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THE DETECTION OF THE POTENTIAL CRIMINAL¹

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Many factors tend to give individuals a more or less definite position in the scale of humanity. Some of these are good health, great energy, and the fortune of birth, but perhaps most important of all is well-balanced intelligence. So that families which are continuously producing good brains will usually be found near the top of the scale, while those continuously producing poor brains will gravitate toward the bottom. At the very bottom of the social scale is found a small number known as the dependent class. Individuals in this class are unable to compete with the rest of the world because of some handicap. They are supposed to constitute about two per cent of the population and are dependent upon the other ninety-eight per cent for maintenance. Formerly we were content to divide this dependent group very roughly into three classes: the sick, who for ages have been recognized and given more or less adequate scientific attention; the poor, who have been considered worthy of charity and so aided; and, lastly, the bad, who have always been considered as outside the pale, not only of human kindness but of human study, and have been dealt with as if there were some element within them which wanted to oppose the will of the majority, and as if that element could only be repressed by wreaking vengeance upon these individuals when they were caught. The longer we study sick people, the more we realize that disease is usually of a specific nature, until now we recognize innumerable mental conditions, each one having a definite cause and running a definite course, and, most important of all, calling for a definite form of treatment. As important as is kindness and sympathy on the part of the physician, more important still is his ability to name and so classify the disease process and then prescribe the orthodox treatment. There is every reason to suppose that the same sort of study and classification of the other unfortunate classes, the poor and the bad, will give similar results.

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Crime has been said to be due to economic necessity, and theories for its prevention have been based upon a supposition that society was so improperly organized that certain individuals were driven to commit crime, it being supposed that society was discriminating against them. A more proper viewpoint, it seems to me, recognizes the same situation but places the defect in the individual rather than upon society. In other words, we find that certain persons because of a handicap, either educational or physical or mental, are unable to compete with their better equipped fellows, and for that reason adopt various short cuts and makeshifts known as crime. As to crime itself, no definition is applicable to all conditions in all places. There is almost no crime which is not perfectly proper somewhere in the world. Recently it has been customary to classify crime according to the motive which prompts it into three groups. First and of most importance is the group due to the acquisitive instinct. It is perfectly natural for us to want to acquire property, to see things belonging to others which attract us and which we wish to have. Therefore, to steal these things would be a response to a perfectly natural instinct. However, society has become so complex that we can no longer take things which we see and want, but it is insisted that we conform to social rules and regulations and take only those things to which we have a legal right; and so any attempt to curb the acquisitive instinct in man is an attempt to make the individual conform to social necessity. The next, but much smaller group has to do with the procreative instinct. It is perfectly natural and one of the most fundamental principles of all life that it shall reproduce its kind, and so it is natural that an individual should have an active sex interest. In primitive times it was not necessary to curb this, but society is now so constituted that the individual must curb his instinct for the common good. Various lands have various sex customs, and each one insists upon conformity to its social regulations. The individual who does not conform is considered a criminal. The last group, also small, has to do with the pugnacious instinct. Whenever two animals meet there is an instinctive challenge. The same is to a less degree true of human beings. Society has formed certain rules by which we can compete legally, and although custom varies in different localities, a deed of honor in one country being second degree murder in another, any variation from the local standard is considered criminal.

From the foregoing, then, it appears that all crime is due to the operation of perfectly natural instincts, that social conditions have necessitated the control of these instincts, and that any departure is

merely lack of conformity to social necessity. Thus, the criminal appears to be merely a non-conformist.

Two questions must be asked in determining the causes of this non-conformity. First, what social conditions exist today which place the individual at a disadvantage so that he is more apt than his fellows to commit crime; and, next, what personal characteristics in the individual help to explain his anti-social conduct. The social problems are only indirectly related to psychiatry and so will not be especially discussed in this paper. Among the most prominent may be mentioned the sale of alcohol under Government license. Of 176,000 arrests in Massachusetts in 1916, 104,000 were for drunkenness, therefore the social custom of drinking may be considered to be responsible for a great deal of what is ordinarily known as crime. Next, environmental factors during childhood, crowded tenement life, unemployment, etc., need further investigation.

Now, as to individual peculiarities. About one in thirteen of the English population, according to Goring, gets into prison at some time during his life. In Massachusetts about one in twenty-five gets arrested every year, and about one in two hundred goes to prison every year. Of those who are sentenced to prison, about sixty per cent have had previous terms. It has been noted that those who have had one previous term have usually had several. In other words, certain types of individuals seem to be prone to commit crime, and it is a study of this group, constituting something like one-half of all who are sent to prison, which concerns the psychiatrist. Many examinations have been made of prison populations, and although this is more or less like autopsy work, it has served to throw light upon the characteristics of these offenders. Goring, from a very exhaustive statistical study of the English convict, states that but one physical characteristic appeared constant, namely, a generally poor physique; and that but one mental characteristic was constant, a generally poor intellect. Years ago Lombroso tried to isolate a criminal type by anthropometric studies. The parallel between his criminal man and our mental defective is readily seen. It appears, then, that in a large number of cases individuals getting into prison are handicapped by inferior or abnormal mentality. The old rule that honesty is the best policy is only apparent to the intelligent man having proper self-control. The abnormal individuals, then, are repeatedly doing things which are unwise as well as illegal. Therefore, all of these non-conformists fall into two groups: those who will not

conform, and those who can not conform. Those who can not conform are, from a medical standpoint at least, irresponsible, and constitute about one-half of those sentenced to prison.

