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CRIMINAL STATISTICS

Comparative observations on criminal statistics

Memorandum submitted by Mr. Marc ANCEL, member of the International Group of Experts on the Prevention of Crime and the Treatment of Offenders.

There is no longer any need to stress the importance of crime statistics. Since the beginning of the twentieth century, and particularly during the last twenty or thirty years, numerous efforts have been made to improve crime statistics and produce them by a strictly scientific method. France, which in 1826 had been the first country to publish official criminal statistics, revised its methods in 1905, and it was thus that the ideas of what might be called the individual as unit and the offence as unit were substituted for the idea of the trial as unit. This reform would be enough to illustrate the close relationship between the development of crime statistics and the general development of the guiding principles of penal law. In recent years, the literature on crime statistics has increased significantly in very many countries. Lastly, it is well known that many international institutions have done much work on this subject, for instance the IPPC, the League of Nations and now the United Nations.

The problems both national and international are manifold. The three main problems are the accuracy of the statistics collected, the statistical method employed and the legal elements on which crime statistics must of necessity be calculated. This last aspect of the matter, though long since recognized, has not perhaps hitherto received all the attention it deserves.

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Above all, one might well suppose that in a subject where the differing conceptions of the various legal systems necessarily meet and are sometimes in danger of contradicting each other, recourse should be had to the resources of comparative law in attempting to work out a method of international validity. Examination of this problem, however, immediately reveals its whole complexity. The matter cannot be dealt with here completely or even with any degree of thoroughness; nevertheless some indication at least might be given of its two salient features, namely, the difficulties and causes of error in drawing up crime statistics resulting from the diversity of legislations, and the remedies that can be applied to this situation.

I. Difficulties of a legal nature inducing errors in the compilation of international statistics

The ascertainable causes of error arising from considerations of a legal nature are of two different kinds. The first are general causes of error while the others are particular difficulties.

Of the general causes, attention must first be directed to one which is not strictly or solely of a legal kind and which is largely due to the statistical technique itself. Experience shows that the various national statistics do not record crime at the same stage in the countries concerned. Some national statistics are really only statistics of convictions: they are therefore exclusively judicial statistics. Under other systems, the statistics supplied consist essentially of penitentiary statistics: they relate therefore to the number of detained persons and to the movement of the prison population in the various institutions in which sentences are served. In still other countries, statistics may be found which relate to the prosecutions conducted, and lastly, in other cases, the aim is to compile statistics of offences reported to the police. It is difficult and certainly dangerous to compare for criminological purposes data drawn up on such different bases. There is an even greater possibility of error if such data are compared from the legal point of view in order by means of form to attempt to grasp the positive reality -- of a punitive system, or from the point of view of legislation for the purpose of gauging the intensity and efficacy of a State's social reaction

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against criminality. There will be occasion later to deal with the stage of the ponal proceedings at which statistics should be compiled if they are to be of the greatest interest and utility.

Another difficulty, in this case of a more strictly legal nature, arises from the fact that the statistics furnished by a country are valid only in relation to that country's whole penal and penitentiary system and that their true value can be assessed only in relation to the evolution of that particular national legislation. A single example will be enough to show the importance of this difficulty. It is common knowledge that since the last years of the nineteenth century the penal system applied to juvenile delinquency has in many cases been almost completely transformed in successive stages by the new laws that have been enacted in almost all countries. An examination of the statistical incidence of these laws, which affect both procedure and the substance of the law, will reveal, curiously enough, that they have often had diametrically opposite effects. In some cases the result has been an apparent reduction in juvenile delinquency owing to a decrease in the number of offences covered by the statistics or of the convictions appearing therein. But this was only a semblance, for the reduction in the number of offences was often due to the fact that an action previously regarded as an offence was no longer regarded as such under the new system. For example, when a French Legislative Decree of 1935 provided that juvenile vagrancy should no longer be regarded as an offence, a whole series of figures thus disappeared from the crime statistics. Still more frequently, young delinquents have been subjected by the new Acts to a system of educational measures no longer involving the imposition of penal sentences. In such cases, the conviction statistics have decreased at the same time as the statistics for admissions to penitentiary institutions. These various quantitative decreases in juvenile delinquency were therefore no more than a semblance. In other cases, on the other hand, the first effect of the new laws has been to raise, and sometimes very considerably, the apparent figures for juvenile delinquency. These new laws often established institutions(like the "Judge of the juvenile court" -- juge d'enfants -- for example) before which juveniles could be made answerable for petty offences that had not hitherto been prosecuted.

