequently specify them further on the basis of original material. To be able to make comparisons, on the contrary, the statistics of the country serving as the basis for the comparison must be »translated« to correspond to the statistics of the other country, i. e. the statistical material of the former country must be classified so as to give groups of crime conceptually similar to those of the latter country. This naturally necessitates that the criminal statistics of the country serving as the basis of the comparison are purposively classified. However, this is generally not the case, and to achieve a more purposive division it is necessary to resort to the original material on which the statistical publications are based, insofar as such is available.

So much for judicial statistics. Insofar as the figures refer to established instances of homicide, it is in a sense possible to carry out even direct comparisons between the different countries, without taking any particular country as the starting-point. As such comparison, however, rests on a very uncertain basis, I find that we should be content with classifying the different countries, on the basis of their level of the incidence of homicides, into a few classes of which the limits are drawn fairly wide.

Attempts at Comparison to Date.

I shall now deal with previous international comparisons, of which, the first is the study by *Augusto Bosco*, published in 1889. The comparison is direct and based on statistics obtained from courts of law, and refers to five-year periods. In my opinion it shows that direct international comparisons on the basis of judicial statistics are practically impossible.

This in fact may have been the reason why *Bosco*, in his later studies of international criminality, refrained from comparisons and contented himself with setting the absolute figures of those convicted in the different countries against each other, and with

explaining the nature of the crimes under discussion and the statistical composition of the categories of crime.

The first of these more extensive studies was: »Législation et statistique comparée de quelques infractions à la loi pénale homicide, lésion personnelle, viol et attentat à la pudeur, vol, rapine et extorsion«, published in 1899.⁵⁾

The next study by Bosco was planned to comprise the European countries under the name »La delinquenza in Europa«. Of this, however, there was time to publish only Part I, though even that was very extensive, entitled »La delinquenza in vari stati di Europa«. ⁶⁾ In this thorough study of criminality, revealing profound knowledge, Bosco ventures on a short direct comparison on the basis of the number of those convicted of burglaries, larcenies and homicides. The figures refer to the biggest countries in Europe, however excluding Russia. These data he gives at the end of his monograph, and they date from the 1890's.⁷⁾

The earliest attempt at comparison between different countries in which one country was taken as the basis of the comparison and its statistical figures were adjusted to correspond to the statistical figures of the countries to be compared, is the monograph by the present writer, of 1924, »On Crimes against life in Finland« (published in the periodical *Lakimies*, 1924, pp. 191—230, 296—341), in which the incidence of crimes against life in Finland, Sweden, Norway and Denmark was compared on the basis of the number of those convicted.

The second work in this branch is my statistico-methodological work of 1931, in two volumes, entitled »On the determination of the trend and level of crimes against life and woundings with grievous bodily harm ensuing.« This study contains both an indirect and a direct comparison of crimes against life (and in certain cases also of wounding with grievous bodily harm ensuing), comprising all the countries on which the necessary statistical material was available.

In 1937 I published in German an abbreviated edition of this book under the title »Verbrechen wider das Leben und Körperverletzungsverbrechen«.

⁵⁾ Bulletin de l'institut international de statistiques, XI, 2, Roma 1899, p. 52—266.

⁶⁾ Bulletin de l'institut international de statistique, XIII, 4, Roma 1903, p. 19 et seq., 231 et seq.

⁷⁾ Apart from Bosco, the Italian *Luigi Bodio*, in the 1880's, gave short comparative figures on homicides in certain European countries. The data published by him, however, are brief and poorly founded, and cannot stand comparison with Bosco's thorough studies. Bodio, Luigi, article »De la statistique criminelle en Italie«, Archives d'anthropologie criminelle, I. Lyon 1886, p. 385—395.

This may suffice regarding the opinions of individual scientists and their attempts at comparison.⁸⁾

Discussion of the Question at the Congress of the international statistical Institute.

The congresses of the International Statistical Institute, too, have discussed the question since the 1880's. I will here report on the most recent phases only.

