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NOTE ON THE THEORY OF DELINQUENT
OR CRIMINAL LIFESPACES:

ESPECIALLY ON "DELINQUENT DEPTH"
AND "GENO-TYPE OF DELINQUENCY"

by

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In this paper, the writer's theoretical constructs on criminal or delinquent actions and his basic viewpoints as a background are summarized as fundamentally as possible. Some features of writer's viewpoint are: 1) the grasp of criminals' actions from the point of view of social psychology, 2) to locate criminal actions in the whole structure of lifespace and its trends, 3) to make an approach in the level of general and genetic consideration, and 4) to observe strictly the standpoint of keeping clear of evaluation. From these things, the construct of criminal and delinquent depth is presented, and it is divided into four stages according to each period with characteristics of childhood, youth, adult and old age. Furthermore genetic and corrective conditions observed through criminal or delinquent actions are grasped with characteristics divided into four types.

In this note what is the pivot of our theoretical constructs on delinquency or crime is summarized as fundamentally as possible. These constructs have been the premise of the investigations⁽¹⁾ which the author with joint students has hitherto carried on in delinquents or criminals, and of the treatments which the author has dealt with in institutions, and they have been modified and developed by so doing. And their logical standpoint will be clear most naturally and necessarily, when they, having the standpoint of social psychology as their background, have been focussed inevitably on the problems of "delinquent depth" or "geno-type of delinquency." Therefore the author in this note summarizes them with stress on these problems.

1. Backgrounds of the Theories on Delinquents or Criminals

We are more often urged to examine the problem-consciousness or the approach-methods which form the background and premise of the theories on human beings, especially those on criminals or delinquents, than to examine facts, because these theories become more difficult to approach factually by them than those of natural science. Also there is often the possibility of losing the power

1) Cf. Bibliography in "On the function and structure of the criminal life spaces", by Junkichi Abe, in *Psychological Papers to Commemorate the 35'th Anniversary of Dr. Y. Ohwaki's Professorshi p.* (English paper)

to distinguish and understand distinctive features of human beings by them. Moreover the distortion or confusion of those many theories produced in this way on human beings, when they are reflected on the technical and political aspects, not only is on the contrary the cause that forms the distorted social facts but also is useful in forming actuality which is incapable of controlling them. For instance, the distortion of the theory of criminology has influence on actuality of social common sense, education, legislation, examination and correction, consequently it becomes useful for forming such social facts as crime or delinquency, their increase or decrease, or actuality which is incapable of social control. Today the theories in criminology, especially that on juvenile delinquents are in diversity and we cannot affirm as yet that it provides adequately the criterion of objective recognition for rightly and strongly controlling social crime or delinquency.

The diversity and confusion in theories may, indeed, be said to be a welcome phenomenon for such a new science as criminology both to keep away a dogmatism and to develop at will and moreover gradually the various discoveries of facts and assumptions, if they result from the new discoveries of facts and assumptions only. But the distortion of theories caused by the confusion of the problem-consciousness and the approach-methods must be utterly avoided, otherwise the theory of criminology loses its pertinent subject and scientific quality. As a matter of fact, many confusions and distortions of theories originate in the mixing of the above mentioned two tendencies in one theory. When criminology, one of the sciences of cognizing facts, with normative cognitive culture (philosophy) and technical cognitive culture (philosophy+sciences of cognizing facts), or rather as a basic science of them, is formed to grasp objectively and precisely, both facts of criminal or delinquent action and distorted actuality caused by theoretical distortion, and takes root in practical system, deeply, widely and at the high level, it will become one of the valid cultures that sustain the lifespaces of the people with objectivity and correctness at the high level. Therefore we must examine in particular the following four aspects of the problem consciousness and the approach-methods that exert deep influence on the theoretical constructs, before theorizing.

We must first examine how we should fix the fundamental quality by which criminal or delinquent action can be discriminated clearly so that, without it is indistinct whether criminology answers the problem to be the center of the phenomenon which is its subject or only that of its circumference or loses its subject. And it is also indistinct, without it, why criminology must attach importance to depend upon and systematize specific fields. As a matter of course criminological theory ought not to be confined to the additional synthesis of the theories on delinquents or criminals viewed separately from such sciences as biology, anthropology, anatomy, political economy, pedagogics, politics and so on. On the contrary, each science must be given its necessary position in the system of criminology because it is an effective instrument in

solving the central structure of the problem of criminology. Question must be antecedently to answer.

