2.2.2. The Results of this Relation

(a) As the material gain of a person deprived of richness depends upon his bodily and psychological capacities, the defective person of body and mind has less gain than that of a same person.

(b) Experience proved that the unemployed persons in normal times, contain many defectives of body and mind. The unemployment of such persons is not due to what is called “bad luck”, but it is the result of a bodily and psychological disability of work.

(c) Mendel examined the case of eighty-five vagabonds in Berlin and he found six of them mentally retarded, five defectives, eight epileptics and fifty two mentally disturbed.

(d) In order to clarify the relation between delinquency and social class, we have to remember the distinction between the constitutional delinquent and the occasional one.

The constitutional delinquent as we said, commits his crime because of the permanent preponderance of his fundamental instincts, while the occasional delinquent falls in delinquency because of an accidental prevailing of them.

The criminal constitution could have existence in a rich person as well as in a poor one, in an instructed person as well as in an ignorant one, in one who has a high job as well as in one whose job is low.

The same is true, as regards the occasional criminality too.

The secondary sublime instincts could be either innate or acquired by means of education.

But the state of poverty, ignorance and abject job makes the person so engaged in seeking the satisfaction of his life requirements, that he cannot listen to any preachment and therefore he could not acquire any secondary sublime

instinct.

On the other hand, the comparison that he makes between himself and the individuals of high class generates his envy.

We repeat here the same remark which we have made as regards the economic state. The research of the relation between the social class and delinquency did not yet reach the exactness of scientific method. As a matter of fact, this method requires the division of the people into classes according to the degree of richness, culture and job, and the determination of the proportion between the number of delinquents in each social class and the whole number of its members. In addition, the kind of crimes committed by the members of each social class should be indicated. But this scientific research has not yet been undertaken all over the world.

Nevertheless it is incontestable that the members of low social class are not all of them delinquents. Among these members, there are those who are endowed with physical and psychological gifts, listen to morality stimulants and therefore they become rich after poverty cultured after ignorance, and ascend to a high job.

On the contrary, those who belong to a high social class but are defective of body and mind descend to a lower class, because of their expenditure and carelessness.

This phenomenon is called “the ascending and descending” between social classes, and it is characterized by secrecy and graduation. it is neither patent nor sudden and it is very useful to human society and it is the fruit of the natural low called “survival for the fittest”.

Such movement of ascending and descending operates permanently but

it could be harmful to human society if it acts in an unnatural way by being very slow or very precipitate.

Its slowness leads to the accumulation of defectives in high classes and of endowed in low classes.

Its speed makes ascend to a high class persons who should remain in their low class, or makes descend to a low class those who should remain in their high class. In both cases, social peace and progress requirements are violated.

2.2.3. The Conflict Between Classes

The Italian scientist Professor Niceforo says that envy makes the man suffer the sight of others richness more than suffering his own poverty, that the envious man makes a comparison between himself and those who are in a better condition than his, hence he hopes the fall of that condition even if this fall doesn't implicate any improvement of his own condition.

Moreover, he gives the following details as consequences of his right principle saying that:

(a) Each group that finds itself in a bad condition in comparison with the condition of another one claims rights it pretends that they are essential and were enjoyed by the other group since long time. When it obtains these rights it claims another ones and so on.

(b) The continuous claiming of rights is due to a psychological factor that dominates the behavior of individuals and groups and it is the fact that each goal when it is attained, looses the brilliance it was having in the eyes of who was trying to reach it and seems in its reality less than what it was in the imagination of who was searching it. This phenomenon is, called the "deceit of desires".

Moreover, a natural trait of mankind is the instability of desires. When a

man obtains a gain, he continues his struggle to reach another and so on.

(c) When the group obtains rights of which it was while a another deprived group was enjoying them, it tends to be completely equal to that other group in all its rights, but this equality does not satisfy it as it continues its struggle to prevail upon other groups.

(d) Then each group hates any other which is in a better condition than its one, the miserable find their delight in seeing all others miserable like them without considering that this delight does not change their own miserable condition. They want to see all others unlucky like them instead of searching luck for themselves.

