

We have been favoured with the *September* issues of the *Central Hindu College Magazine* and the *Dawn and Dawn Society's Magazine*. The Bengalee periodical, *Utbodhana*, is also regularly supplied to us. We have also received the *Sahitya Parishad Patrika*, the *Sahitya Parishad Panjika* and the *Record of eleven years' work* of the same literary society.

We understand that the students of Presidency College have recently started a *Students' Magazine*. Signs of healthy activity in our students are always welcome to us and we therefore congratulate our young friends on their literary venture. We further understand that the magazine is to be a common meeting-ground for students of all Colleges in this town, constituting itself into an organ of the student community of Calcutta.

CRIME.

The violation of a divine law is sin, that of a moral law is vice, that of a positive law is crime. To do or omit an act forbidden or enjoined by the positive law of a country is a crime. Certain violations of the positive law the State chooses to treat as wrongs against individuals and not against itself and hence these are called civil wrongs or torts, which create a liability not to punishment to be inflicted by the State, but to pay proper compensation to the person injured.

Disobedience to a law can only be by an act or forbearance or omission, and as such involves necessarily a mental element viz. an intention, or absence of due intention called negligence.

An act is a bodily motion consequent upon a wish, and the consequences so far as they were foreseen are said to be within one's *intention*. The consequences which the agent did not foresee but which a man of ordinary prudence in his position would have foreseen are said to be due to his *negligence*. The consequences which were neither foreseen, nor could be foreseen by a man of ordinary prudence are *accidental* for which no liability arises.

The essential elements of a crime are thus: (1) an intention or negligence, (2) some act or forbearance or omission issuing therefrom. Mere intention to commit a murder is not a crime. Actually causing death is not murder or any other offence unless it is due to intention or negligence. When the intended act is done, but the illegal consequence does not follow, or where any of the series of acts desired is done, it is said to be an *attempt*.

From the above analysis it would be obvious that crimes are due to individual motives clashing with positive laws and getting stronger than the motives of obedience to the laws which the legal sanction tends to create. Now laws are conditions of social good, and impose certain limitations on individual liberty without which no association can possibly exist. Many of us have adapted ourselves to these laws and no longer feel their pressure; but there are numerous others in whom egoistic or anti-social motives habitually or occasionally get stronger than what we might call social motives and consequently issue in acts forbidden by the laws. These persons are the criminals, and crimes would continue so long as the conflict between individual interests and social interests continues.

Why are the anti-social motives generally stronger than the altruistic ones? The explanation is not difficult. There

was a certain environment where these selfish motives were conditions of fitness or self-preservation, so that those in whom they were strongest and their posterity alone survived. An animal born with an instinct to look to the race and not to the individual interest is bound to die. But that environment is fast disappearing, and in its place is springing up a moral environment where altruistic motives are not disadvantageous, and where a person in whom anti-social motives are inordinately strong is bound to go to the wall. Law, Public opinion, Religion are attaching to these lower motives some evil which is rapidly weakening them, and as those in whom they continue strong would with the increasing efficiency of the Police and strength of Public opinion inevitably incur that evil, and would therefore be at a disadvantage in the struggle for existence, they would be ousted by those in whom criminal motives are either absent or perpetually weak.

The conditions which favour the growth of or strengthen the anti-social motives from which crimes spring, have been found to be the following: (1) Certain anthropological conditions *e.g.* organic constitution of the criminal comprising certain anomalies of the skull, brain &c. revealed by post-mortem examination of criminals, involving defects of intelligence and moral sense; certain personal characteristics *e.g.* age, sex, and race; certain social conditions *e.g.* profession, rank, education, status. (2) Certain physical circumstances *e.g.* climate, nature of the soil, relative length of night and day, average temperature. Statistics, for instance, prove that crimes against property invariably increase in severe winters, those against the person in years of excessive heat. (3) Certain social arrangements *e.g.* public opinion, religion, family circumstances, system of education, industrial pursuits, alcoholism, economic and political conditions, public administration *e.g.* the efficiency

of the police, population &c. For instance, crimes against property invariably increase in years of scarcity; numerous other crimes are due to alcoholism &c.