We have treated, until now, without exception, criminal or delinquent action as a topic of social psychology because we believe that only social psychology is the channel that enables us to approach directly to facts in cognizing them. In other words it is because we believe that the fundamental qualities of the problem of criminal or delinquent action bear directly upon those of social psychology. Needless to say, the only marked distinction between criminals or delinquents and other persons is the fact that they have in the past or at present have committed crime or delinquency in an action-region of their life spaces for some days or at least for some minutes in their life and these characteristic actions are fundamentally nothing but social actions. It is because criminal actions must necessarily mean that an individual, individuals or group(s) forms an objectively injurer-sufferer relation with the other individual, individuals or group(s). Suicide may be regarded as a crime only because of its bad influence on society or its disadvantage to the way of faith in God in a specified community. But needless to say, all of the injurer-sufferer relation are not derived from crime or delinquency only. In a case it is confined to the object of hospital or family protection. Therefore it is not until the injurer-sufferer relation has objectively a structure of minus sanction which is regarded as a penal offense or a juvenile delinquent, not only by the person concerned but also a third person, especially persons who has authorized rights and duties to legislate judgement, and treated as such by the people that the actions have the objective social characteristic of crime or delinquency. It depends on the sanction mechanism of third party. As a matter of course the criminal actions must also have the psychic and subjective phase to designated as having such an objective characteristic, for the internal inevitability of the actions is cleared first by the psychic aspect and at the same time there exists the normalization of it in the legal sanction itself. Thus crime or delinquency has their problem in the structure itself of how the subjective aspect of personality meets with the objective aspect of society and culture (legal standard) and accordingly it shows itself to be nothing but the problem of social psychology.

Therefore, what criminology should bring to focus to grasp crime or delinquency is the fundamental structure of how the meeting of personality, society and culture inadequately adjusts to the legal standard, and then the different structure (delinquent depth) and the certain frame of criminal functions (geno-type of delinquency). It is not only injurers or victims but sanction mechanism too. Accordingly psycho-physical function, not to speak of physical-anthropological structure, becomes useful constructs to criminology so far as they can be fixed in the frame of the concrete system of certain social attitudes or social actions which are the psychic aspect of contact with society and culture. In general,

pure psychology and physical anthropology has nothing but an indirect meaning to criminology. For instance, however clear general psychic function of aggressiveness which is a cause of crime is made, if the goal of the action is an enemy at war, or if those who act are infants, it has nothing to do with crime. Such a theory on delinquency, at general level, as skips over the concrete frame of attitude and action which is negatively sanctioned by criminal law, loses the fundamental problem structure that distinguishes delinquent boys from the other problem children. A theory on delinquency viewed from such social and cultural phases as poverty, defective family, difference among classes, criminal area, cultural conflict etc. can also contribute to the theory on genesis of delinquency and the theory on correction of delinquency, only when they are grasped in the structure connected necessarily with the subjective aspect of personal dynamics and are fixed in the social psychological frame. And when criminology starts from each aspect of personality, society and culture respectively without interrelation, merely adds them, it gets no further than criminology with no central related structure: criminology which has lost the consciousness of the problem.

Next it must be examined whether criminology succeeds or not in connecting clearly criminal or delinquent actions with the bottom of human life. However clearly their qualities are grasped, action centricism that utterly ignores the regions of the other actions in human life that forms the background of criminal action, cannot give the real knowledge which is positively useful for the inevitability of genesis of crime and the counter plan of correctness of it as far as it gets no further than cognizing facts of actions deviated from low standard, though it is useful for valuing crime or the degree of the injury or harm only and the usefulness of the impartiality and it could play the historical role.

And indeed, it must come historically to grasp the some aspects of criminals to point the psycho-physical functions or physical anthropological structure, hidden behind the criminal action, yet there exists no human being or human life. It is the same with the pointing out of the social-defence structure as long as it concentrates on this point. It is obviously true that the criminal or delinquent action happens only in one action region of his whole lifespan, that is, only in part of a twenty-four hour period, or in some minutes of his life time: in the other action region, the criminal action is physically impossible and is controlled by social influences or rather adjusted to the social and cultural standards. In what kind of the topological region of his whole lifespan the criminal or delinquent behaviour region is located, and by what functional relationship with the action region adjusted to socialized or legal standards criminal action region serves to keep the ego-balance within himself. These two are to be oriented to the boundary and trends of historical structure where the psychic phases of a person are shown to get entangled with the social and cultural phases of objectivity.

The mere comparison with non-criminals does not prove so fruitfully in the research of the criminal action. The following points are to offer basically valid informations for the criminal's correction and intaking institutions; to clarify in what situation of his whole lifespan a certain criminal will take a socialized action or preserve the ego-balance within himself removing to the criminal action region and what sort of control situation has proved useless to criminal checking in the prevailing trends owing in the past and present.

Now we admit that the conceptional constructs of lifespan have been treated as the ones grasped the related psychic structures of a person mingled with social cultural phases from this side of a person. And yet we do not take them as only serving to know the pure reaction which the given criminal action-regions and other ones directly influential to the former constitute in the timeless and dynamic system of concurrent being. A person is considered to have his real existence in developing the various dimensions of his lifespan, historically, through intersection constructs between his psychological, physiological maturity and his social, cultural situations. Historical grasping is meant to hold the related necessity of the being in plural lifespans of factors, which are functional timelssly in a lifespan and the functional and dynamic grasping of life-space inevitably stands in need of existing of the factors functioning in it, and on the contrary, the existence of the plural functional spaces is to be a precondition for the grasping of the correlated being of the factors. We cannot locate the criminal in the individual and characteristic being until the existence in a certain lifespan of factors with the potentiality of a certain criminal action is connected historically with another plural lifespans in the past.

Now the third point we must examine is: how far the criminal theory depends on the generality and synthesis. Needless to say, the real understanding of the individual facts is obliged to face both the individual facts and general, theoretical constructs. We believe the theory on criminal action should have essentially the generality which is applicable equally to every separate criminal actions beyond the differences of nations or times and the synthetic covering to the utmost all the phases of problematic cases which the criminal action is concerned with. But when we try to understand by tracing facts, we come to notice that facts are ever particular and partial and therefore constructs must be, at least, more general and comprehensive than the facts.