This is the secret of sufferance in society, because envy generates sanguineous battles and criminal actions.

(e) As each group tends to prevail upon the others, it employs slogans having the appearance of being noble while they hide personal ambitions that have nothing to do with public interest. But each group commits actions that were blameful in its opinion when they emanated from other groups.

This fact, according to Professor Niceforo, explains not only delinquency but also the political history of populations.

Each nation passes from dictatorship, to the autocracy of a. certain number of masters, to the democracy, and each form of government leads because of its abuse to the other one in a vicious circle. As Machiavelli says good follows evil and evil follows good incessantly.

Professor Niceforo denies that he is pessimist and says that human life goes on so.

To clarify the relation between social class and delinquency whether in its' quantity or quality, a statistical research should be done, dividing into social classes the whole population, and indicating the proportion of delinquents in each class.

2.2.4. The Role of Culture, The Job and The Financial Status

Taking culture as basis of statistics, the number of illiterates, should be determined as well as that of those who read and write according to each of instruction degrees.

Taking the job as basis of statistics, the number of managers should be determined as well as that of subordinates.

Taking the financial status as basis of statistics, the population should be divided into sections according to the amount of fiscal duties paid.

These three elements should be joined with each other to draw the division of individuals into social classes. But we have to notice that those who occupy subordinate jobs are young men while those who are managers are of advanced age. We know that delinquency flourish between young men and decreases in old ages. Hence if we find delinquency more numerous among subordinates than among managers, this could be explained by the effect of age independently from social class. To obtain exact results about the influence of social classes, these should be divided according to the age.

After the above said division statistics should show the number of delinquents among the whole members of each social class and draw the proportion of delinquents in each class and the kind of crime committed by it.

Such scientific research is not yet undertaken all over the world. Notwithstanding, it has been noticed that the quantity of delinquency is greater

in low classes than in high classes and that delinquency is characterized by violence in low classes and by deceit in high classes.

The member of a low class, affected by a criminal predisposition, commit homicide, assault, arson and armed robbery, while those of high classes, when they are affected by criminal predisposition commit embezzlement and hustling.

Someone says that delinquency seems of an apparently greater number in low classes than in high one because members of high classes succeed in hiding the crime after its commission and in a voiding conviction when they are put in trail because of their personal influence and their possibility of charging great advocates for the defense of themselves.

But Professor Niceforo explains the success of high classes in eluding justice, saying that they are more clever and intelligent than the members of low classes and that their prosper condition enables them to commit deeds that are not crimes but are more dangerous and wicked than crimes.

Some writers explained the prevailing of violence in the criminality of low classes by saying that these classes correspond to humanity in its ancient primitive state which was characterized by violence. But we can admit that violence could prevail even in modern societies during certain periods of crisis.

That is why Professor Niceforo finds the explanation of that phenomenon in the feeling of envy that dominates them towards high classes.

From what the above, we draw the conclusion that each miserable person should straggle to obtain wealth instead of hoping the misery of wealthy persons.

2.3. The Degree of Civilization

Civilization means the people's standard of living as regards its material,

intellectual, moral, political and social life.

Hence civilization could be material, intellectual moral, political or social.

Material civilization consists of material instruments that make life more comfortable for human beings.

For example, in the past, men were using in transport donkeys and horses, but now they use motorcars and airplanes. The ladies were washing their clothes by their hands, but now they use washing machines.

The degree of material civilization differs from a country to another and from a region to another in the same country.

In some countries like the United States, there is nearly a motorcycle for each individual or at least for each family. But in other countries there could be a motorcar for each hundred individuals or fifty.

The material civilization of the southern part of a country could be less than it is in its northern part.

As a matter of fact material civilization, has been progressive and continues to be so with the discovery of new inventions and it could be represented in the graphic by an ascendant line.