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Going even further, some new laws provided for the appearance before the juvenile court of neglected or morally endangered minors who had not, properly speaking, committed any offence, but with regard to whom it seemed necessary to take protective measures. In all these cases, judicial statistics show an increase, though no more than an apparent one, in the figures for juvenile delinquents.

The above considerations would seem to some extent to be self-evident. Nevertheless, they are often lost sight of both by those who use crime statistics and by those who interpret them. The same is true of the other categories of difficulties and of the general causes of error, which, moreover, have not usually been detected by the statistical experts and to which attention must be called, though it is impossible to devote sufficient space to an explanation of them. These difficulties are the result of the operation in individual countries of the general principles of penal law peculiar to those countries. All too often, statisticians, criminologists and jurists themselves forget that each criminal system has its own legal technique, the influence of which is felt in all parts of the system. A few illustrative remarks will quickly reveal the importance of these difficulties.

Let us consider, for example, the legal rules applying to attempts to commit an offence. Experienced criminologists have pointed out the error which might arise from the fact that in certain national statistics attempted offences are included in crime statistics together with offences actually perpetrated, whereas under other systems, an attempted murder, for example, will not be included in the homicide category and will be classed with cases of inflicting bodily harm or physical attacks not resulting in death. This divergence of treatment, which is certainly regrettable, is really due in most cases to the fact that for legal purposes some systems assimilate the attempt to commit a crime and the consummated crime. Perhaps an agreement on statistical methods would be possible here. With regard to attempted offences, however, there is a still more serious difficulty. An act which under one system of law is regarded as an attempted

offence may itself constitute an offence under another legal system. In England, the crime of robbery has sometimes been considered as constituted by the act of assulting a person with intent to rob, whereas such an act, under almost all continental legal systems, would be regarded either as a mere attempt or as an attack quite different from theft with violence (vol avec violence) which usually corresponds to the crime of robbery. There is therefore a danger that the same act may be included under very different headings according to the countries concerned.

What has just been said about attempted offences might equally well be applied to accomplices. The special and strictly technical theories of the borrowed criminality of the accomplice, the relative borrowing of criminality and the elevation of complicity to the status of a separate crime -- all these have a necessary bearing on the extent and manifestations of the prevention and punishment of crime, which must themselves influence the various crime statistics.

The same applies, a fortiori, to the general system of criminal responsibility or, if the word is preferred, imputability, adopted by each individual criminal system. The extenuating circumstances, excuses or immunities admitted for a given offence necessarily vary from one country to another. In this respect, attention may be drawn to the immunity from prosecution of close relatives or spouses who commit theft against one another, as provided in Article 380 of the French Penal Code, or the legal excuse admitted by most systems of Roman law for a husband who surprises his wife flagrante delicto in adultery. But this excuse does not exist in all legislations, and above all it has not everywhere the same range. Spanish law, for example, extends it to the father in respect of a daughter living in his house (Penal Code of 1944, Article 42) and the Italian Code to the father and even to the brother (Penal Code of 1930, Article 587). Furthermore, the age at which criminal responsibility begins is a matter in respect of which there are, as between the various positive systems of legislation, differences whose effects on crime statistics may be considerable. Let us say only that the mere juxtaposition of figures would be entirely

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meaningless as between a country which admits the responsibility of the minor on almost the same terms as under the ordinary law and a country which, in respect of minors, allows only educational measures, to the exclusion of all penalties and all criminal imputability properly so-called, not to speak of the countries in which the law requires that the question should be put whether or not the minor was capable of distinguishing between right and wrong.

Lastly, and to conclude these general difficulties, which in themselves would deserve extended study, attention should be drawn to the need for taking into account the classification of offences and the general scale of penalties admitted by the various systems. Experience teaches that almost all legislative systems use various names and procedures to distinguish between offences of greater and lesser importance: whether we take into account the tripartite classification of offences into crimes, offences and contraventions, for example, or the Anglo-American distinction between felonies and misdemeanours. So far as crime statistics are concerned, the result will be that where such a distinction is rigidly applied, certain offences will be placed in categories that may be very different from those adopted in a country which does not have the same classification. Moreover, in the case of two countries possessing an identical classification, legislative modifications in one country may, for example, transfer from the category of crime to the category of offence (délit) an action which in the other country retains its former classification. Divergencies of this kind may easily arise between France and Belgium, and have actually occurred in the particular cases of bigamy, abortion and infanticide. Similarly, the distinction between felonies and misdemeanours has not the same meaning in English Common Law as in the New York Penal Code.

