

1914

Defective Delinquent

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Recommended Citation

William J. Hickson, Defective Delinquent, 5 J. Am. Inst. Crim. L. & Criminology 397 (May 1914 to March 1915)

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THE DEFECTIVE DELINQUENT

WILLIAM J. HICKSON.²

One of the most valuable innovations in modern judicature is the establishment of specialized courts, which devote themselves exclusively to the trial of one class of cases, both on the civil and criminal sides. This conduces to a high degree of efficiency. A similar movement we find well exemplified in medicine, where specialists and special hospitals or wards have long ago proven their efficiency.

The first and most specialized court of this kind is the Municipal Court of Chicago. Here are to be found in successful operation a Morals Court, a Court of Domestic Relations, a Boys' Court and others.

Another important innovation of this court is the establishment, under the initiative of Chief Justice Olson and his associates, of a psychopathic laboratory, working in conjunction with all the branches of this great Chicago court system. The laboratory is situated in the midst of the courts, convenient for the judges to refer cases to it for immediate opinion. The specialization of the courts is of immeasurable benefit to the laboratory, because it secures a grouping of our cases for us as well as some of the data concerning each group. A high degree of efficiency is developed also through specialization among those who are engaged in social and legal work about the courts and upon these we rely for certain data.

The psychopathic laboratory was inaugurated May 1 of the present year. The plan is to have an experimental as well as a practical laboratory, similar to those directed by Kraepelin, Ziehen, Bleuler, Sommers, Bonhoeffer, Raymond and Janet, and others in Europe, excepting that it will be devoted exclusively to court cases.

The present paper deals especially with the working of the laboratory in relation to the Boys' Court. This court deals with delinquent minors, between the ages of seventeen and twenty-one, thus embracing those ages touching on the Juvenile Court age on the one side, and the age of full legal responsibility on the other. The court was established to meet a demand for the same specialized treatment and advantages that the juveniles are receiving. It was felt that many of these boys were suffering from retarded adolescence, and that they should have such opportunities and care as special courts with the co-operation of social agencies could give them. At the same time

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those of this group who are committed to a penal institution must be protected against contact with adult offenders.

Our first visit to the Boys' Court, where we had the opportunity of looking over forty or fifty boys awaiting trial in the judges chambers which the judge has given up for the use of these boys, convinced us that this would be a good place to begin our work, because we not only planned to diagnose the cases before they should go to the judge, but also to collect data for future legislation and information as to the feeble-minded, insane, and criminal. Even a casual glance showed us what we were dealing with—all these classes in this court. Judge Scully, of the Boys' Court, told me he could see without mental tests the subnormal nature of many of the boys he was dealing with.

From May 1 to June 15 of this year, since the opening of the psychopathic laboratory, 1,233 cases have been disposed of in the Boys' Court. About one-half of this number were out on bail and only a few of these we had an opportunity to test. The majority of the cases we investigated were those who were not admitted to bail. There were approximately 600 of the latter class. Of these we examined 245, or almost one-half. Most of the intelligence tests were done by Mrs. Hickson, who not only had experience in Europe with other tests, but also in giving the Binet-Simon tests in a standardized manner. This insured reliability and uniformity. Experience, reconfirmed daily, has taught us not only the necessity of standardizing the Binet-Simon scale for American children, but, equally so, the necessity of the standardization of the technique, the stating and marking of questions and answers respectively. This side of the matter seems to have been ignored by many investigators and this has caused much misunderstanding and unjust criticism of the scale. Mrs. Hickson has been training volunteers for our work according to standardized methods and we hope presently to have a force large enough to cope with the entire situation here. We give the test not only in English but also in Polish, Bohemian and German when it is necessary. The German blanks for the Binet-Simon tests are similar to those used by me in the clinic in Berlin.

In addition to the Binet-Simon scale, which answers our purpose in some cases, and is helpful in others, but far from sufficient for all of our work, we rely upon the Rossolimo Psychological Profile Method, the Graduated Association Test, the De Sanctis, the Standard Psychiatric tests and others. These tests were not only used many times to confirm the Binet-Simon tests but were found indispensable in the high-grade and borderland cases. We used the Binet-

THE DEFECTIVE DELINQUENT

Simon scale both quantitatively and qualitatively. In this paper we will report only on our findings with the Binet-Simon tests and will report at another time our experience with the other tests. We were, of course, during this time, examining cases from the other courts, such as the Morals Court and Court of Domestic Relations, as well as from the Boys' Court.

Chief Justice Olson tries to account for the large number of boys coming into the Boys' Court—as high as 110 one day—by the fact that it is a new court, having been inaugurated in March of this year; that it is surrounded by very efficient civic and social agencies who take great pains to find work for the boys and help them along in various ways and for the reason also that the police have been taking in many of the troublesome boys in their districts in the hope of helping them.