2.3.1. The Effect of The Material Progress of Civilization on The Quantity And Quality of Delinquency

(a) "Intellectual civilization" means the people's standard of culture. In order to measure this civilization, there are many Signs that could be subject to the statistics aiming at that measurement. In Italy, for example one of such signs is the number of spouses who signed their contracts of marriage, in each

hundred contracts.

It is easy to establish the proportion of illiterates in the population, as well as the proportion of those who can read and write, those who achieved their primary study, those who obtained the preparatory certificate, those who have the secondary Certificate, those who have a university degree, those who have a Ph.D. degree, and the proportion of each group in the whole population.

(b) "Moral civilization" can be measured by the quantity and quality of crimes committed, the number of civil cases submitted to the courts, and the proportion of each number in relation to the whole population.
(c) "Political civilization" means the system of election and the part it gives to the people in the government of itself.
(d) "Social civilization" means the methods followed by the people in spending its leisure time.

It can be measured by the number of songs, poems and prose, works of art, newspapers and magazines, plays in theatres, films showed on the television and cinema, music concerts and sport competitions.

2.3.2. Observation

As regards the civilization, Professor Niceforo gives the following statements:

(1) There was a progress in the material civilization because of the previous inventions and of those which are expected in the future. This progress does not consist of creations. It consisted and will consist of discoveries which reveal more secrets of the creation and new ways of drawing advantage from them.

The intellectual civilization was and will be progressive through the

expansion of instruction and knowledge.

Both the material and intellectual civilization could be represented in the graphic by an ascendant line.

But no progress has been registered neither in the moral civilization nor in the political or social progress.

The moral civilization did not extend itself along the time because wicked persons existed in the past and will remain and even increase in modern times.

The political civilization of humanity did not realize any progress because all forms of government have been practiced: dictatorship, democracy, communism and socialism.

The social civilization in all its signs existed since ancient times. There have been music, poetry, prose, legends theatres, songs. The radio, the cinema and the television belong to material civilization as new instruments of extending news and knowledge.

Therefore, moral, political and social civilization could be represented in the graphic by a horizontal line.

(2) If it is illusive to say that the progress of civilization delimits delinquency, it would be more erroneous to say that this progress leads to its complete suppression.

(3) The progress of material civilization, such as improvements of material instruments of comfort, appeared especially between the end of the nineteenth century and the beginning of twentieth century and was called modern civilization. But it did not spread over all countries or all regions of each country or all citizens of each, as it was enjoyed only by high classes of

the people.

(4) Even in the field which attained the material civilization, delinquency was neither suppressed nor diminished. All what happened was the transformation of violent crimes into deceit ones, as persons used in their delinquency their minds instead of their bodies.

(5) Such transformation of delinquency into deceit crimes is not always constant. It can be interrupted by periods of relapse in which violent criminality reappears and dominates.

By following political evolutions in the history of nations and their effect on delinquency, the following phenomenon came out, namely the fact that the acts which are criminal by nature, prevail delicta mala in se unless the government is autocratic, because the acts which are considered crimes then, are not so by nature but only because they were prohibited by the law delicta mala quia prohibit.

(7) The modern civilization accelerated the ingress of young men in the campaign of social practical life, therefore the juvenile delinquency and the acts of suicide increased.

Moreover, as women abandoned their homes and were obliged by the struggle for life to do the same work of men, women delinquency increased too.

(8) Whatever can be the progress of material and intellectual civilization, no progress is expected in the field of moral civilization. Men appear in concordance while each of them is for his fellow a wolf. Homo homini lupus. Their interests are always in conflict. They are dominated sometimes by a feeling of contentment and sometimes by a feeling of discontent. They are always divided into two categories, one is high and contains the fortunate persons, and other is low and contains the unfortunate.

Envy flourishes between the two categories. That is how the relations between men, go on, in all times and places.

People in society are submitted to the law of forest according to which it is unexpected that a wolf dwells in peace with a lamb habitabit lupus cum agno, or that a tiger lies together with a male sheep pardus cum haedo accubabit

2.4. The Kind of Life

We mean by the kind of life whether the life goes on in a town or in a country, namely whether it is urban or rural.

We indicate now the ways followed for the distinction between urban life and rural one.