The degree of generality and comprehensiveness is relative, and the rate of abstraction is to be fitly adjusted according to the object of cognition. The more weighty the theoretical constructs stand on the general level, the more particularities are lost in understanding of the individual criminal action. On the other hand, the more weighty on the concrete level, the more general phases lost in understanding. The theoretical constructs and individual facts, however, must be situated in such a relationship reciprocally influential as, in spite of the varied degrees of abstraction, the induced from the facts are prerequisite to

the former and the setting of the former to the basic understanding of the latter. In this respect the deductive-inductive method is the most natural and available. In order to get the scientific information of the criminal action, we are now compelled to set out by generalizing in so far sticking fast to the concrete level, always in the line of the individual and yet derivative data arising from modern culture, while the scientific theory is demanded to get the extremely universal appropriateness. Then, the criminal theory testified with low-levelled generality is directed to the danger that it may be asserted with the high-levelled one; we know, for instance, the mistake was once made that the psychological figures of youth proved among youths in Wien, New York and Tokyo are applicable to the ones in general and in a primitive society too. The criminal theory on the urban criminal areas is impossible to be applied to the primitive crime, so it cannot be insisted to be a high-levelled general theory.

Then, in order to comprehend the individual facts, such a typological theory is to be composed as in it the theory of the low-levelled generality accepts many other heterogeneous types as inevitable by making the hypothesis of the high-levelled generality. It is further said that through the developing of various typological theories the general theory must be proceeded into the deepened. Therefore, each criminal action is the object of understanding both from view points of the typological theory and of the general one. The apprehension by the general theory thus foregoes the one by the typological theory, and yet former's completion must be forerun by the latter's.

So we should promote a better understanding of the criminal action after the above two problematic view points, especially around the two theoretical axes of the general and typological doctorines. Then, the criminology must be systematized being divided into two parts. the part of general theory and that of the typological one, and therefore synthetically systematize every topic on the criminal action on its own level. Criminology has had a partiality for the data on assailants: the data have been strikingly deficient in the side of sufferers, and especially a third party in a sanction organization, for example, judges, the officers of a prison, the teachers of a reform school, and policemen, or school teachers, family members, and general community members. The data from institutions stand isolated, therefore the data is scanty which followed up the whole course, from community life to institutions, from institutions to community life. And also they are more partial to criminals or delinquents in a primitive culture. than to the ones in a highly developed modern culture And such a partiality of data or topics consequently make unbalanced of the general or typological theory in criminology in its formation.

Yet to get further the all-round apprehension like this, we are in fact allowable to start from the mere understanding of partial structures at the stage of verification, which is the same with making a general and typological

theory.

Here we must also note that there arose the way of formation of remarkably different approach unit between the microscopic approach such as an action research of behavior situation of a specific delinquent, inspection situation of his various psychic responses in the experimental room, or an experiment like groupdynamics of a specific delinquents' group, and the macroscopic approach by means of a large and nation-wide scale of delinquency statistics.

The former makes us able to grasp the action level, but does not show us the clear picture of social or cultural level. The latter, on the contrary, possibly gives us clear comprehension of social or cultural setting, but little of understanding of action level. Now these two must be closely combined. For only by doing that it becomes possible for personal correction and criminal policy to be connected with each other.

It means, however, that there is no median approach between these two levels. Without such median approach, it would be nothing but an analogy or a leap in argument under both the levels.

We would rather take the procedure, on the contrary, which is based upon the median approach having on its axis a personal case study oriented to the community structure, and whence we can in a necessary pattern synthesize or differentiate our research into the setting which has a great society as a macroscopic unit on the one hand, and a microscopic approach on the other. Thus it will be possible for the criminology to preserve its quality as a theory by advancing on the axis of median approach or typify the informations about the structure in question as a especially characteristic personal action settled in the construction of human life.

Now the fourth problem point of the criminological theory is to be discussed. It matters whether the fact cognition should be separated from the attitude it evaluates or should not, and how it should be done. We hold the opinion, as to the matter, that the criminological theory should constantly take on the character of *Wissenschaft ohne Wert* as that of the fact cognition. But this does not mean that we consider it should be given up its 'value' or 'valuing' as a matter of its object. We must at this point bear in mind that a criminal action is a social fact which is characterized by minus evaluation on the legal standard of a certain community.

On the contrary, we have to take the constant attitude not to value the 'valuing'. But there is no action without any attitude — it will also be of course, the case with studying action. It does not mean, in consequence, to renounce valuing only negatively, which is impossible, but it means to hold fast to the positive attitude which makes it right not to value the 'valuing'. Those who deny even this will come to generalize the cognitive structure of the insane and the cognitive situation want of training as a scientist. There can be a situation, of course, in which those who have experienced good

training for scientific recognition are to be obstructed in their way to cognition too. It simply means that we should stop judging for a moment in such a situation. A preliminary to a scientific methodology is to avoid such a situation to the utmost.

