

1914

Criminality from Alcoholism

T. D. Crothers

Follow this and additional works at: <https://scholarlycommons.law.northwestern.edu/jclc>

 Part of the [Criminal Law Commons](#), [Criminology Commons](#), and the [Criminology and Criminal Justice Commons](#)

Recommended Citation

T. D. Crothers, Criminality from Alcoholism, 4 J. Am. Inst. Crim. L. & Criminology 859 (May 1913 to March 1914)

This Article is brought to you for free and open access by Northwestern University School of Law Scholarly Commons. It has been accepted for inclusion in Journal of Criminal Law and Criminology by an authorized editor of Northwestern University School of Law Scholarly Commons.

CRIMINALITY FROM ALCOHOLISM.

T. D. CROTHERS.¹

Within the last ten years, a revolution of theories and opinions concerning alcohol has taken place. Scientific researches in the laboratory and clinical experience confirmed by exact measurements with instruments of precision, have proven that the effects of alcohol on the body are anaesthetic and paralyzing.

The so-called tonic and stimulant properties which have been claimed for centuries, and incorporated in text-books and literature as facts beyond question, are contradicted by modern research.

Theories that alcohol in any form gives new power and force to the brain activities, bringing out latent qualities and new energies, and in some way giving the person greater efficiency and power, must be put aside. The display of excitement, activity and mental force, by persons under the influence of spirits is really the first stage of paralysis. Thus the five senses, and the ability to reason, the rapidity of thought, the capacity to memorize, the muscular output are all depressed, lowered and actually numbed by the use of alcohol in any form.

These are facts that are verifiable by measurements and can be expressed by figures, showing the loss with absolute certainty. While some alcohols are more powerful than others (by alcohols I mean any drink containing alcohol), and some have a special action on the brain, on the heart, the muscular system and the senses; they are all evidences of one great pathological effect of paralysis.

When this fact is recognized, the present jurisprudence and legal recognition of crime committed by persons under the influence of spirits must be changed. The law still continues to assume that the alcoholic is responsible and should be punished the same as others. Society regards the victim of alcohol as possessing free will and capacity to understand his relations to society, hence his failure is regarded as vicious. This condition has been accepted without question until very recently. Both the decision of the courts and modern teaching assume that the irresponsibility of persons who commit crime under the influence of spirits, is a subterfuge to diminish responsibility. Crimes committed by persons intoxicated, or under the influence of alcohol are constantly increasing. Questions are coming up concerning the mental integrity

¹Superintendent, Walnut Lodge Hospital for Inebriates, Hartford, Connecticut.

of persons accustomed to using spirits constantly, when they wrote their wills, made their contracts, and assumed responsible positions. There is abnormality, disturbed reasoning and conduct, outside of the natural common-sense lines, which cannot be explained. Counsel turns to the physician, and the physician finds little or no help in text-books. Then critical inquiry of the ruling of judges in similar and allied cases is studied. Both fail, and both the court and counsel are conscious that they are not acquainted with the facts; that there are influential conditions, which they are not able to understand. There are inconsistencies, vague opinions, contradictory and unsatisfactory, that do not reach out and take in the real conditions.

Lord Coke ruled three centuries ago, that inebriety aggravated the offense and should be followed by increased punishment, and this ruling has influenced all law and decision up to the present time. This assumes that giving way to the influence of spirits is an inborn tendency to lawlessness, which requires punishment, suffering and pain to correct and restrain the poor victim.

Wherever the unsoundness of the prisoner is brought into question, and this is based on his use of alcohol, there is confusion and final injustice, and startling stupidity. Persons in whom the question of mental impairment, dating from alcohol, is raised, are divided into two classes, one the alcoholic and the other the inebriate. The alcoholic is the person poisoned by spirits, using it constantly in small quantities, never intoxicated or stupid, and often able to carry on his business, and appear reasonably sane. In reality he is most degenerate and defective; suffering from an insidious progressive palsy and lowering of all the functional and organic activities of the body.