(a) The first way is the classification of administration centers according to the number of their inhabitants. If the inhabitants of the center are less than five thousands it is considered rural, while the centers the inhabitants of which are more than five thousands are considered urban.
(b) The second way is the study of the economy of each center. If it is based upon agriculture, the center is considered rural, and if it relies upon industry, the center is considered urban.
(c) The third way is to consider urban the capital of each administrative center and rural the regions other than the capital.
(d) The fourth way is to count the number of persons occupied by agriculture in each center to determine their proportion in relation to the whole number of its inhabitants and to consider the center rural when this proportion reaches a certain limit and urban when it is beneath this limit.

2.4.1. Statistics

As regards the statistics indicating the relation between the kind of life and the quantity and quality of delinquency two methods could be followed: one takes

into consideration the individuals and the other takes into account the places.

The first method indicates the proportion of delinquents among those who are occupied by agriculture and the same proportion among those who have other occupation.

The second method determines the proportion delinquency in the urban centers and in the rural ones.

We mean by the proportion in the first method the number of delinquents in each hundred thousand farmers and the number of delinquents in each hundred thousand.

The Italian statistics indicated too that the quantity of delinquency is greater in the capitals of administrative provinces than in the rest of their parts, that it is more numerous in industrial centers than in agricultural ones, and that the prevailing delinquency in the towns is the deceit crime while it is in the country the violent crime.

Then the number of crimes committed in the town is greater than it is in the country.

Ancient researchers noticed that when wealth increases suddenly in rural regions, the number of offences against property augments. For example Joly says that as soon as poor farmers transformed the arid lands into fields of grape, and the prices of agriculture products were raised, because of the installation of railways those farmers began to long for others' property, looking like who frequented once the bourse and won, then his only worry became how he obtains much more money.

We allude now to the theory of the French Professor Tarde, called the

“economic cycle”. According to him, delinquency is not due neither to poverty nor to wealth, but to the sudden descend to poverty or to the sudden ascendance to wealth. He says that the economic life of individuals and societies passes through three phases: a phase of imitation and repetition, a phase of insurgence and uprising (namely of imitation in the opposite sense) and a phase of conformity and uniformity. In the first and third phase of economic life, the individual does not find a motive to deviate from the natural behavior.

But when the second phase emerges, his deviation takes place. Whenever a new need arises and interrupts the habitual going on of conformity and uniformity phase, because of the appearance of a new invented article or of a new kind of work, a momentary and unavoidable rupture of that phase occurs and originates a momentary economic distress which leads to criminal actions.

Therefore in order to maintain individuals and societies in good moral health, the stability of economic conditions as regards production. and consumption is required.

2.4.2. Urban And Country Societies

We have to remark that for the exactness of statistics concerning the effect of the kind of life on delinquency, the inhabitants of the town and the country should be divided according to the age, so that the age does not obstruct the revelation of the influence exerted on delinquency by the kind of life is considered in isolation.

Now let us explain why the quantity of crimes in the town, is greater than it is in the country. There are three opinions that give this explanation.

One opinion explains that phenomenon saying that the police are more alert and active in the town than in the country.

Another opinion explains it saying that the inhabitants of the town are heterogeneous while those of the village are homogeneous. Those of the town embrace immigrants from the country who are in search of work, beggars, professional criminals. These live in the underworld that does not exist in villages.

A third opinion stresses upon the difference between the inhabitants of the town and those of the village, in relation to their psychological traits.

Countrymen differ from townsmen as regards the psychology and we mean by countrymen the owners of small land properties and the exploiters by means of crops sharing.

These countrymen are characterized by the following traits:

(a) Patience and forbearance.

As a matter of fact, the cultivation, plantation and irrigation of the soil make the peasant give time to time. He ploughs the soil, spreads the fertilizer, disseminates the seeds, irrigates and waits till the plant appears grows and gives its fruits, then he is occupied by gathering the harvest. That is why the peasant does not feel annoyance.