In this way, the criminological theory as science of fact cognition should be distinctly differentiated from the legal philosophy as a cognition system of what should be or form the technology of law as a combined system of the actual rules and what should be. It also takes as a objects of fact cognition, on the contrary, philosophy or technology concerning the law and common sense and the treatment based upon it. Thus it becomes to be a self-reflective science to them. What attitude they may take towards religion, community, or politics, therefore, the criminological theory always settles their cultural settings objectively, and functions as cognitive culture of objectification to catch accurately hold of oneself. On the other hand, however, the criminology meets criminals and delinquents only in their legal or moral frame and makes it possible to control their actions experimentally in the frame only. It is because to violate it means to fall in crime or delinquency. Therefore the criminology can not cause the criminal action by itself not only in the proving process, but also in the collaborate process to correct them the action control cannot get out of a certain range on the educational or legal standard which the social authorities can make sanction to be plus.

Therefore a criminologist must try to collect the data of forming criminal action by others who are concerned with a certain criminal phenomenon and those of the corrective condition which is not sanctioned to be plus. Moreover, he cannot but regard the fact of treatments, as data of control experiment, which is based upon the technology for a a certain correction or the social common sense. And he must make it a core to the research to consider the above statements systematically. A criminologist must always work on and around the point very close to the treatment, which all the more demands him to be fastidious to valuing. Only when he can work in this way, it will be possible to keep objectivity.

Hitherto the background of our theory has been discussed in respect to to the four subjects which tend to lay an influence upon the crimnal theory. The next two chapters will summerize shortly what is to be the core, to our understanding, of the criminal action.

2. Criminal or Delinquent Depth

Looking back upon the whole course of human history there is found to have been the only one division in the primitive society between the protected infancy or child and the adult of which the basic community consists. There is not so great gradient between the culture of child and that of the adult as in the modern culture. In consequence both the youth as a transition period and the senescence as regression period there may remain to be only a point.

In the modern higher culture, on the contrary, the culture and the social structure constituted by the adults are remarkably heightened and developed very rapidly. Accordingly grow greater the distance and the gradient between the culture of adults supporting the modern higher culture and those of the infancy and the senescence. This means that the adult layer must differentiate itself from both layers of infancy and senescence to protect them and also to prevent them from disturbing what the adult should do and for the adults not to hurt them. The stratum of adults is conspicuously divided mainly by the occupation strata, and as a result induces diversity for preparing to accommodate themselves to the mode of living. Adults layered in the top arrangement and engaged in the intellectual occupation have an especially steep gradient to the culture of childhood and senescence and cannot but be very late to participate in the adult yet paradoxically, can be prolonged to participate in the senescence. As for those occupied in physical, especially muscular labour, the gradient is remarkably slight. In consequence, they tend to participate very early not only in the adult but also in the senescence. Between the two above mentioned there lies the stratum of clerk or practical and simple engineers. What divisions of strata may be drawn among the occupations or the gradient of lifespan is conspicuously greater and more complex in division in the higher culture than in the primitive. Accordingly, more and more important wide and steep becomes as a whole the preparatory stage or the transition period passed from the constituents of the protected community to the supporter of the protected community and to constituents of the adult society who should share their own responsibility and obligation of the public world.

The period of youth necessarily reflects the high levels and the divisions of the adult community mainly by maintaining the general cultural standard in educational institution and by the stage divisions of educational system in such a time when the society changed to be classified by occupations, not by order of status of social standing and any movement among social classes is allowed to be done freely and quickly.

The elevation and differentiation of this adult culture, as compared with the primitive one, can never fail to give also the childhood an educational nuance of systematic preparation for the adult. Apart from these educational preparations no one in childhood can get out of the basic frame of the

construction of the protected community.

As to the youth they are fixed in the structure of the basic frame as a direct preparatory stage. The youth must be dealt in their community to be the immatured and yet to be the supporters of the next generation, even though they are accepted as a member of skillful labourer population.

The division and complexity of lifespace with occupation structure on its axis are largely changed, not only in the primitive society, however, but also in that of higher culture, but that region depending upon the physical or biological phases cannot be changed basically. The beginning and closing period of generative power and the period bearable of muscular labour can only allow a slight historical change. The lifespace of each person is fixed on the intersection between the comparatively monotonous and physical phase and the cultural and rather changeable. It must be, moreover, embodied and arranged through the system of a familiar social status. Therefore the protecting community whose nucleus is family and the formative system of generation are subject to the occupation system to support and maintain it and yet establish between the system and itself a standard frame by the progressing period of lifespace to form in a community a stable and concrete order of action.

As above mentioned, each age of the social history has its own specific lifespace, and nevertheless the primarily protective region trends generally and basically toward the public relations. Only the senescence, however, tends to regress from the public relations towards the protective region. As considered from the viewpoint of the essential social structure of adults, the direction of lifespace structure is the period settled plus in the childhood or the youth and minus in the senescence. Generally speaking, lifespace cultivates each age of life advancing itself from the protective region towards the public relations and the senescence regresses backward and then personality is exhausted towards death. Protective region is the basic starting point of human life and is also the point to which we should return again. Whereas, the regions of public relations, the goal of human life, they are regions that will fall off with the losing of personalistic force.