To the XVI Session of the Institute, in Rome in 1925, the famous German researcher, *Friedrich Zahn*, handed in an article entitled »Internationale Kulturstatistik«, which among other things dealt with the possibility of carrying out international comparisons of criminal statistics.

According to Zahn, it is necessary to adhere to the data supplied by law-court statistics regarding convictions or convicted persons. He is of the opinion — partly in agreement with von Mayr — that the easiest way is to choose as the objects of comparison certain grave, frequently recurring crimes, crimes which, in the criminal laws of the different states, are roughly delineated in the same way from other crimes.⁹⁾

For the next session, XVII, of the Institute, in Cairo 1927—1928, the Dutch statistician Dr. *J.R.B. de Roos* prepared a report entitled »Consonnes et voyelles. Communication sur la statistique criminelle«. ¹⁰⁾

His statement is completely deprecatory: »A solution to the question of comparing the incidence of crimes in the different countries is sought in vain. Data of all varieties in penal laws and penal procedure, it is true, can be appended (as an explanation). But it is absolutely impossible to define their effect on the number of convictions, and calculations, even approximate, such as might enable comparisons of the relative incidence of crime with different people, can never be achieved.«

⁸⁾ Among articles on international comparisons published roughly at the same time as or later than my work of 1931, may be mentioned the article by the Hungarian researcher *E. Hacker* entitled »Die Methoden der internationalen Kriminalstatistik«, *Deutsches Statistisches Zentralblatt*, 1932, Band 24, pp. 65—70, and the article by *Stéphane Rzepkiewicz* entitled »Observations sur la possibilité des comparaisons des statistiques criminelles des divers pays«, *Bulletin de l'institut international de statistique*, Tome XXIV, 2ème Livraison, Warszawa-Varsovie 1930, pp. 568—577.

Deserving of special mention is *Ernst Roesner's* excellent article entitled »Die internationale Kriminalstatistik in ihrer methodischen Entwicklung« (*Allgemeines statistisches Archiv*, 22. Band, 1932, pp. 17—44).

⁹⁾ *Bulletin de l'institut international de statistique*. Tome XXII, 3ème Livraison, Roma 1926, p. 41 and 42.

¹⁰⁾ *Bulletin de l'institut international de statistique*. Tome XXIII, 2ème Livraison. Le Caire 1928, pp. 762—767.

On the other hand, de Roos considers that comparisons of the trends of criminality (le mouvement de la criminalité) in different nations can be effected in certain circumstances.¹¹⁾

On de Roos' initiative the meeting appointed a commission to discuss the questions he had touched upon in his communication.¹²⁾

This commission consisted of Mr. F. Faure, Prof. C. Gini, Prof. Greenwood, Dr. J.R.B. de Roos (rapporteur), and Dr. E. Würzburger. The commission submitted a report to the XVIII Session of the International Statistical Institute in Warsaw 1929 regarding the comparative study of criminal statistics in the different countries.

After pointing out the various circumstances that hamper the comparisons, the commission continues: »These observations call for the greatest caution, particularly when the state (l'état) of criminality in the different countries is to be compared, and to a less extent this also applies to the trends (mouvement) of criminality.«

But before the commission had arrived at this fairly positive result, it emphasized how desirable it was to pay attention also to figures indicating the number of crimes recorded by the police authorities, so as to make the statistics include as large a part of known criminality as possible.¹³⁾

At the X Congress of the International Penal and Penitentiary Commission, in Prague in 1930, the question was taken up for discussion on the initiative of the International Statistical Institute.

Joint Committee.

Reports were submitted to the Congress by 9 experts, including the Dutch criminalist W.A. Bonger and the German researcher Ernst Roesner, on »Une coopération internationale en vue de l'observation des changements dans la criminalité et de l'examen de leurs causes, est-elle possible et dans quelles conditions?« These statements were presented to the Congress, which then answered the question in the affirmative. For the practical solution of the question, a joint committee of representatives of the International Statistical Institute and the International Penal and Penitentiaries Commission was appointed.