It is impossible here further to stress the general difficulties which, arising from the differences between national legal conceptions, attend the preparation and particularly the use of statistics. The only purpose of the few illustrations given here was to show the importance and complexity of these difficulties. What must now be dealt with directly are the difficulties of a particular nature encountered, as a result of the diversity of existing legislations, by all those who have to deal with crime statistics. For the time being, attention may be confined to three main difficulties relating, in ascending order of importance, to terminology, legal incrimination and the qualification of offences.

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The difficulties of terminology are so obvious that it would be superfluous to stress them if, in spite of all warnings, they did not still cause a considerable number of errors in statistics as well as in comparative studies. Jurists, like sociologists, have not been sufficiently mistrustful of apparent equivalencies. Expressions such as murder meurtre and Mord, which in current use are largely assimilated, are far from having an identical meaning in law. All those who have studied comparative law know that one of the first rules of comparative research is to distrust what have been called "false friends". Moreover, it is obvious that the translation of a legal term from one language to another is still a constant source of error. The French equivalents of words like burglary, robbery and embezzlement, for example, can never be anything more than approximate.

We must go further than that, however, for, in the same language, when employed by two different countries, the same words may have different legal connotations. That applies even to France and Belgium, which started from a common legislative source. Some of the States of the United States have even, by special legislation, revived certain former Common Law offences, while often giving them a special and new meaning. Thus, for example, attention has been called to the various characteristics of the extension of the idea of burglary in certain States. These difficulties of terminology must be present to the mind of all those who claim to make international use of crime statistics.

More serious still are the causes of error resulting from the varying status of legal charges in the different systems. Thus, under a given system of law, a particular act may be an offence (infraction) whilst under the legal system in force in a neighbouring country the same act is not regarded as an offence at all. The classical illustration of this is suicide, which does not fall under the French penal law, and is a criminal offence under, for example, English penal law.

Moreover, the same act may, under one body of legislation, be a special offence, while under another legislation it is merely a variety of a more general offence; and the result of this is to raise a question of classification in statistics and perhaps to render the ostensible figures unreliable. Thus, the German Penal Code (Article 206) makes duelling a special offence, whereas in France proceedings in case of a duel may be taken for assassinat (voluntary homicide with premeditation) meurtre (voluntary homicide) or coups et blessures (inflicting bodily harm) according to circumstances. Curiously enough, Italian law includes

duelling among offences against the administration of justice (Book II, title III, Article 394 et seq.). In the three countries considered, statistics on duelling will therefore be found under quite different headings and, moreover, cannot in all cases be abstracted.

A like difficulty arises from the fact that as legislations develop they tend to regard as offences bearing different names increasingly numerous varieties of the same original offence. Thus, the French Penal Code makes a separate offence of coups et blessures (inflicting bodily harm) resulting in death without intention to cause death, thus placing that particular action between meurtre (voluntary homicide) properly so-called and involuntary homicide; whereas under many other systems of positive law, this offence is classified as homicide, pure and simple.

Still more striking examples of these difficulties are provided by crimes and offences against property. Thus, larceny with violence or threats (vol avec violence ou menace) is almost universally regarded as a separate offence, but the definition of this offence, which is called Raub in German law (Penal Code, Article 249; cf. Austrian Code, Article 190 and Hungarian Code, Article 344), rapina in Italian law, (Article 628; cf. Argentine Code, Article 164) and robbery in Anglo-American penal law, differs as between one country and another in such a way as to produce a very evident effect on crime statistics. In most of the countries mentioned, this offence is a separate and specific crime, whereas in France (Penal Code, Articles 381-382) it is merely a qualified theft, that is to say a circumstance aggravating theft. The definition of the offence, however, differs as between one system and another; for in certain cases, the offence exists only if there is violence or threats against a person followed by material seizure of the stolen object, whereas under other systems violence with a view to seizure may be sufficient, and under still other systems, as for example under the Argentine Penal Code, violence exercised against objects is sufficient to constitute the offence, when such violence is accompanied by unauthorized seizure.