Delinquent or criminal depth means setting up maladjustment to legal standards paralleled to the depth of human lifespace. The first delinquent or criminal depth shows the legal-maladjustment in the protective regions. The second delinquent or criminal depth does not yet form the consciousness for keeping life by delinquency or crime and real and concrete relationship with the underworld. Although delinquency or crime comes to the regions excelled the preceding ones, these two depths, in a word, show the amateurish character of delinquent or criminal depths. On the other hand the third delinquent or criminal depth forms the professional consciousness and pride, moreover shapes the realistic human relations to underworld, but stands still in the circumference. The fourth delinquent or criminal depth forms the centering

stratum of underworld. Both of the third and the fourth depth are generally considered as the professional character of delinquent or criminal depth.

The social stratum of the adult includes basically the childhood with protective regions, and children, who are in such a period, are matured in the characteristic of lifespace to be protected till they can endure the preparing for the life of adult. With youth and old age stratum or controlling his family, he newly shaped, or as kinship and neighbors, or as the object of profession, adult adds some condition to the lifespace of children, with an asserting or a liability to legal standards. The first delinquent depth in childhood is formed as maladjustment against the legal standard in the protective action regions formed with the being in the same or another period in the frame of family, school and neighborhood as a pheno-type of present Japan protective community. The second delinquent depth in childhood is the delinquency developing in the regions which exceed his own protective action regions. It is an adventure and the pleasure which exceed his protective action regions for their subjective consciousness. For example, that is the adventure acted among strangers or at street or the amusement quarters in outside of his life circle or school. It is often combined with the boysgang of outside of his place. But their life is kept in substance by their parents or someone corresponded to parents. There is no contact with the third delinquent depth of youth in these ordinary cases. He tends to become the follower or the injured person of the second depth of youth. The third delinquent depth in the childhood is generally seen as the means for delinquency or crime in the third and the fourth criminal depth of adult and unusually youth and old age; for example, in the case when he is employed as an assistant of a pickpocket or a sneak-thieving or as a swindler. Only when an adult criminal performs his part of protective role as one corresponded to his family or as his family or kinship, the possibility occurs. The fourth delinquent depth in childhood, according to his maturity of socialization, is absolutely hard to be formed, but it may be formed if society and cultural structure require.

Delinquency or crime in youth occurs when one notices his entrance into the stage to satisfy the physical and social condition which will be able to prepare the lifespace to be adjustable as an adult. Therefore, in the high-degree culture, it forms in the transitional lifespace to the complicate adjusting level. Lifespace of youth is formed of two parts: One is the period of ideational preparation, the other is the period of practical training in the lifespace of adult. In the first criminal or delinquent depth in the youth, if his lifespace occurs in the second part, the protective region would transfer itself for example, as the process of junior and senior high school and university. Then, neighborhood, friend stratum and dormitory or lodgings as the extension of home develop out, so that he does not remain in his life circle that is truly formed by his family. And though it enlarge into the second part, or though the behavioral

region is spread out as a learner in the workshop, the first depth of delinquency limits the border only in the protective regions. In the second criminal or delinquent depth in youth it is formed mainly at outside of the protective region. If delinquent group would be made up it would be formed as street corner gang, or the delinquent group of inter-school. In the case that he acts an organized crime, though he becomes an object of a kickback, he does not keep the systematic contact with the third immediately or he keeps it so as a follower of the the circumference of the third depth. To which it belongs depends on the strength with which professional criminal group is exposed to the public pressure or the degree of the professional prosperity of underworld. And if there is the surplus in it and it depressed, the selection is strengthened and the contact with the second depth of youth is closed. In the disorderliness after the war, the second depth of youth forms immediately the foundation of extension of the professional criminal group. Criminal group in the second depth of youth shows the reserved character to underworld and forms also the drifts for the man of being forsaken by both the sound lifecircle and the professional criminal group. Forsaken from the protective society, he supports his life as an unskilled worker in irregular engagement, while he dissipates his mind by delinquency or crime and falls into decadance or often becomes the prey for the buyer of anesthetic.

He who is in the second delinquent depth of part 1 in the youth career conceals the delinquency against the normal protective society and his living is maintained by it. There are many cases in which his family and the school authorities take an optimistic view that is corrected by the end of his first depth of delinquency. Some cases appear often as a case of phenomenon in which a person in the second depth of career part II, making mask-adjustment to normal protective society or occupational group, falls into the misconducts in the acting phase of his play and at last gets into the depth of decadance, with his mask-adjustment to the normal protective society and the mass of the employment. In short, the second criminal or delinquent depth of the youth are fundamentally the stage in which the person forms the delinquency or the crime as play or decadance and without any exact perspective of the underworld and then he has not yet professional skill of the criminal technique, supporting his life in the circumference of the protective society and the normal mass of the employment.