This joint committee published its report in 1937. The International Statistical Institute and the International Penal and Penitentiary Commission forwarded the report, 14 large-sized

¹¹⁾ L.c. p. 766.

¹²⁾ L.c. p. 767.

¹³⁾ Bulletin de l'institut international de statistique. Tome XXIV. 2ème Livraison. Warszawa — Varsovie 1930, p. 568.

pages in content, to the governments of different countries. The report was accompanied by a letter in French, dated 30 October 1937, signed by the Chairmen and Secretaries of the two organizations.

The said letter, addressed to the Ministries of Justice of the countries concerned, contained a report on the discussion of the question within the joint committee, as well as on other important matters.

The report is divided into two parts, each with an appendix (A and B).

The first part gives a general introduction mentioning official publications in criminal statistics, intended to facilitate the foreign researcher's understanding of national statistics.

The second part contains a schedule for statistical tables. The tables refer to convicted persons, classified according to the nature of the crime or offence and according to sex, which must contain the following, minimum particulars: 1. age, 2. marital status, 3. citizenship, 4. occupation, 5. locality in which the crime was committed (communes classified according to their population), 6. recidivism, 7. specification of punishment.

The despatch of the report of the joint committee to the governments of the different countries was a unique occurrence in the history of the criminal statistics. The proposal in fact aimed at the gradual co-ordination of the crimino-aetiological statistics of the whole world on the basis of a minimum schedule, to make the data on criminal statistics serviceable for crimino-aetiological studies. Its peculiarity is the ignoring of police statistics, contrary to the report presented at the XVIII Session of the International Statistical Institute held in 1929 in Warsaw.

At the conclusion of my working paper on General Theoretical Viewpoints I have pointed out the importance of police statistics for international comparisons.

This policy can perhaps be better understood if it is borne in mind that there are certain countries in Europe where only judicial criminal statistics are issued, and in which at the same time the general idea is that only deeds declared by courts of law as crimes can be treated as such. Hence, in such countries, the establishment of police statistics would encounter serious resistance. In view of this the committee's standpoint can perhaps be defended.

In August 1948 the Joint Committee was re-established, its members being the Dutchman Hooykaas, the Frenchman Ancel, the Italian Molinari and the Finn Verkko. This 4-man committee has never met.

United Nations Inquiry of 1947.

In 1947 the United Nations circulated an inquiry to various countries, the purpose of which was the collection and analysis of the results of existing studies with a view to ascertaining what aspects of the problem are suitable for international action and how the action required could best be carried out.

The purpose of this international inquiry was e.g. to collect statistical data on criminality in the different countries, in the period 1937—1946.

The United Nations 1947 inquiry suggested the use of crime categories and no individual crimes, as can be seen from the following division:

1. Offences against Persons (such as homicide, assault, rape, etc.)
2. Offences against Property (such as larceny, burglary, robbery, arson etc.)
3. Offences against Family (such as desertion, non-support, cruelty)
4. Offences against Public Health and Order (such as drunkenness, gambling, disorderly conduct, etc.)
5. Offences against the State (such as treason, espionage, collaboration with the enemy).

A differing view — that not categories of crimes but individual types of crime should be used — has been put forth by the author in the working paper on general theoretical viewpoints in criminal statistics.

The »Statistical Report on the state of crime 1937—1940, February 1950« presents a number of graphs, many of which illustrate the fluctuations in the total amount and categories of recorded crimes or crimes for which sentence has been passed.

In this connexion too I would like to reiterate my view mentioned above.

Co-Ordination in the Criminal Statistics of the Northern Countries.

Already before the report of the Joint Committee was distributed, the first Northern Criminalists Meeting in Helsinki, on 20 August 1937, took up for discussion, on the initiative of President *K. Schlyter*, the question of the co-ordination of criminal statistics in the Northern Countries.