The inebriate has distinct drink paroxysms which subside and are followed by periods of sanity and rational thought and conduct. Then suddenly the storm breaks out again, and he drinks to great stupor, and is clearly insane. From this he recovers, only to have another paroxysm; as in the epileptic, these are distinct convulsive fits which are uncontrollable.

There are some profound disturbances of the brain centers manifest in these convulsions which point to degeneration farther back. Many of these persons inherit a defective organism. Their parents have been insane inebriates or have suffered from some serious disease. They may have acquired this condition from injury, shock and in many cases it is simply a symptom of previous disturbance and exhaustion.

The inebriate is always a neurotic. This means that he is suffering from some defect generally inherited, and often acquired from a

CRIMINALITY FROM ALCOHOLISM

great variety of causes. He differs from the alcoholic, who is simply one poisoned by spirits, in having a nerve and brain degeneration, as the basis for his drinking.

Another quite common symptom is loss of memory, found in both of these classes. The derangement of the brain prevents the impression of the senses from being registered with any sort of certainty. Thus amnesia, the name given for this condition, is always present in varying degrees.

The inebriate commits crimes of passion, sudden impulses, often capital crimes. He is a dipsomaniac, one suffering from an obsession for spirits which must be gratified at all hazards; a veritable insanity, because it dominates every impulse and overwhelms reason. He is a pyromaniac, without purpose or object. He is an erotomaniac, seeking his own gratification at any hazard; almost any morbid impulse may take possession of his brain for the time being.

The alcoholic is a swindler, forger, a low-grade offender; he often schemes for the acquisition of property. He makes disreputable wills and contracts; he may be influenced by his surroundings to live a double life. He frequently is found promoting swindles in the money market, taking advantage of others. He may commit a capital crime in the later stages, but he is usually a criminal against property rather than against life. These are only some of the many facts about which there is a great deal of certainty and scientific evidence. The failure to recognize these new conclusions from scientific studies is evident in the legal disposition of the following recent cases:

A, a miserly, sordid man who had drunk in moderation for twenty years, suddenly became very generous and gave away his property recklessly, and at his death left a strange will, which was contested and confirmed.

B, a country lawyer living a very quiet life, suddenly began to drink and became involved in a counterfeit money project. He was sent to prison, where he finally died of general paralysis. The defense that his mind had become impaired was over-ruled.

C, who had been a total abstainer for forty years, began at the death of his wife to drink heavily, was reckless in his business life, committed bigamy, was arrested as an accessory to a murder by poisoning, and was given a long term imprisonment. All efforts to point out his unsound condition failed.

D, who drank continuously for twenty-five years, never to stupor, was sentenced to prison for forgery and assault, and soon after became demented and died. These are common cases in which the physical

condition, as well as the mental integrity was entirely overlooked. The defense of feeble-mindedness and mental defects was ignored.

Another class of these cases have more confusing symptoms. They usually begin the use of spirits after illness, shock or injury, and drink excessively, developing delusions of persecution and neglect, with intense suspicion of those nearest to them. Suddenly crime is committed, strange wills are made, or dishonest papers executed. Then comes the question of mental soundness, and the fact of the free use of spirits is accepted as evidence of a voluntary, wilful state, which legally, is supposed to increase the measure of responsibility. The altered character and conduct, and the unreasonable acts in question are not studied from a physical side, and the man is placed in prison, perhaps under sentence of execution. Later muscular tremors, delirium, depression or exaltation comes on. If depression, it takes on a religious form with confessions, repentance, and intense desire to repair the wrong, or to become a light-house of warning to others.

Often the confessions are delirious delusions and consist of extravagant statements, based on a few facts, and untrue in detail. If the punishment is death, these statements are morbid exaggerations of their acts and motives, entirely unreliable.

If exhilaration follows, bravado and indifference and exhaltation appear. The end in both cases is paralysis, dementia and sudden pneumonia. A confinement in prison reveals the true condition, but there is rarely any escape.