The third delinquent or criminal depth of the youth has its characteristic of the professional crime. Therefore the anmates of this step are, as it were the next generation and the environs of the underworld. He has consciousness of his labor or earning his living fundamentally against his criminal or delinquent action and by doing it he has his perspective and pride as a way of supporting his life, then gets into the actual human relation and makes acquaintance in underworld. Except the case in which protective society itself has its anti-social standard or has the atmosphere to allow it, he forms especially the

independent lifespace from the protective region which has its strict plus controlling pressure for the legal standard, has his consciousness of independence, support his life by committing crime and delinquency, and intends conversely to form the relation to be suitable for him between the other sex and the protective relationship. He wants to support his own living with a normal employment, only when his crime or delinquency is not sufficient enough, when he averts the protective supervision and the strong pressure of the prosecution, or conversely, only when he needs the background of the plus value for the way of crime as fraud. This is the basic point of difference from the crime or delinquency in the second delinquent depth of youth, in this depth his life is basically supported by the protective and the normal mass of the employment and here the crime and delinquency is committed as its supplement or play and the crime and delinquency are completed in decadance without any positive perspective of life to plus or minus. Therefore a person in the third delinquent depth must be prepared for the technique of crime and delinquency and the common-sense to endure it, namely the ability of adjustment partly and of the mask-adjustment for the normal cultural criterion because both of them are not only necessary for the high stability and the high profit of crime, but also they are the precondition for the position in the underworld, his belonging and the keeping his pride. The underworld must maintain its high resistance against the strong pressure from the public society. So it needs the frame of mutual reliance and the standardization of the behavior. The standardization and the advancement of the technique of crime and delinquency necessarily cause the specialization of the way in the third delinquent depth. It is a contrast with the way of doing delinquency in which the method of the habitual delinquency in the second depth is not fixed and the various methods of it are disorderly used. This specialization is not only necessary for the advancement of criminal skill and of stability, but also for forming the confidence to crime, and on the other hand gives to the prosecution a clue to the identification of the criminal. The person in this depth also has his professional pride according to his specialized criminal method. We can see the tendency that the criminal of violent type despises those of theft and fraud as the users of the unmanly method. They deeply despise the violent way as vulgarity against it. The relationship between the people in the underworld becomes different one according to various styles of work. The thieves who mainly steal things instead of money are organized around the stolen-goods broker and the phenomenon which often happens is that the members do not make mutual acquaintance.

The leading fence engages in an occupation patent to the public and has close contacts with the public commodity markets. He points out the kind of stolen goods to his subordinates and gives an order for them. The actual phenomenon which is well observed in Japan is to operate such a commerce as a curio shop, a pawn or a chophouse. The fence with a larger system makes the persons named 'tachinbo' or casual street laborers stand around amusement quarters or harbors, to entice the second depth persons who do not know the route of realization. Most of the persons in the third depth of youth are trained into independent professional larcenists in such a relation.

In violence style which usually has a specialized organ for control, the persons in the third depth form the circumference of violence group and act as the direct spear-heads of violence under the control of adult who is the central figure of the group. The adult leader carries on illegal enterprise which, as can be seen in Japan, are concerned with black-market goods, gamble, philopon, narcotic or prostitution. These are all prohibited by laws, and yet have a potential demand. And then the adult leader makes a profit by means of actions which turn out to be doubtful according to the provisions of the criminal code, or he makes a profit by menacing the other criminals, or acting in behalf of them, or protecting them. Moreover he receives benefit from the person like a stall keeper who has less ability of management and from the managers of a place of amusement or business affecting public morals, both of which are ready to be disturbed by youth and adult belonging to the second or the third depth, because they are forced to recognize the adult leader as their guardian, while he brings about insecure situations in those by giving instructions to the third depth violence criminals and let them feel the necessity of him profoundly.

Thus, for the accumulation of his profit, the adult leader does the illegal actions violently to the people living legally or those living illegally, at the same time, he controls violently or protects the underworld. Under these circumstances, the person in the third criminal depth of the youth commits crimes violently as the spearhead, while he is willing to be a victim of the public pressure to protect this organization. It is not until he does so that he meets the adult's expectations and, winning in a competition of his equals, develops his status up to the fourth criminal depth, which enables him to provide himself for the competent member of the next generation.

The criminal of fraud establishes reliable relations with victims, so that, unlike the case of a thief, he has the boldness to expose his own face to the victims and, what is more, he betrays them in secret as in the case of a thief. Therefore he is required to move regionally in contrast with the violence group, and as a matter of course, to be quite a nimble man.

The criminals of fraud in the third criminal depth of the youth, proved to be a few in number at Japan, act the crime in private, while playing

a role in the public business group at one hand.

In this way, the persons in the third depth of youth stand in the gateway to the professional criminal, act in each crime in the frame connected with each situation. The fourth depth means, therefore, the maturity of adult and turns out an inconsistent measure of youth. And yet, sometimes the leader of the violence group gives his place to the youth through blood-relationship. But in this case he must be supported by the system of guardianship or assistance.