The most important group of criminals is the feeble-minded group. The child is socially a non-conformist. He has to be taught that he can not grab everything that he wants, and usually he does not understand why he has to learn the laws of society. Some children learn at one age, others at another; certain ones, whose brains never develop, never learn. Examination of these individuals shows every evidence of a childish intellect, and when the degree of defect is great enough and permanent, they are called feeble-minded. These individuals do the same thing over and over again despite correction. They do not know enough to earn their living honestly or to learn when they put their finger on the stove and find it hot never to repeat the action. They are attracted by the things which they want and do not look forward to the future, and so continually sacrifice future for present, not because they are vicious, not because they prefer being in jail, but because they do not know any better. This type of individual makes up between twenty and thirty per cent, roughly, of all those now in prison.

A word about diagnosis in this group. At the present time there are two schools advancing somewhat different ideas as to exactly what constitutes feeble-mindedness. On the one hand, the pedagogical school regards as feeble-minded those who grade below a certain age on some intellectual scale. Next, the medical school which regards as feeble-minded those who show certain rather specific characteristics of body, whose conduct and reaction are of a certain type, and whose intellect is inferior. Whereas from a statistical standpoint graded tests undoubtedly detect the feeble-minded, when one deals with individual diagnosis he must have facts which are of more differential value. Although it may be true that ninety per cent of all individuals with a temperature, a high blood count, and a pain in the right lower quadrant have appendicitis, it is necessary for the physician to have knowledge which enables him in a given individual to differentiate between acute appendicitis and several other conditions, before operating. Likewise, while it is true that the vast majority of individuals grading a certain number of years below their chronological age are feeble-minded, it is necessary for the physician to be familiar with other qualitative facts concerning the individual before he is justified in making a diagnosis of feeble-mindedness. This is especially true in dealing with criminals, because among the feeble-

minded the smaller the degree of intellectual inferiority, as measured by graded tests, the greater the potential criminality. Every feeble-minded child is a potential criminal, but if he can have the proper training as given in schools for the feeble-minded, rather than the education which he gets from associating with street hoodlums and other criminals, there is much smaller chance of his being a social problem when he grows up.

The next to be considered are the abnormal personalities. Certain individuals who are neither insane nor feeble-minded lack the proper mental balance which enables them to think clearly, control themselves and act wisely. These have been called by various people different names, such as moral imbecile, constitutional inferiority, constitutional psychopathic state, and psychopathic personality. The variety of names shows a lack of specific characteristics, and often these diagnoses are based almost entirely upon what the examiner thinks the criminal conduct of the individual means mentally rather than upon objective findings by examination. Dr. H. M. Alder has divided these abnormal personalities into three classes: the inadequate, the emotionally unstable, and the paranoid. The first of these have a generally inferior brain, intelligence enough so that it is not proper to class them as feeble-minded, but so incapable that they are unable to hold a job and to get along without help, so that they very easily adopt the easy way which leads to crime. Next, the emotionally unstable. This individual may have a superior intellect, but he is emotional and forms most of his judgments as the result of his emotional state. He feels sorry for what he has done as soon as the storm is over, but is unable to prevent a recurrence when a similar situation is met. He is subject to outbreaks resembling hysterical attacks, and is unable to adapt himself to life. Lastly, the paranoid, the man, with a chip on his shoulder, with an "anti-social grudge," who feels that the world has treated him unjustly, who quarrels with his fellow workmen, employers or wife, and so is likely to be unsuccessful.

This group of abnormal personalities forms a very troublesome one from the legal standpoint, for, although their abnormality is definite enough so that we readily explain their crime by it, we are not willing as yet to excuse their misconduct as we do in the case of the insane or feeble-minded. They are particularly susceptible to the evil influences of alcohol and drugs, their lack of inhibition makes them acquire these habits easily, and prevents a cure in most cases. The condition can usually be recognized during childhood, being characterized by disciplinary difficulties in school, hysterical tantrums, wilfulness, and dishonesty.

The next group is the definitely insane, and most important among these are cases of chronic dementia praecox. These individuals, usually between fifteen and twenty-five years of age, commence to show mental deterioration. They become more and more peculiar, and usually at some time in their lives are committed to institutions. They constitute about sixty per cent of all the insane living at any particular time. Frequently they get well enough so that their insanity is not obvious, and yet lack initiative and judgment to an extent that they are not able to properly support themselves, and so are found among the unemployed, the vagrant, and the pauper classes. While their disease can not be cured, they are capable of doing fairly well under supervision. Often a little personal attention or help will enable one of these individuals to be self-supporting. The parietic frequently shows gross conduct disorder and frequently commits crime, but his life lasts only two or three years and therefore he does not constitute a big factor in the criminal class. Manic depressive insanity, especially the excited phase, frequently leads to acts of violence or dishonesty. These individuals are usually recognized as insane and sent to an institution. The senile changes often lead to dishonesty or sex offenses in the individual whose life has hitherto been above reproach. No old man should be prosecuted until the matter of mental decay has been very carefully investigated.

Lastly, the epileptics constitute a small but constant percentage of our criminal class. Many are defective from birth, others dement soon after the onset of the disease. It is very difficult for an epileptic to hold a job, and for that reason he is apt to resort to crime on account of this handicap. Occasionally in an epileptic frenzy deeds of violence are committed. While all epileptics are not insane, it is probably true that few are fully responsible for their acts, especially under provocation.

This, in general, constitutes the degree to which crime is explained by mental disease. The point in particular which I wish to make is that mental disease is a cause of crime, first of all, because it handicaps the individual, prevents his competing with his fellows on equal terms, and so makes him a victim of economic necessity to a greater extent than the average man; next, his inhibitions are so weak or weakened that he is unable to resist the temptation to choose the makeshifts and short cuts which lead to crime; and, lastly, that certain anti-social tendencies which he may have, form a positive force tending toward the commission of crime.