The question was further discussed at the meeting the delegates of the different criminalist associations held in Stockholm on 25 November 1938. The delegates decided to appoint a

committee of eight, two from every country, for the further study of the question. A sub-committee of four was to work out a proposal. The sub-committee met in Oslo on 27 June 1939.

During the Oslo meeting seven different minimum requirements to be fulfilled by Northern criminal statistics were accepted. The introductions to the Swedish and Finnish criminal statistics, in accordance with the proposal of the Joint Committee, were complete by the meeting, as were the majority of the memoranda on police statistics, the statistics on recidivism, and prisoner statistics.

During the following restless Autumn Dr. Otto Grönlund, of Sweden, undertook to write the corresponding introductions to the Norwegian and Danish criminal statistics, and during the first month of the Winter War the report of the sub-committee was completed and ready for signature by its members. It was published in 1941, entitled (in Swedish) »A proposal regarding measures for the achievement of better co-ordination in the criminal and prisoner statistics of the Northern Countries«, and contained, apart from the proposal, 8 appendices, totalling 74 pages. It was distributed to all members of the Northern Criminalist Associations. The contents of the report became internationally known after Dr. E. J. Höjer and Dr. Otto Grönlund, in 1943, published a summary of 10 pages in French and a shorter English summary in the »Revue de l'Institut international de statistique«, under the title »La statistique criminelle et pénitentiaire des pays nordiques«.

Six years after the publication of the report on 14 May 1947, the present author submitted to the joint council meeting in Stockholm of the Northern Criminalist Associations a memorandum in which he suggested that the institution to which the proposal was addressed, viz. the delegation for the Northern Criminalist Associations, should be revived and should take steps for the realization of the proposal.

The question of the statistics of the Northern Countries made some progress as a result of the discussion at the Fourth Northern Criminal Policy Conference in Helsinki, 8—11 February 1950.

The Congress section for criminal statistics accepted the following report:

A special section for criminal statistics was appointed from among the members of the Conference. This section consisted of Messrs. Heuman, Aulie, Wedel and Verkko. In a report accepted by the Conference they emphasize, regarding the different forms of criminal statistics:

1. Police statistics are necessary to enable an estimation of the relative fluctuations of different crimes. Regarding po-

lice statistics the Conference unanimously proposes that such statistics be introduced in all the Northern Countries and, as far as possible, according to similar principles.

It would be of value if the police statistics should state the percentage of the most important types of crime solved, for such data may be of importance in judging of the effectivity of the police and the need of reinforcing the criminal police in order to counter criminality.

2. The personal statistics based on law-court statistics seem, broadly speaking, satisfactory in the Northern Countries.
3. The importance of statistics on the staying of action increases in accordance with the spread of this practice. These statistics, if possible, should provide the same personal particulars of juvenile delinquents as law-court statistics supply for adults. An investigation must be made into whether this is technically feasible.

Furthermore, statistics on staying of action must supply information on the action taken in connexion with or following on the staying of action (warning, supervision, compulsory protective education, etc.).

4. As to child welfare statistics, an investigation must be made into whether it is possible to obtain, partly, personal statistics and partly statistics on the action taken as regards youths who, owing to a vicious disposition or criminal behaviour, have come under the supervision of child welfare boards.
5. Statistics on actions taken must be established to show how the delinquents in the youngest age groups of 15 (14)—18 and 18—21 (23) are treated. These statistics must also supply data regarding fines, sentences of limited duration classified by length, juvenile institutions, psychiatric treatment, detention, conditional sentences specifying the particular conditions or actions to be taken, and the staying of action, similarly specifying the particular conditions and measures stipulated.
6. Regarding statistics of fines the question was raised as to whether it would not be of value to obtain statistics showing the extent to which fines are paid. Such statistics would naturally be of value in planning reforms in the field of fine legislation. The conference was of the opinion, however, that current statistics should not be burdened with such data, but that the investigation to be made should be limited to certain years.