These particular difficulties really relate to a final source of difficulties which is still more serious and which arises from the qualification of offences.

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In this connexion, it must be recalled that qualification may be either legal or judicial, and it is generally both legal and judicial, since, with variations in detail with which it is impossible to deal, all modern legal systems actually subsist in fact on a system of legality of offences and primitive measures. A Statute or at least the law must already have designated an act before it can be regarded as criminal; but in the last resort, it is for the judge to designate an act as criminal, and it may even be said that any other designation is from the legal point of view only approximate and provisional. From this some criminologists have deduced that crime statistics should take into consideration only acts qualified as crimes by the judge, since, legally speaking, an offence can exist only from the moment when it has been so designated. Clearly, however, one may entertain a less strictly legal conception of the phenomenon of crime, and it is not without interest to be informed, for example, of offences reported to the police even before they can have been finally determined and perhaps even before the offender is known. According, however, to which of these conceptions one supports, certain elements and certain figures must be included or, on the contrary, excluded, from the statistics.

Apart from this very important problem, which appears in this connexion once again, attention must be drawn in dealing with the designation of offences to the difficulty arising from the so-called practice of correctionnalisation. Mention has been made in passing of statutory re-classifications, by which the legislator reduces an offence from a more serious to a less serious category. In such cases, the difficulty is not very great, for all that is necessary is to seek the offence in question under another heading of the ordinary statistics. Side by side with this legal down-grading, however, there is a judicial down-grading which, in various forms, is practised in almost all modern countries. It consists of prosecuting or punishing a person for an offence to which an artificial and deliberately inaccurate designation has been attached, and which would properly be included in another legal category. Thus, aggravated larceny (vol qualifie), which in France is a crime punishable by criminal penalties imposed by the assize court (Cour d'assises) is in most cases merely dealt with by the tribunal correctionnel under the heading of simple theft. The public prosecutor and the judges called upon to impose sentence deliberately ignore an aggravating

circumstance. The result, however, is that crime statistics are thereby falsified, for the number of aggravated thefts included in the statistics is very much below the number of aggravated thefts really committed. Similarly, the Report on the Study of 102 Sex Offenders recently published in New York points out that most of the sexual delinquents examined at Sing Sing prison by the Commission which drafted the report had been committed to prison for offences labelled other than sexual crimes. In such matters, it is clearly very difficult to get at the truth behind such purely artificial descriptions of offences. At any rate, a criminologist examining crime statistics should not lose sight of these various procedures.

The difficulties raised by the description of the offence do not stop there, and their exhaustive analysis would require a disquisition of considerable length. To present the problem more concisely, it is enough to compare very rapidly the assimilated offences of swindling (escroquerie), abuse of trust (abus de confiance) and extortion (extorsion), the technical nature of which needs no further emphasis. It is easily seen how the terms by which acts are described may under the various legal systems refer to acts quite different in reality. Thus, it would be easy to show that certain acts constitute **escroquerie (swindling)** under Article 266 of the German Code while they are regarded as abus de confiance (abuse of trust) under Article 406 of the French Code (cf. Article 361 of the Hungarian penal code describing as "abuse of trust" certain acts which many other legal systems treat as swindling. According to the French conception, moreover, as under a number of other legislative systems, abus de confiance requires a definite contract under which the object misappropriated (d'etourne) had been entrusted to the person who misappropriated it, whereas Articles 206 of the German Code and 646 of the Italian Code adopt a much wider conception of misappropriation (d'etournement) (cf. Article 173 of the Argentine Penal Code). English law provides several varieties of offence corresponding to the continental idea escroquerie (cheating, obtaining goods by false pretences, etc.); and, while embezzlement is almost the same as abuse of trust (abus de confiance) under Article 408 of the French Penal Code, account must be taken of the specifically English varieties thereof, such, for example, as conversion by trustee.