(b) Conservation. avariciousness and opposition to change

The peasant is linked by ancient habits and traditions. He is attached to his soil, desirous to increase its area even with an acre. For this desire, he is a miser and exaggerates in saving. He dislikes politics and he uses ancient methods of cultivation and he is very slow in adopting new modern and useful methods.

(c) The affection for the most useful son

The peasant considers his family as an economic and productive unit. He feels the most affection for the most laborious of his sons.

(d) Isolation and lack of contact

The peasant remains in his field far from his neighbor's one. The cultivation of his soil takes up all of his time that he has no time to get in contact with others and from the denunciation of committed thefts.

On the contrary, townsmen are always in contact with each other and they care about reporting any theft as soon as it is committed.

Nevertheless, the contact of a townsman with others dissipates usually any evil intention which emerges in his soul, while the lack of contact characterizing the countryman contributes to long meditations and to the fermentation of evil intentions. This is why violence is much more frequent on the side of countrymen than on the side of townsmen.

After having explained why delinquency is less in the country than it is in the town, we face now the explanation of its increment in the town.

Professor Niceforo alludes in this connection to the existence in great towns of an underworld that lodges vagrants, beggars and criminals. Such underworld does not exist in villages.

2.4.3. The Increase in Urban Crime and its Factors

(1) The first factor is the accumulation and agglomeration of persons in the abject districts of the town. A young man who is in company with others commits crimes that he is unable to perpetrate alone.

(2) The second factor is the attractions the nightclubs and the charms of the city as they induce many countrymen to the exodus from the country to the city. They are different from other ones, because their ambitions are not limited by the narrow career of agricultural soils and they are agitated by the desire of adventure in search of new things. As they come to the city, their sort depends upon their personal ability. Some of them ascend to the top of society and

some others descend to its bottom and perhaps to the prison.

(3) The third factor is that the conditions of life in the city push the juveniles to an anticipated entrance in the practical life and they behave in a way which is not in harmony with their age and could lead to their delinquency, like drinking alcohol.

(4) The fourth factor is that the nature of life in the city induces to kinds of deviance to which the life in a village does not give birth, such as begging pander, bribery, forgery, fraud and stealing from pockets.

Chapter Eight

Criminology as an Applied Science

1. Criminal Policy

The first demand of criminology is that the criminal's mental health should be examined; and if this is shown to be disturbed, treatment should follow accordingly. Although, of course, punishment is not excluded in such cases, the rule should be that medical treatment is indicated, under judicial guarantee, of course, that the safety of the community remains assured.

The first thing to ascertain for criminals who are sound in mind, is whether or not restriction of their personal liberty is absolutely necessary. If this is not the case, a fine will generally be the punishment indicated. Providing it be suitable to the financial circumstances of the offender, and collected by a suitable method of payment, it has been proved to be a very effectual punishment. In certain cases, even a conditional fine may have its uses.

In cases where a mere fine is not sufficient, a threat of restriction of liberty (conditional sentence; when accompanied by special conditions, this amounts really to treatment of criminals in free society) is indicated. This was first introduced early half a century ago. It was later applied universally, and has proved a great success. The conditional sentence has been a great lesson to those who saw the only remedy in severity of punishment as well as to those who thought that the mere threat of punishment was not an efficient brake on criminality. The imposition of fines and conditional sentences tends to effect a considerable reduction in the number of short-term imprisonment. These then remain in reserve for those cases in which a good effect may be expected from a sharp correction; i.e. cases in which little or nothing can be expected from educative measures, and which, accordingly, demand cellular imprisonment.

2. Reformatory Measures

There remain the more serious cases. Here, the first thing to ascertain is whether any good result may be achieved by 'forced', i.e. reformatory, education. In the case of children, this is always imperative; with young persons very often, and in cases of young adults frequently advisable; the thing is, in these matters, not to despair too soon. Numerous criminals are neglected individuals, who, after all, should have one good chance of learning how to adapt themselves to the demands of society. The results in those countries where this reformatory education exists, are encouraging.