There are many distinct insanities that are preceded by alcoholism or the continuous use of spirits. There are many other persons who begin to drink in paroxysms and then become law breakers and criminals. In some of these instances dementia, peculiar to old age and exhaustion of the early symptoms are present. Examples are like the following:

A, a model man of fortune, suddenly began to drink spirits to great excess and later was found to be a defaulter. He died two years afterwards in prison, of dementia.

B, a clergyman, became involved in forgery and social scandal, and was sent to prison. He died of dementia. A defense of possible insanity was unrecognized. Another class of persons, in early life, from 20 to 40, commit crime and are sentenced to prison. The history of drinking is not recognized.

Thus A, a highly educated man, at 30 was sentenced for life for manslaughter. He had suddenly become an inebriate at about 25. B, after a period of intense activity in business, was convicted of murder

CRIMINALITY FROM ALCOHOLISM

at 42, and sentenced to be hanged. He died in prison before the execution. He was demented and had been an inebriate for many years, but this was concealed.

C was convicted of forgery. His life had been that of a constant drinker and he died of dementia. In these cases, the defense of inebriety and alcoholism was ruled out and their conditions were regarded as evidence of their wilfulness.

There are many crimes that show deliberation, cunning and meditation, and the fact of having used spirits continuously, although pressed in the court, is rarely recognized by the jury. The perpetrators develop some distinct form of insanity, usually dementia, while in prison.

These cases are puzzling. Thus A, an inebriate who had drunk at intervals from his college course, set fire to a rival store in circumstances that manifested cunning and calculation. He was sentenced for life and later became a chronic maniac, with delusions of persecution.

B, who had drunk at intervals for several years, shot his father-in-law, with premeditation, and sought to conceal his identity. He was sentenced to be hanged, became a maniac later and died.

Evidence of premeditation, cunning and skill in the commission of crime is far from indicating sanity, especially in an inebriate. Officers who extract confessions from criminals of this class are often deceived. The confessions are found to be delusional and unreliable, and often when carried out involve innocent persons. A number of instances are on record where inebriates have confessed to crimes which they never committed. This fact has sometimes appeared before their death, and in several cases, after.

The detective and reporter who show such zeal in getting a clear statement from the inebriate, or even alcoholic, seldom realize the unreality and the confusional state of the mind concerning acts which may or may not have been committed. Unusual wills, fraudulent contracts and papers executed by persons who are recognized as alcoholics or inebriates are almost certain to indicate a faulty reasoning and judgment.

When criminals of this class are studied with scientific skill, there is a wealth of facts dating back to the early history of the person, including heredity, disease and injury, culture, nutrition and growth which will reveal the real condition. No fact is clearer to a scientific man than that crime of all kinds is the result of distinct causes, which culminate in certain acts, and that the condition is not chance or acci-

dental. Thus a history of sunstroke or heatstroke, or injury causing unconsciousness, with fever and delirium, may be followed later by exhaustion. Then the use of spirits as a narcotic, and the whole vicious circle begins.

To punish such persons as sane and responsible is to ignore a range of physical causes that work with absolute exactness. The wealth of illustrations along these lines is simply overwhelming. A few of the great facts that are yet to be put into practical service may be stated.

Thus the immediate effect of alcohol is anaesthetic, no matter what the condition of the brain was before. The power of discrimination between right and wrong is impaired, and while the flushed face and increased mental activity appears like sanity, it is really the first stage of diminished brain force and debility. All of the senses become impaired, and this darkens knowledge and misleads the judgment.

When the senses are disturbed and impaired, the reasoning and perception is lowered. The fine distinctions, the uncertainties and doubts which attend human transactions escape the notice of the inebriate and the alcoholic, and in their place comes certainty and positiveness that is misleading. Such a man is a very dangerous witness in courts; his defective knowledge and defective senses make it impossible for him to draw conclusions from facts.

One distinct defect, that of memory, complicates his ability to reason in a very startling way. Many criminals claim not to have remembered or realized the act of which they are accused, and this in many instances is true and is verifiable by a great variety of evidence and studies.