The formation of the adult criminal depth is as fundamental as the others, However, in the criminal action of the first criminal depth the adult turns from the condition of a protege into criminal action in protective society being as a responsible person or a person who shares the responsibilities. His behavior is much conducted as 'only misconduct' than that of youth, rather than investigated as 'crime'. And in the case of adult first criminal depth the relatedness to the professional or public action region must be regarded as much more important than the case of youth, not to speak of child. Particularly such can be seen in the farm society of old order in which a family and a work place or public order is laid one upon another. The misconduct or criminal behavior of this depth must in adult be taken serious view of much more than that of the other age, because it prescribes directorily the criminal action of the child or the aged who considers the protective region as the main region of the lifespace, or of a youth having adult as his back ground. The adult criminal behaviors of the second depth are more often attacked from both sides: maladjustment and compensation for complaints of the protective and the public or professional regions. The adult criminal behaviours of third criminal depth are less important unlike those of youth. For, not only the persons who become criminals in adult for the first time, but also the persons who continue to be criminals from their childhood or youth, remain yet in adult age in this depth of the criminal behaviours, cannot become by any means independent professional criminals. And this situation itself proves a maladjustment for the underworld. The development of adult can be divided into three parts: 1) a period of young adult, 2) a period of middle adult, 3) a period of mature adult. Even in the underworld just like in the public society, the criminal behaviour such as intellectual fraud which make us think of clerks or white-colors, can be brought about even in the third parts (period of mature adult) of the adult developing phase. But in such a criminal behaviour as depends much upon physical power or skill, a criminal come into the third part in early period and it in comparatively short time, and drift to the aged. Particularly in the violent group which has a specialized organization, its member consider it as an ideal to drift to the fourth depth in the period of the first part (young adult), and in many cases, he is regarded as a maladjusted person or a person who is shed off from the organization when

he remains yet third depth in the second or the third part. One of the ideals of thief-type criminals is to finish capital accumulation by committing crimes at least until the period of the second part and change into fences. That is the case which can be seen much in Japan. The third part of the adult is sometimes the place where the persons shed off from the fourth depth or the persons taken for beings of no value in both underworld and public society. The third depth of adult is similar to the second depth of youth.

If the persons of the third depth of adult, while having a ideal figure of an expert in their mind, are unable to support their own life by crime, and moreover they do not cease committing crimes he comes to repeat crimes in decadance, while changing one occupation after another which is the very base of life. Unlike youth the status of the third depth of adult, in which these sorts of the persons gather like a snowdrift reflects its lifespace, trends its structure as the maladjusted.

The fourth depth of the adult criminal behaviour reveals the fundamental character of the adult criminal. This professional phase forms fundamentally the frames of the underworld and decides its trends. And those who belong to this depth, no matter what trick they may use, are fundamentally merchants or craftsmen who 'come into existence only by breaking law'. And like public body of enterprise, this part includes from a small scale of enterprise which only one person manages, to a larger scale of enterprise like an international narcotic merchant who has a capital of some hundred millions.

They have common sense or perspective enough to adjust themselves more or less to actual human relations of the underworld, and they have legal standard or police information and enough power to masquerade themselves under the mask of normal occupations in order to reject the public pressure. Thus they, at one hand, tie up intimately with, or compete violently with the persons of the same trade inside the underworld, or wreck each other, and at the other hand, they make a mask-adjustment for the public society, or supply its potential demand, or work positively as a cat's-paw of the public occupation or insert themselves profoundly in its center.

It is inevitable for the persons of the fourth depth of adult to have a socialized region of high level more or less in their lifespace, which enables them to do criminal action of high level. And when the relative importance of the socialized region is high and spread widely or capital accumulation by means of crimes is finished, the criminals sometimes abandon the criminal region to turn into public occupations. We call this phenomenon 'piercing through style of correction' in contrast with the correction which is brought about as the result of a maladjustment for the underworld.

The criminal depth of the aged is formed in the opposite trends to the depth of the three periods above mentioned. The third or fourth criminal

depth of the aged is impossible unless there is some certain organized protective, defensive power in the criminal group. Particularly in case that the criminal action relies strongly upon the physical power, the persons who cannot return to the protective society with a public value system, and lives in the situation of the underworld lacking the above mentioned condition, suffer from one failure after another of the criminal action, so that the third depth of the aged becomes the place where those of maladjustment or those shed off from the group remain. A notorious master pickpocket of the third part of the adult reduces himself to a habitual criminal of jumping a restaurant bill in the senescence when he loses his home or his criminal group is dissolved.

And the criminal actions of the second or first criminal depth of the aged is born from a maladjustment to the process of returning to the private protective society out of the elementarily public professional group or underworld. And the first criminal action in the aged does not rise and develop in such a rapid curve as the criminal actions of the youth.

3. On the geno types of crime or delinquency and their correction types.

Now, as it was mentioned in the preceeding chapter, criminal or delinquent action always is in a certain crime or delinquency depth and consists in a certain behavior region of a specific life space. Therefore, the genesis of a certain depth crime or delinquency fundamentally, as seen by those who are in the office authorized to control by the law standard, depends upon how the central region of ego of the criminals and delinquents in a certain stage of age is supported by the situation of his life organization which has a structure of sanction of plus or minus or plus-minus. The grasp of this consists in the comprehension of how ego as a balancing point of its lifespace should work out the functions of balance retrieval by differentiating region of criminal or delinquent actions.

As to A type of Delinquency geno-types, we see such a genetic condition as follows:

Plus value is dominant in the life organization of the delinquent with which a central region of the ego is supported, and the road to delinquency is paved along with his maladjustment to that value.

With that experience, some people are mentally hurt, but others not. Even if the ego, by adjusting to the plus value, has been cannalized, and there is a formation of the plus readiness, but if there is a stronger power which causes him to support the ego by doing minus action and develop his lifespace with the action and if there is a clear difference in the strength of those two aspects, delinquency will be formed with the transfer of the ego region to that area.