Of the 245 boys from this court that we examined we found only eighteen, or 7.34 per cent, who were of normal intelligence on the Binet-Simon scale. Several of these showed other defects, such as a moral defect, in much the same way that a man might have a defective mental capacity for music, mathematics, language, etc. Others were homosexualists, drug habitues, psycho-neurotics, etc.

Twenty, or 8.16 per cent, of the 245 were borderland cases. It was necessary to confirm our finding in both the above groups by additional tests.

Two hundred and seven, or 84.49 per cent, of the 245 cases were distinctly subnormal morons.

These figures are very high and if further substantiated as I feel they must be because our work thus far has been most carefully done, and in our marking on the scale we have erred, if at all, on the side of leniency rather than otherwise. We have in all cases counted doubtful answers as a plus. We think, however, that our figures will fall somewhat lower than those I have quoted when we shall have examined the boys who are out on bail. These, in some cases, may be of a higher degree of mentality.

Our intellectually normal cases, on the average, had attained a chronological age of 20.94 years; their average basal age was 10.83 years, and their total age was 12.70 as measured on the Binet-Simon scale.

The borderland cases gave an average chronological age of 20.10 years, a basal age of 10.42 years and a total of 12.27.

We got the points above 12 years in the preceding two groups, normal and borderland, by giving certain of the questions in the fifteenth year and adult groups. It was interesting, as confirmatory of

our other tests which we depended on principally to diagnose these two groups to see how they came out on the Binet-Simon scale, as far as it goes. The moron group gave an average chronological age of 18.71 years, a basal age of 8.69 years and a total mental age of 10.98 years.

It is significant to compare the ages at which the different groups find their way into the courts. The moron group is there 2.23 years earlier than the normal group; the borderland cases 0.84 of a year before the normal group. This high age average, 20.94 years, will almost eliminate the normal intellectual group from the Boys' Court. This is a great misfortune, because many of these cases deserve special consideration. They show a mental defect instead of mental defectiveness as contrasted with the two lower groups.

We think there is considerable significance in the mentality at the basal age and in the distance between the basal and aggregate mental age, but we deplore the ill-founded and hasty conclusions indulged in some quarters, of diagnosing insanity or epilepsy, in all cases that scatter on the Binet-Simon scale. For example, one public school system that had been tested by the Binet-Simon scale, and that came under my observation, showed 50 per cent of the children, both normal and subnormal, to be epileptic or insane. The epileptic or the insane may scatter on the test but the belief that everybody who scatters is insane is unfounded. We find also that many of our dementia praecox cases and epileptics go through the whole scale perfectly. We find, too, considerable degrees of mental defectiveness in persons who pass the twelve-year tests on the Binet-Simon scale, and if it were not for our other tests we might not be able to diagnose the true condition of affairs. Many workers are certifying everyone who can pass the twelve-year-old tests as normal mentally. This is making the test fit the case and is leading to incorrect reports.

The significance of our findings in the Boys' Court cannot be taken too deeply to heart, and the true situation is so misunderstood and the general attitude toward it so inconsistent that immediate remedial measures are demanded. These cases deserve to be better understood, and deserve our pity rather than our present attitude of indifference, for they are not fully responsible; they should not be driven from pillar to post, relentlessly hounded, treated with contempt and punishment as they now are on all sides, due to our ignorance of the true status of affairs. Information on this subject must be spread broadcast at once and the proper, humane, medical and constructive measures must be instituted.

THE DEFECTIVE DELINQUENT

The situation with the feeble-minded now is a repetition of that which once obtained in the case of the insane, no end of which unfortunates have been made victims of the law and have been punished as criminals even to the extent of being made to suffer capital punishment.

We have been keeping open house in our laboratory to demonstrate how serious the situation is. We have invited the foremost social workers and public-spirited citizens of the city to come to see personally what we are finding. As a result of this their great humanity and civic zeal have already led to the organization of city and county committees and there is every prospect of an immediate relief until the proper legislation can be secured and the situation adequately dealt with. It is quite obvious that the whole method of handling these cases at the bar of justice will have to be changed. It grows daily more and more evident that crime is a disease and will have to be so regarded and dealt with.

The significance of our findings is just as important economically and sociologically as it is in other respects and is little less than revolutionary. The conditions we are unfolding explain why these boys cannot find work and if they do why they cannot hold positions; a source of repeated discouragement to the social worker.