Several very startling cases in the courts where the defense of amnesia was made have failed, and the idea was prominent that this defense had a particular motive to lessen the punishment.

In several instances which I have published, the criminal was clearly an automaton, going about utterly oblivious of the present relation of events and acting as he had done without recollection or conscious knowledge of his present state. His consciousness was clouded, and he was acting subconsciously. This fact has not been recognized in the courts, and yet it marks the history of a number of disputed cases.

Here again, there is a great wealth of illustration that in the future will come into prominence.

Insanity as a legal defense for crime is a very vague term, and while it is used to cover a great variety of diseases of the brain and de-

CRIMINALITY FROM ALCOHOLISM

fects of control, it leaves a very wide open door to mark out conditions and define the exact relations. Inebriety or the convulsive effect of spirits is a distinct symptom which precedes a great many mental diseases, such as general paralysis.

We now realize that alcohol, being an anaesthetic, produces distinct disorders by constantly lowering and deranging the higher functions, and we are justified in assuming that any continuous use of spirits as in the alcoholic or any paroxysmal use, as in the inebriate, impairs the brain in every respect, and particularly the power of reasoning accurately.

This opens another field that must be occupied by the coming jurisprudence. Thoughts, acts and conduct that are abnormal, defective, unreasonable, refer back to some condition, and are regarded as effects from causes that are distinct, although often unknown at the time.

The best statistics show that from seventy to eighty percent of persons who drink spirits convulsively, and are called inebriates, have a defective heredity. All studies of the steady drinker show a profound and progressive impairment of all the senses, functional activities of the body and reasoning. The more accurate the measurements are made, the more positive the deviation from the normal becomes.

The old theories still prominent in certain circles asserts that alcohol does not impair the mental and physical health of the person, and that he should not be regarded in any way as suffering from ill-health or incompetency, has no support in scientific research.

The continuous effort, in disputed cases, to mark boundary lines of responsibility and irresponsibility, is a delusion that should disappear. There are some facts which may be grouped as follows: The questions of inebriety and alcoholism are clearly becoming more and more prominent, in the legal treatment of crime and the adjustment of offenses and wrongs in society.

Physicians who act as experts make mistakes in attempting to harmonize the facts with the legal theories and interpretations in accord with some vague notion of what insanity and inebriety means. It is a legal fiction and delusion to suppose that a crime committed while the person is suffering from the anaesthesia from alcohol, is the voluntary act of a normal conscious brain.

It is a delusion to interpret acts associated with premeditation and reasoning in inebriates as evidences of sanity. It is a delusion to consider inebriety and alcoholism, as not impairing the sanity and integrity of the brain and body. It is a delusion to consider such persons

as possessing free will and judgment, with consciousness of their condition and ability of control. It is a delusion often repeated and has become incorporated in jurisprudence, that alcohol may be used to give capacity to commit crimes. In reality this is true but in a very narrow limit.

I have published the history of many cases where persons drank spirits to give them courage to perform criminal acts, but this depended upon the time from the drinking of spirits to the perpetration of the act. The exciting stage following the use of alcohol might be limited to ten minutes or an hour, but after that, there is no certainty that any act premeditated could be carried out. The fact is sustained by unmistakable evidence that all crimes committed by such persons are the acts of defective minds. All this signifies a recognition of the condition of the criminal, not to diminish the punishment, but to change it to more rational lines. Criminals of this class need control, care and changed conditions. They are clearly defectives and degenerates who have lost the power of rational thought and conduct.

Medical men as experts still occupy this penumbra region of sanity and insanity, and draw lines between vice and disease and indicate to the courts where justice should punish and where it should control. This phase of jurisprudence is of necessity becoming more and more common with the increasing strains and drains of our modern civilization, and the present farcical attempts to determine the questions of responsibility call for new studies of facts and new rulings by judges along higher planes of reasoning and common sense.

Each new advance in the physiology of the brain and in psychology gives new conceptions of the nature of criminals and their repression and control, and at no distant time the present treatment of inebriates and alcoholics will be considered very much as the efforts of our forefathers to suppress witches.