Of these factors of crimes, the social factor seems to be the most important. Those who are born criminals would either be eliminated by law, or reformed by education or social arrangements reducing occasions and opportunities of crimes. The physical factor is comparatively unimportant, as it does not affect persons not criminally inclined. The suppression of crimes would therefore be brought about by gradual alterations of social conditions so that we may create an environment in which criminal motives would cease or be perpetually weak.

An examination of the statistics of European crimes proves the following facts:

1. Steadiness of the gravest forms of crimes side by side with continuous increase of slighter offences.
2. Gradual substitution of crimes against property in great towns for crimes against the person.
3. Graver crimes against property show a diminution; those against person show steadiness of regularity in France, and of increase in England and Germany evidently owing to increase of population.
4. Increase of crimes against property during severest winters and commercial and industrial crises goes with a diminution in crimes against persons, and *vice versa*.
5. Increase of certain crimes leads to others *e. g.* theft leading to resistance to the Police, receiving stolen property, perjury, forgery, absconding &c.

We are thus compelled to draw this conclusion: Crime under the existing social conditions, increases in the aggregate with more or less notable oscillations from year to year rising

or falling in successive waves. But in all progressive societies attempts are being made to bring about an environment where conditions favouring the growth of crimes would be gradually eliminated. Penal codes are making criminal motives disadvantageous and hence weak, and those in whom they are strong are sent to jail or hanged. The modern tendency is not to meet such motives when they gather force, but to make them impossible by the reduction of the opportunities and occasions of crimes. Many crimes continue through the chance of non-detection, of the evidence proving insufficient, of the clemency of the judge and jury &c. These should be removed by the increased efficiency of the police and law courts, and by the certainty, rather than the severity of punishment.

Free trade, diminution of interest on public funds causing a stream of capital to industrious concerns, taxation touching the luxuries and not the necessaries for life, unrestricted emigration carrying off surplus population would put an end to numerous crimes springing from famine and starvation. Restraint on the sale of alcohol by taxation, limitation of the number of licenses, temperance societies, expulsion of tipsy labourers would reduce crimes caused by drunkenness. Adjustment of salaries to the need of higher officials would reduce offences against public justice, and limited numbers of hours of duty for responsible services *e.g.* in Railways would prevent accidents much more than punishment would. Inspection of workshops, shorter hours of labour for children, cheap dwellings for workmen, co-operation and mutual societies for provision in old age, employer's liability for accidents during work, Savings Banks, would put an end to many well-known crimes. High roads, tramways, railways, airy dwellings, public lighting have done more than the police in repressing offences. Political crimes would decrease with greater harmony between the governor and the

governed. Certain legislative reforms *eg.* rational laws of marriage, cheap and easy law, a good system of conveyancing and registration, foundling and orphans' homes, would make certain offences impossible.

These reforms are within the scope of practical politics, and when they are introduced, and when by means of an excellent system of education we succeed in building up minds in which criminal motives would be perpetually weak, or made impossible by the abolition of conditions favouring their growth, we will be creating an environment where the law-abiding and their progeny alone would live and the lawless would be stamped out. We may thus look forward to a society where citizens would be perfectly adapted to the laws, crimes would cease, relation between individuals would be regulated by contract, and the police would be a superfluity.

P. L. B.

DE QUINCEY—A DREAM.

The key to the significance of this vision lies in the words "it is Easter Sunday." On Easter Sunday, the festival of the Resurrection of Jesus Christ, the thoughts of Christians turn naturally to the subject of Resurrection, and it is that subject which determines the character of this vision. It is a vision of the Final Resurrection, and it resolves itself into two distinct dreams.

1. The first is a dream of the New Jerusalem, the perfected Kingdom of God, which shall be established in the universe when