We must assume in all of this work the inter-relation of brain and mind; that all of our thinking and doing are brain processes. It then becomes quite easy to accept the idea that a diseased brain is at the bottom of diseased behavior and it is just as logical to expect a man with a diseased heart or lungs to have a good circulation or respiration as to expect the man with a diseased brain to have it function normally. The time is ripe for us to eliminate the idea of criminality and treat these cases scientifically and with understanding while so many investigations are pointing the way. It is more humane and hopeful also to regard these cases in this light than in that of criminality.

Over one hundred admissions which I made into the Training School at Vineland showed organic brain lesions. Even eight of the Mongolian type of feeble-minded in this group who are regarded by some as set apart from other feeble-minded, showed these lesions. The significance of these findings, if borne out by further investigations, is of the greatest importance to the whole field.

I may speak of another practical test that may be called the "World Test." It takes cognizance of the manner in which the youth manages himself in relation to an occupation. Parents expect their boys to become self-supporting at least, and one of the many

proofs of this is the large number of our cases in which the parents are complainants because the boys won't find work, and if they do, cannot hold a job for more than a very short time. They are scolded and upbraided by the parents who in their ignorance do not realize that they are unjustly punishing their offspring; a very incongruous state of affairs.

The stories told us by the social workers is a further confirmation of this. These social agencies have been attempting to find work for the delinquents from the courts, but most of those to whom I have talked are very much discouraged, for the boys they do succeed in placing, as a rule, hold the position only for a few days or weeks, and the few who hold on longer are, as a rule, the first to be laid off in periods of retrenchment, especially in the face of new efficiency ideals maintained by most business houses.

If we needed any further confirmation of these reports from our intelligence scales we could go back to the school records and find that according to the statement of the boys themselves, at least 70 per cent have been left back one or more times, though we would not consider this an infallible test by any means. Another confirmation is found in the circumstances surrounding the crime and arrest of these cases, which is very elucidating. These cases in addition, being capable mentally of doing only the lowest, hardest and poorest paid work, can find only this kind of work, and naturally it is very distasteful.

A further test is found in the large number of repeaters. We know of at least 15 personally in the six weeks since the establishment of the laboratory who have been re-arrested.

The economic side of this question deserves much more attention than it has received. The time is come when business houses will find it to their advantage, from many sides, such as industrial insurance, as well as efficiency, to keep morons out of their employment. Who knows how many serious accidents on land and sea might have been averted if morons had been weeded out?

Our results in the Morals Court, as far as we have gone, are almost as bad as what we have been finding in the Boys' Court. Our records are not quite so full in this court as in the Boys' Court, as we have not had enough assistance to cover all the ground, but we have already gone far enough to see that we have stirred up about the same kind of a situation here as in the Boys' Court. The story of the "Madame" of a successful house of prostitution, who came before Judge Goodnow of the Morals Court, and who was examined with the rest of the inmates by Mrs. Hickson, is typical. She practically diagnosed her own case. She had poor but respectable parents; gave up school early

THE DEFECTIVE DELINQUENT

because she could not learn; she felt she was too stupid to take a position in a shop or store because she knew she did not have the ability to measure a piece of ribbon nor weigh groceries, and her present life was the only one open to her. This woman was aged 37 chronologically; she had a basal age of 8, and a total mental age of 10. Chief Justice Olson, in an address before the Purity Congress at Minneapolis in November, 1913, handled this subject in a masterly way, which will bring its import home to the laity as well as the bar.

The Domestic Relations Court has contributed also its quota of feeble-minded to our already overflowing list. There is no doubt about it that a large percentage of marital unhappiness and shipwreck has feeble-mindedness at the bottom. We have found fathers and mothers of large families testing ten and eleven years old mentally, whose affairs are so hopelessly and intricately involved that a Solomon would be staggered by the task of trying to straighten them out. Some of these parents had their feeble-minded offspring with them.

We have refrained in this paper from making any reference to the large amount of insanity of all degrees from the borderland to the well-developed case, which we are finding in these various courts; the Boys', the Morals, but especially in the Domestic Relations Court where the percentage is quite high. We are also called upon often by the latter court for medical diagnoses, capacity to work, etc.

Something must be done and done quickly to relieve this situation now that the true conditions are coming to light. It means, of course, a new attitude toward crime and criminals; it means a re-making of the law dealing with these cases guided by a scientific understanding of the whole matter.

I hope I have shown in a measure, at least, what the true condition of affairs is, the importance of taking remedial measures at once, and also the importance of establishing psychopathic laboratories in connection with all of the courts, which latter should be specialized and centralized to facilitate not only the work of the laboratory but the work of the courts themselves.

Such laboratories should be both practical and experimental; practical in that they not only diagnose those accused before the court, but witnesses also in some instances. It should be experimental in order to further our knowledge of the important and little understood subject of criminality. The cases should be examined as to their heredity, their previous medical and social history; their neurological, mental and economic status, etc.