Similarly, the distinction in German law between Unterschlagung and Veruntreung has no equivalent in a number of other systems of positive law. In the case of extortion also, there are substantial differences between systems which limit extortion to the coercion of a person with a view to obtaining pecuniary gain and those which include under extortion any coercion to procure the execution of an act, even if without pecuniary value, by a person who under normal conditions would not consent to do it. It might be tempting to regard such differences as purely legal technicalities which should be neglected by statistics intended to mirror the real criminality underlying the legal designations. But it will be seen below that the compilation of statistics on too broad a basis is also attended by fairly serious disadvantages. In any case, even a summary analysis of the difficulties met with in criminal statistics leads one logically to consideration of methods of removing those difficulties. It is this point which must now be considered but before doing so it is important to note that the difficulties arising in connexion with the designation of criminal acts are such as to render hasty comparison between the statistics of different countries frequently difficult and invariably somewhat hazardous, especially when the statistics are sufficiently developed to present offences, in particular offences against property, under suitably differentiated headings. The actual trend of modern criminality and the recognized phenomenon of the development of what might be called "sharp practices" (criminalite astucieuse) makes it necessary, even from the criminological point of view, to compile statistics which do not include under one heading highway robbery and possibly involving swindling which may be the result of the promotion of bogus companies.

II. Possible remedies for the present situation in international criminal statistics

It follows from the foregoing that there is only one remedy that could be completely effective in eliminating all the difficulties arising from the divergency of national systems. That remedy would be the standardization of criminal law itself in the various countries. This is the conclusion arrived at by all who have considered the problem, whether internationally,

or nationally in federal countries, where the problem of the unification of criminal statistics also arises (See, in particular, Uniform Crime Reporting, 2nd edition, New York, published by the Committee on Uniform Crime Records, International Association of Chiefs of Police, N.Y., 1929).

Efforts have, of course, been made in this direction, notably by the International Bureau for the unification of criminal law in the conferences it held between the two world wars. Such efforts, however interesting they may have been, have hardly gone much beyond doctrine and theory. In fact, none of the texts adopted at tha conferences on unification or the various pre-war congresses have become a uniform law. It is obvious, moreover, that one cannot seriously think of requesting all States to abandon their legislative autonomy in the interests of the unification of criminal law, which it would in any case take many years to bring about. Experience of the uniform laws already adopted in certain branches, such as commercial law, for example, shows moreover that the legislative unity so obtained is in many cases more apparent than real. It may be frustrated in the first place by the practice of reservations which enables a country to depart from the standard law, in respect of specified points, and to retain its national regime. The result is also prejudicially affected, almost inevitably, by interpretation which is determined in each country by its own jurisprudence. In reality, a standard law could work completely satisfactorily only to the extent that a central supreme court was empowered to supervise its execution. The conditions for success are in themselves sufficient to emphasize the gravity of the existing obstacles to legislative unification. They even suggest that in very many cases such unification is not even genuinely desirable.

Having thus disposed of the general remedy, one must inquire what particular remedies are capable of solving, at least in part, the existing difficulties in international criminal statistics. It is apparent that the study of such remedies involves consideration of two separate questions which must be clearly distinguished: first what methods can be used to arrive at specific proposals and secondly, what specific proposals it seems feasible to formulate with regard to criminal statistics at the present time.

A number of methods are possible. Nevertheless, by coming to closer grips with the question, consideration can be confined to a number of questions which are presented here in order of increasing difficulty.

Obviously the first step is to undertake a methodical comparison of the existing statistics. It is evident from what has been said that national statistics include a number of fixed headings which naturally differ from country to country. While comparisons have frequently been made between various national statistics and while, from a technical statistical point of view, comparisons have even been made between the statistical methods of the various countries, it would not seem that a methodical and rational comparative study of the various lists of offences included in the national statistics has ever been completed. Clearly if it is intended to systematize criminal statistics, from the international point of view, the first step must be to compare the various categories of offences included in the statistics now compiled.

From such comparison of the various statistical headings it would be possible -- and this would be the second stage -- to draw up a list of the offences most commonly used in present statistical practice.