In cases where the idea of interfering by means of reformatory education is misplaced, ordinary detention should ensue. The difficulty of fixing the duration for this is considerable, and will always remain so. Any fixed length of time for it will always be more or less arbitrary. A correction of this has been found in the form of the 'conditional discharge' (on parole) which ends the detention when it is no longer thought necessary in view of the safety of the community.

3. The Application of Punishment

The method to be used in applying detentionary punishments form one of the most tricky problems with which practical criminology is faced. Punishment of criminals in a body, without selection and education, has proved in practice to be a great mistake it has indeed, not without good reason, been called 'the criminal university'. The reaction to this-cellular imprisonment-has proved an error only slightly less serious. Weakened both physically and mentally, unaccustomed to ordinary work, which in present-day society is hardly ever done alone by anybody, unaccustomed also to human intercourse, the discharged man leaves the prison, more poorly equipped than ever for the struggle for existence. The solution is probably to be found in a combination of what is suitable in both these systems: a limited and selected community, and isolation during the night. This method will also provide opportunities for the application-be it in a limited form of the educative idea, which always has its value. Doctors do not talk straightaway

of ‘incurable’ patients either; and it would be a good thing if their example were followed in the field of criminal law. Working in a well-appointed factory, or on the land, more closely resembles ordinary life in freedom, and offers a better chance of success after discharge, than cellular labor does. For those who feel, or prove to be, unfit for communal life, the cell remains the place indicated during meals and recreation time.

There remain, now, the very gravest of cases; the professional and habitual criminals. For these people, long-term detention (called in England ‘preventive detention’) is imperative, however much mitigated one may imagine the regime to be. An unjust reproach is frequently leveled at modern criminology, namely that it has wanted to be too soft in dealing with the criminal. This reproach should be returned to whence it came: the classic school has been too severe towards ordinary criminals, for they are often more troublesome than dangerous, and too soft with the really dangerous individuals, especially with professional criminals. In some cases, of course, we have to be severe, but only when experience shows that it is necessary. Sometimes, too, the judge is not in a position to leave out of consideration entirely the thought of general prevention, and is obliged to act more severely than the case which has been submitted to him would, in itself, have necessitated. Whoever might stamp this as a reactionary view does not know the psychology of some classes of criminals, nor realize the dangers which threaten society from that quarter. The final consideration in all this, however, should never be the desire for revenge, but, solely, social necessity. Severity-which is sometimes necessary-and humanity are not mutually inconsistent or exclusive. Doctors too, may be permitted one more comparison with their profession-are not infrequently obliged to interfere drastically, and not spare the patient a certain amount of pain in order to prevent worse.

The same applies to criminal law. Providing always, that one deeply realizes the tragedy which is part of the nature of crime; providing, also, that one keeps dearly before one’s mind’s eye the fact that criminals are among the most

unhappy of our fellow-beings, and that, therefore, it is our duty to exercise the greatest humanity in our treatment of them

4. The Legislative And Judicial Individualization of Punishment

Upon criminology depends the individualization of punishment in the legislative, judicial and executive phases, as well as the treatment of juvenile deviation and delinquency in order to avoid the aggravation of juveniles' adverse conditions with their growth in age.

As an example of legislative individualization we can mention the case of the husband who surprises his wife while she is committing a flagrant adultery and kills her or her lover or both of them. The taw mitigated his punishment prescribing for him the imprisonment as a penalty instead of the perpetual or the temporary hard labor as a penalty of homicide (art. 237 of the Egyptian penal code).

Another example is the accompaniment of imprisonment with compulsory labor, in the treatment of convicted thieves in order to teach them a legitimate job.

The judicial individualization means that the judge determines for each culprit the deserved penalty according to his individual dangerousness, between the maximum and minimum of the penalty.

Another example of such individualization is the possibility that the judge replaces the imprisonment of a thief who has a previous criminal record with the installation in an establishment of labor whenever their emendation requires this replacement (art. 52,55, 54 of the penal code).

Judges practically ignore the psychological analysis of the culpable and the degree of his dangerousness. That is why advanced countries such as England,