THE prevention of repeated crime by persons who are already known as criminals is one of the difficult problems of society. Forestalling commission of a first crime is likewise a serious problem whose solution is highly important. But it is not the same problem. Its solution depends upon prophylactic activity directed toward all individuals in the group, since each is potentially an offender, and any one of them may in time offend. Prevention of repeated crime is at least a more narrowly directed activity—which is not to say an easier one—to the extent that it is applied primarily to individuals whose identity as having already offended one or more times is known. The discussion which follows is limited to this latter problem—the prevention of repeated crime by already convicted criminals.

Henry VIII used a procedure that was highly effective, so far as it was applied. He is said to have executed 72,000 convicted criminals during the course of his reign, none of whom it may fairly be assumed ever offended again. But even he had a continuing problem in the criminals whom he neglected to excise completely. In our more modern salvaging of human wreckage we cannot, or at least we do not, subscribe the wisdom of his eliminative methods. What then is the now prevalent treatment of known offenders, and upon what theory is it based? To what extent is it satisfactory as a preventive of further crime by those who are subjected to it? Through what reasonably acceptable changes in theory and practice, and in the content of legislation, can prevention be made more effective? To these questions the writer here offers his own opinions in answer.
As a basis for these opinions, no attempt was made to gather new data either as to the amount and type of repetitious criminality or as to methods of treatment of known offenders. Ample material to justify sound, even if disputable, conclusions has already been collected in one form or another. What follows is an attempt to correlate that existing information and to demonstrate the changes in theory, practice, and legislation which it indicates as essential to more effective social protection.

The study was begun without preconceived postulates, but the facts as they developed forced the conclusion that the traditional and still prevalent method of dealing with known criminals is disturbingly inefficient as a preventive of repeated crime, and that for the furtherance of public safety quite different ideas must be embodied in legislation and put into practice.

Though this study is concerned fundamentally with the prevention of crime, it deals only with that part of the field wherein prevention of further crime is sought through treatment of known criminals. The whole field of crime prevention is, of course, much wider than that particular part. With a reasonable degree of logical distinction, it represents five major divisions of particularized interest.

The first involves the question of what activities are to be considered as crimes and ought, as such, to be prevented. It involves the indeterminable line of distinction between immorality and crime, as well as the highly controversial question of whether all admittedly undesirable acts shall be repressed by the same socially applied deterrents; or whether all shall be dealt with, some as wrongs calling only for compensation to the individual, and others as offenses requiring that the offender respond in liability to the group.

The second division assumes that a crime has been committed and covers the various activities by which responsi-
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bility for its commission is fixed upon a particular individual.

The third and fourth divisions assume certain activities as definitively criminal and involve the procedures by which organized society seeks to forestall their perpetration.

This prophylactic, preventive activity is of two essentially different types. One type seeks to prevent crime by correcting or alleviating the social and economic conditions which cause crime through their pressure upon the individual. Of this type are efforts toward slum clearance, unemployment insurance, community facilities for lawful expenditure of surplus energies, prohibition of the manufacture or sale of intoxicating liquors.

The other type of prophylactic activity, which may be called the fourth division of preventive effort, includes the preventive measures designed to operate upon the individual himself, in the hope of guiding his reactions to social and economic conditions into safe channels, or of so controlling his person in one way and another as to render his reactions harmless. Among these are training in successful self-support without recourse to crime, religious training, education generally, the development of habits of abstention from intoxicants and of other crime-avoiding habits, inducement of fear of the consequences of crime, and, as a last resort, confinement of the individual to environmental conditions in which crime is peculiarly difficult or impossible.

This fourth division may in its turn be divided into two. One comprises all such efforts—trade-training, crime-preventive medicine and surgery, teaching of temperance, education, instilling of fear—as are directed toward the group as a whole, without special regard for those who have already offended against the law. The other division comprises such activities as may be directed particularly toward prevention of repeated criminality on the part of persons who have already offended one or more times.
It is this latter problem, this fifth division of crime preventative activities, with which this discussion is concerned—the problem of preventing repeated crime through treatment of the known criminal himself.

As is so frequently the fact where books of this type are concerned, most of the drudgery in the production of this one was by others than the nominal author. Oliver B. Crager spent many hours hunting out the statute law of the forty-eight states. Herman Marcuse read German and Italian books which have not been published in English, and some of the Spanish criminal codes, and translated pertinent excerpts. The secretaries of such organizations as the American Prison Association and the Women’s Prison Association of New York gave information freely, and the parole officials of every state answered many questions. Mary Pearce typed indefatigably. Much of what appears herein is quotation of what others have said or collected. All that I myself can fairly pretend to, is the direction of the work and the organization, analysis, and evaluation of the information collected.

Ann Arbor, Michigan
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