Some might think it possible to neglect to some extent the positive data and to entrust to a group of experts the work of immediately establishing on an a priori basis, a standard list for submission to the various national organizations responsible for compiling criminal statistics. That would, I believe, be a grave mistake; such a list, established by theoretical compromise between the various existing systems, would actually have little chance of being adopted by the various governments and also of reflecting the actual facts which it is essential to cover if the object is to use the statistics as a picture of the trend of criminality. After discovering which offences are normally included in the various existing positive systems, one should compare them, again from the point of view of positive law, with a view to reducing them to an international classification, drawn up, not from the theoretical point of view but in accordance with the lessons of actual practice and experience. Such comparison necessarily

presupposes a comparative study of the different offences; in other words it is based on research into comparative special criminal law. It should be observed that while numerous studies have been made of comparative criminal law, they have in most cases dealt only with the major theories and general principles of criminal law. Hitherto the comparative study of the penal systems adopted by the various countries from the point of view of the actual offences, has been to a very large extent neglected. It is desirable that efforts on these lines should be encouraged; it would seem that the work of the United Nations with regard to the prevention of crime and treatment of offenders might very usefully be directed along these lines. There can be no doubt, in any event, that this dual research into existing statistical data and into the present definition of the main offences under the various legal systems would make it possible to construct an international classification of offences which would be acceptable to the various governments with a view to the unification of criminal statistics.

The purpose of the preparatory work would therefore be to isolate what might be called the international criminal statistical unit. This international statistical unit would thus represent an idea which would be more criminological, since it would relate to a criminal act actually committed, and juridical since, in its establishment, regard would be paid to the definition and the legal designation applied to that criminal act by contemporary positive penal law. The international criminal statistical unit would emerge as the result of a twofold analysis and synthesis of the existing systems and would therefore be derived, a point which must be stressed, from positive law and present statistical practice. The aggregate of the international criminal statistical units so obtained, as a result of the methodical comparative study which would be undertaken, would constitute the standard list to be proposed to the various national organs responsible for compiling criminal statistics.

It is not possible in this paper to discuss in detail the procedures which might be employed to isolate the different international statistical units. I shall merely indicate, by way of example, that one of the technical questions which will inevitably arise during the selection of the international criminal statistical units will be that of determining the level on which the

statistical unit must be established. In the case of certain offences, the unit may be based on the specific offence; thus, for example (this is an example and not duly verified), in the case of offences against the person, poisoning or infanticide can be isolated as a specific unit. More frequently, however, it will be necessary to adopt as international unit a broader conception including several specific offences distinguished by the law and in the practice of the various States. This will be the case in particular of offences involving bodily injury or, even more probably, of categories such as larceny or unlawful taking by threats or violence, on the one hand, and embezzlement (detournement frauduleux) on the other. The comparative study to be undertaken would thus result in the establishment, for purposes of criminal statistics, of categories broader than those recognized by the various systems of law in force.

Already in national statistics, related but nevertheless distinct offences are frequently grouped under single headings. It seems probable that if it is desired to obtain international classification valid for the greatest possible number of countries, it would be necessary to go even further along these lines, but it would be rash to attempt to base such a classification on any given existing system of unification; the procedures employed are for the most part largely empirical and the international value of such national procedures can be ascertained only by systematic comparison of positive statistical data. I therefore venture to assert, once again, that such classifications, if they are to correspond to reality and to be of unquestioned scientific validity, should not be drawn up except after comparative research of the type indicated, which is in my opinion essential.

The use of such methods would make it possible to formulate, with reasonable hope of success, a number of specific proposals. These proposals must now be considered. However, in the present state of research and documentation, it is hardly possible at the moment to put forward definitive proposals. Such proposals will in fact be the logical outcome of the various methods indicated above. Nevertheless some indications with regard to specific suggestions may be made at this point.

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The first, which emerges from the present paper, is that in establishing an international classification founded, as we have seen, on the systematic isolation of the international criminal statistical units, regard must be paid not only to the headings adopted by the various national statistics but also to the preferences shown by each of the legislative systems in question. It may occur, although no doubt in exceptional cases, that certain offences (and consequently certain statistical data) have no possible equivalent in other systems and that they can be retained in the international classification although figures under that heading will not be available in all countries. In other words, it will be possible to retain the international character of the classification adopted even though it is not an absolutely universal classification. A second rule which should be borne in mind in preparing the international classification would seem to be the following: it will certainly be necessary to establish fairly general headings, to ensure that they can be reduced to as small a number as possible. The necessarily summary study which I have been able to make of crimes and offences against persons and crime and offences against property lead me to believe that the statistical data of the various countries should be amalgamated in an international list under headings sufficiently broad to cover the existing slight differences between the various legislative systems. At this point one need only recall what was said earlier regarding the determination of the international criminal statistical unit: in some cases the unit will be established on the basis of the specific offence; more frequently it will be established on the basis of a composite notion incorporating a number of specific offences.