A criminal region easily goes with mask-making adjustment and rational-

ized fusion against socialized region of lifespan.

It is possible to give pressure with a strong force to this type crime, but, except by enforcement of experience of supporting himself with plus value, the readiness will never be eliminated. And when ego-mechanism is extremely repressed by adjusting to plus value, a development of his lifespan is very much restricted, and harmful influence is under operation, it will form the readiness toward minus, and formation of criminal situation will find a compensatory becoming, especially it will lead to an enforcement of criminal readiness itself if such a pressure is put upon in disregard of balancing mechanism of ego in the corrective and oppressive situations.

As to B type of Delinquency genotypes, we see such a genetic condition as follows: Minus value is dominant in the life organization with which a central region of ego is supported, and delinquency occurs when the inmates adjust to that value. But when ego makes maladjustment to that minus value, and is strongly backed up with plus value from the side, it makes a better condition for corrective practice. But, on that occasion, if plus value fails to lead the ego effectively, it will be an incentive for him to adjust to the opposite criminal group. In the correction of the inmates of this type, it is necessary to have them undergo experiences being supported with a channel plus value, and to break up the deeply rooted formation of his mask-making adjustment to plus values.

As to C type of Delinquency genotypes, we see such a genetic condition as follows. Plus-minus value is dominant in the life organization with which a central region of ego is supported. A remarkable difference in this type from the A and B types is that learning of the authority of value standard is missing either in plus or minus value. The inmates of this type are seldom relied upon even in the underworld. The nucleus of their corrective education is to have them learn the authority of plus value,

As to D type of Delinquency genotype. we see such a genetic condition as follows. Plus value is dominant in the life organization with which a central region of ego is supported. The inmates of this type are strictly adjusting to that value, or else they are forming something of the opposite types. But in this case, plus readiness is too rigid, and if the life organization, which defends the ego into the plus area, is too rigid, thus he falls into delinquency, because of lack of tolerance to minus value.

And also, when there exist cultural conflicts, and because of these, there is an excessive persistence to a certain cultural value, this type will inversely find it difficult to adjust to culture which is an actual representation of legal standards, thus delinquency readiness is formed.

This is observed in the case of assurance crime "Kakushin han". The corrective practice for the inmates of this type is to let them have a more expanded perspective and strong tolerance through a proper amount of ex-

periences in minus situation. In this respect, it must form a contrast to C type.

The above mentioned four genotypes are presented as general principles which take place among, and is applied to, all people inspite of age, class, and delinquencydepth, but here we must refer to the conditions of correction according to the delinquent depth.

In stage I and II criminal or delinquent depth, we must take each genotype into consideration and put emphasis on the regulation of vital human relations within the life organization, and on the elimination of hurt experience. But, in stage III and IV, as they are deeply supported with professional consciousness until they see the absolute advantage of plus value professions against minus value ones, it will be beyond hope to break up their proceeding. Therefore in these stages, as before, each genetic type has to be taken into consideration. And moreover it will be desirable and effective to try to destroy their perspective on what is more advantageous, by making "all out" arrest of professional criminals and delinquents, and to aim at the fall of their status in the underworld by a long period consignment.

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Zusammenfassung

In dieser Abhandlung sind die theoretischen Konstrukturen des Verfassers von den kriminellen oder verwahrlosten Verhalten und die denen zugrunde liegende Ansicht kurz gefasst. Aus den Eigentümlichkeiten des Gesichtspunktes des Verfassers werden die vier Punkte zusammengefasst.

- 1) das Verhalten wird von dem Standpunkt der Sozial-psychologie behandelt,
- 2) das kriminelle oder verwahrloste Verhalten wird in der Dynamik und Struktur des ganzen Lebensraums festgestellt,
- 3) die in dem allgemeinen und typologischen Niveau und zwar von der Achse der mittelmässigen Einheit her sich annähernde Methode wird aufgenommen und
- 4) ein Standpunkt, der die Wertung aufgibt, wird streng gehalten.

Als die Konsequenz dieser Behandlungen, ist der Begriff "Verfehlungs-Tiefe" dargestellt. Also wird jede Eigentümlichkeiten dieser vier Epochen — Kindesalter, Jugendalter, Erwachsenenalter und hohes Alter... behandelt, dann, noch einmal, wird sie in die vier allgemeinen Tiefe-Stufen differenziert.

Das Hervorkommen jedes kriminellen oder verwahrlosten Verhaltens, das jede Eigentümlichkeit der Verfehlungs-Tiefe hat, ist vom Bildungsprozess des Ego-Gleichgewichts der Verhaltenden gegen die Situation abhängig.

Hier sind die vier für jede "Verfehlungs-Tiefe" gleich geltenden Typen von Ego-Gleichgewicht, Verfehlungen zu verursachen, dargestellt;

- a) die Unrecht-Anpassung für die Plus-Wert-Situation,
- b) die Anpassung für die Minus-Wert-Situation,

c) die Anpassung oder Unrecht-Anpassung für die Plus-oder Minus-Wert-Situation und

d) die zu enge und zu rigide Fixation zum besonderen Plus-Wert-Norm in der kulturlichen oder sozialen Konflikt-Situation.