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RACE BETTERMENT AND THE CRIME DOCTORS.

F. EMORY LYON.¹

The subject of race betterment is invariably approached from either the subjective or the objective standpoint. The forces working toward race advancement are likewise those imposed from without, or the impulses awakened in the individual. All real and lasting progress doubtless arises from such educational and spiritual forces as each person is made capable of expressing.

The prohibitory influences imposed by society upon the individual, on the other hand, are material, temporary and palliative. The external influences seem to be more effective merely because they are more obvious. Few have the discernment to perceive, or the patience to await the working out of the more fundamental causes of race retardation and the course of age-long evolution. In our haste, therefore, it is natural that we should seek some short cut to the desired goal of race improvement.

Following this instinct, innumerable panaceas have ever and again been proposed by which it is hoped that the unhurrying process of civilization may be quickened. The path of progress has been strewn with experiments, social reforms, political programs, and religious cults that seemed to contain transcendent power in accelerating human perfection.

In society's effort to cope with the problem of crime the same process has been apparent. It is perhaps to be expected in this field, where righteousness seems farthest from realization, that special ingenuity should be exercised to bring about a speedy reversal of the downward trend. The problem has been attacked, therefore, from almost every angle—except adequately from within the social body and the individual soul. Crime doctors galore have arisen in every generation and every country to proclaim a sure specific for the eradication of anti-social conduct, and the prevention of delinquency. If crime is "the feverish pulse-beat of a sick social body," as one has said, the most of these schemes have been about as effective as to check the pulse-beat suddenly in a fever rather than to remove the cause of the fever. Penology itself, in so far as it has been an effort to expunge crime by external force, has been one vast surgical operation. Like much surgery, therefore, it has been either experimental or a post-curative process. In any case, and at its best, the surgery is a poor substitute for prophylaxis. Nevertheless, because of our

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remissness in the matter of crime breeding as well as in disease producing, perhaps the crime doctors are needed and should have their say.

To be sure most efforts to curb crime have proven far from satisfactory. The severest punishments of the past, based on the principle of retaliation, have been ineffective. The police power of the state, however powerful, has resulted only in temporary control. It has not greatly deterred the offender or prevented the awakening of criminal impulses in others. In view of this failure of statesmanship in dealing with the problem of crime, the scientists have more recently essayed various solutions. The movement in this direction is in keeping with the modern idea of dealing, not so much with the offense, but with the offender, with all his limitations and possibilities. From this standpoint, as in all true science, we can dispense with precedent, with technicalities and prejudices, and determine the facts. This done, and we must still expect, in the spirit of science, to submit these facts to classification, to experimentation and imperfect efforts to delete the dross of corruption and conserve the gold of character.

Just now we are in the midst of this period of research and discovery. One will tell us that an operation upon the brain, or rather the skull, has worked wonders in transforming character. These occasional cases of removing brain pressure, however, can hardly be held as ground for sweeping generalization. Report is made of the action of Dr. Voronoff, a European physician, in grafting the thyroid gland of a baboon upon a feeble-minded boy, with the statement that the result was "immediate and progressive." Dr. Voronoff says: "Give an imbecile a thyroid gland in good working order and he will display the keen intelligence which he actually possessed but which remained inert because his brain did not receive the necessary stimulus."

Dr. E. H. Pratt, of Chicago, has stated that, if given an opportunity, he could cure most forms of crime by an operation upon the sympathetic nerve. None of these proposed panaceas, it seems, have won sufficient recognition to gain public attention or the adoption of legislation for their application.

In providing for the sterilization of certain criminals, however, several of the states hearkened to the recommendations of the crime doctors. Twelve states of the union now have laws making operations legally possible upon certain specified feeble-minded and criminal wards of the state. The fact that two laws passed have been held

unconstitutional and that in half of these states the law is inoperative, would seem to indicate that it is at least in advance of prevailing public sentiment. It is contended that sterilization of the unfit is not permanently injurious and that it will effectually prevent their reproduction. As to the application of this method to the feeble-minded, I do not undertake to speak with knowledge. That feeble-mindedness should not be multiplied goes without saying. The experts tell us, however, that the idiot and the imbecile are sterile, and that it is only the subnormal moron we have to fear. In any case it is plain that custodial care for all would prevent the perpetuation of their kind, and at the same time relieve society from contact with their varied undesirable qualities.