Attention has already been called to the possible value of establishing very broad statistical headings. This method makes it possible to avoid difficulties due to purely domestic distinctions and sub-classifications, for example between the various degrees of theft or the different types of offences involving bodily injury. But it should not be forgotten that headings, if too comprehensive, eventually become meaningless, from the criminological as well as from the legal point of view. At a certain stage of civilization and legal development, a society necessarily establishes increasingly fine distinctions between crimes which were formerly confused or

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classed together; such distinctions express not only society's reaction to criminality but also the most typical characteristics of that criminality. I believe that it is necessary at this point to isolate from comparative positive law a certain number of tendencies which will make it possible to establish the proposed classification with substantial chance of success. As already noted in passing, it is possible that in the matter of crimes and offences against property, a distinction should be established between theft (vol simple), theft with violence (vol avec violence), and embezzlement (soustraction ou detournement frauduleux). In the matter of crimes and offences against the person, existing systems of law tend, by very different procedures and under very different technical premeditated designations but with significant permanence, to differentiate between what might be called aggravated voluntary homicide (meurtre aggrave) (assassinat, murder, Mord.), voluntary homicide (meurtre proprement dit) properly so called and a third category including homicides of less gravity which are punished by less severe penalties under the most varying designations but which correspond to an independent juridical and socialogical category.

One final point may be noted with regard to specific proposals for the establishment of international statistics. The juridical point of view, to which I have devoted my attention, is concerned mainly and almost solely with the offences, in the strict sense of the word, which must be taken into consideration by criminal statistics.

Naturally, however, statistics may and normally must deal with other factors and in particular with the offenders themselves, considered from the point of view of age, sex, or social status. This criminological factor would normally be outside the scope of this paper, which does not mean that I regard it as negligible. But the unification of methods and the international adoption of common standards in this case present much less difficulty than the list of offences to be established for statistical purposes, which is very greatly influenced by considerations of particularist juridical technique.

Nevertheless, with regard to the offences in the strict sense of the word, it must be asked at what point a given offence should be included in the criminal statistics. This is a question which has been dealt with on many occasions, among others at the beginning of the present paper. The question is whether one should take into consideration offences reported to the police,

offences with respect to which proceedings have been taken in the penal courts or offences considered in the strict juridical sense, i.e. offences established by the sentence of a court, or at least by a decision involving conviction. I am convinced that here again study of the various national statistics will make it possible to form an accurate idea of the requirements shown in this matter by the various national statistical services. Such research would make it possible to determine the best point at which to consider offences for inclusion in statistics. It is my personal belief, as I have already stated, that it is of undoubted advantage to have figures relating to each of the various phases. It is useful to know how many offences have been committed, how many have been prosecuted, and how many have resulted in the imposition of sentences in a given time, in the countries concerned. Thus it may be felt that while the number of international criminal statistics units should be as small as possible it is not essential that the figures relating to these various offences, once they have been established separately should be reduced correlatively.

Naturally, the statistical structure established on a comparative basis with a view to international utilization must be as universal in scope as possible. The classification established must be such therefore as to be acceptable to the greatest possible number of countries; a serious and continued effort must be made to achieve such a classification. That is not, however, merely a question affecting experts in criminal matters and dependent, in particular, on the work of specialists in comparative law. It is legitimate to suppose that the adoption of the proposed classification will be simplified if it has been prepared on the basis of data of positive law and of the tendencies common to the various legal systems between which the civilized world is divided.

The writer of the present paper does not seek to conceal the fact that it is both fragmentary and incomplete. It is his belief, however, that, at the level on which it is discussed, that of the study of comparative law, it is not possible at present, given the present state of research, to proceed much further in a scientific way. The remarks presented above are not intended

/to be exhaustive

to be exhaustive or to put forward, at the present time, any definite final proposals or any suggestions immediately utilizable. The problem is complex and it was necessary primarily to bring out its scope by noting its multiple ramifications. With regard to practical solutions, scientific integrity would suggest that they cannot be discovered except by systematic study of the existing difficulties and by the rational use of a number of methods adapted to their solution. The foregoing observations will have served their purpose if they succeed in drawing the attention of specialists to certain somewhat neglected aspects of the work of compiling international criminal statistics.