On the question of crime prevention there is still more ground for qualifying our expectations. Advocates of the measure have argued, with apparent plausibility, that the sterilization of criminals will manifestly forestall their reproduction, and, *ipse dixit*, crime will cease. On broader inquiry, however, this conclusion may not seem so certain. In the first place the law has not, and is not likely to apply to all inmates of penal institutions. Much less can it include the still larger criminal population outside, on the verge of apprehension, or perhaps destined to immunity. Yet from these, if criminals are born rather than made, the criminal population of the future will continually reappear. As a matter of fact, the best scientific knowledge indicates there are no born criminals, that the species is the spawn rather of unfit training and unwholesome social conditions.

The laws providing for the sterilization of prisoners have invariably been limited to habitual offenders. But it is a well known fact that the typical habitual criminal is notoriously void of offspring. He seldom marries, and in his intervals of freedom, his indulgence is in the illicit brothel, and therefore fruitless. Only as it may apply to the rapist is there apparently any direct connection between the performance of this operation and the possible repetition of crime, and these degenerates constitute but one or two per cent of prisoners. Unless it can be more fully demonstrated, therefore, that sterilization will really be effective in lessening crime, we can scarcely expect other states will adopt the method, or that present legislation will justify itself in the future. Furthermore its proponents must prove, not only that the treatment is beneficial in a comprehensive way, but that there are no counteracting and injurious effects. This has by no means been done. If, as claimed, the operation merely prevents procreation, but does not lessen the desire for sexual functioning, the

limitation is quite likely to be perverted to unworthy indulgence, rather than to be used for race betterment. The possibilities in this direction as will be seen, are great and menacing.

As yet we have no definite knowledge of the ultimate physical effects of sterilization. Widespread and continued observation may reveal progressive debilitation and decrease of initiative. These defects would prove fatal to economic and social fitness.

Among the unanswered questions involved in the problem of sterilization, therefore, we may note the following:

1. Are criminal traits heritable? As yet there is no agreement among scientists, and many of the highest authorities deny it.
2. If heritable, would the sterilization of a small per cent of those in custody have any appreciable effect in the prevention of crime?
3. Is it morally permissible for society to mutilate its members, or to prevent individuals from producing their kind?
4. If permissible, can the state be entrusted to impose the practice without the dangers and practice of tyranny?
5. Even if socially efficient, would sterilization accomplish its purpose without making the individual operated upon a greater menace to the community?

If we hear no ready response to these fundamental and important interrogations, may it not be better to rely upon the broader and more constructive program for the prevention of crime? The way may seem longer and more expensive, but of what avail is the seeming short cut, unless it leads to a certain and effective goal.

A few of the measures we know to be effective may be cited herewith:

1. Life segregation of those proven to be a social menace.
2. Restrictive marriage laws and customs.
3. Eugenic education of parents and the public.
4. Social restriction and personal supervision of the mentally deficient who are at large.

This more positive program will unquestionably require greater patience, and entail an infinitely larger service upon society. But the easier way is rarely the best, and the dream of race betterment makes the harder task worthy the most painstaking effort.

Two quotations will indicate the direction of these more intricate, intensive and underlying influences essential to the wide-spread and lasting prevention of crime. One is from the pen of Julian Haw-

RACE BETTERMENT

thorne, the author-prisoner, in his recent book the "Subterranean Brotherhood." He says: "What the criminal instinct or propensity in man needs is not seclusion, misery, pain and despotic control, but free air and sunlight, free and cheerful human companionship, free opportunity to play his part in human service, and the stimulus, on all sides of him, of the example of such service."

The other quotation is from Dr. S. G. Smith, in his Presidential address to the American Prison Association. Directly declaring our need of deliverance from the purely physical, material, objective efforts at race betterment, he appeals to the spiritual sanctions and the all powerful interior possibilities. "Possibly after all," he tells us, "there are other elements in man besides what the physician is able to take account of. The conscience, social and industrial, may have a place. Law may be at once the expression of intelligence and of conscience. The measure of civilization by which it has held men and women to higher and higher account for their deeds is not perhaps wholly wrong. Instead of being simply the greatest of animals, it may prove that man is something more, and that the ethics of the race have a real foundation not alone in the thing we call the security of society, but even more in the thing that is fundamental to the dignity of man."