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## STUDY OF THE CASE PRELIMINARY TO TREATMENT<sup>1</sup>

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Theoretical generalizations in our field are not as much in vogue as they were twenty or even ten years ago. To be sure, every now and again argument arises concerning some old questions, such as whether heredity or environment is really responsible for delinquency, as if either could be gauged by itself, as if there were not all sorts of admixtures of reactions, of myriad features of the environment on each distinctive personality, and, above all, as if there was no such thing as the inner mental life, the mainspring and the regulator of conduct tendencies.

In legal circles frank theorizing about the foundations of criminal law, about forms of punishment, the age and fact of responsibility, and so on, is certainly not the fashion nowadays, although many would still consider them matters for discussion. All such theorizings and anthropological dialectics in general seem learned. The heredity versus environment argumentation is echoed in the newspapers, for instance, as representative of learning in socio-legal affairs.

But our getting away from such bare generalities, even if they are "philosophical"—in some quarters rapidly getting away, in others hardly at all—marks, unless I am greatly mistaken, the first stages of the evolution of a science that deeply concerns us all, a science of conduct.

This leaving earlier attempt at classification and deduction before any sort of thorough studies of the material or phenomena under discussion have been made, has its analogy in the development of other sciences dealing with simpler material than human beings. I need mention only how botany for long was in a naming and classification and theorizing period, and how then came the modern idea of the closer analysis of material, of processes, of genetic processes, whether of health or disease. Yes, part of the work of botanists, I would remind you for the sake of this analogy, is termed plant behavior. And out of this and the experimentation with environment and growth that always is necessary for such study, there have come the conquests that

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<sup>1</sup>Address given in a symposium on the juvenile court at the Milwaukee Conference on Social Work, June, 1921.

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have set the agriculture and plant industries of today very far ahead of anything that any civilization has known before.

And shall we not remind ourselves once more, for the sake of our own encouragement, if we would consider what might be done if a similar effort was made for the study of human beings in their behavior reactions, how great an expenditure of time and money there has been, comparatively, for some of these other sciences. The study of plant life, for instance, has many laboratories and many college courses devoted to it (with psychology, the study of human behavior, often relegated to attics); it has a large share of the effort of one department of our national government with a splendid working system of agencies and experiment stations (and no national recognition whatever in the way of study or attempt to diminish the great ex-crescence on our social life, American delinquency and crime), and there is the fine private support given by such institutions as the Carnegie Foundation, which willingly sends men to the wildest desert regions to observe the environmental reactions of a plant growing there (with not a single psychological institute yet established in this country).

All these, by comparison, are indicators of what is *not* being done in our field, and of what might be done and perhaps will be done when we realize that the most important concern of civilization is the conduct of human beings.

We have not neglected the great names; for help in solving the problems of delinquency we did long ago earnestly look to the works of the thinkers. There were the theories of the theologians: original sin, possession by the devil, temptation by the same hypothetical individual, or possibly the trial of this world to determine fitness for a next life. There were the philosophers with conceptions of the rational and responsible and self-guided man as against the sharply discriminated, irrational man drawn by the eddies and side currents of this life's ebb and flow, and from philosophers we learned about evolutionary ethics and so on. There were the many sociological theories of delinquency, economic, parasitic, failure of adaptation. And then we absorbed the biological ideas that were multiplying fast two or three decades ago—with heredity, degeneracy, the stigmatized man, atavism, the born criminal, etc., especially to the fore. The theories of criminal law, and of penological science, as it is euphemistically called, for really very little science has one ever discovered even lurking in the corners of penal institutions, these showed nothing but slight modification of the theory common to mankind, namely, that somehow punish-

ment does avail something. Only I am afraid that a large share of alleged theory in these last connections consists in a couple of bare facts, namely, that an offender out of society's way is, at least for the time being, considered an innocuous person to society and that the outraged feelings of the injured one and of the community are assuaged by punishment rendered.

Psychological theories there were, too—psychological in name but purely philosophical in trend; I mean not based on real studies of the mind. Such psychological generalizations as have come recently, however exaggerated they have been for a time, have at least had the merit of being founded on some direct observations.

Thus having eagerly frequented doctor and saint, like the genial Omar, what then? So far as actual help in solving the problems of delinquency, I am afraid that we, also, for the most part, came out by the same door wherein we went.

The first really big step, it was obvious, would be to make an attempt to know what one was doing when one did something. Or, better still, to know with some more show of reason than formerly, what specifically ought to be done when face to face with a matter of delinquency that requires definite action, whether it be of the drastic or the let-alone kind. Cases must be treated, decisions and judgments must be formed, generally bits of social machinery must be set in motion. Now, for this some sort of opinions must be held; if one is not entirely inert mentally, some sort of opinion must be formed about the given case.

Considering general theories as guides to action in the adjustment of given situations, it becomes clear from any wide look about us that there is breakdown oftentimes of whatever parts of the above theories are practicably usable today. And thus it becomes certain that it is about the given concrete affair at hand, about the delinquent as he stands before us, different in a thousand ways from others, differing from all others, that we must know, if we are to be of much aid in solving or in helping him to solve his delinquency problems.

Shall we clearly recognize the realities of the situation and speak about them plainly, perhaps even with brutal frankness, to ourselves? That is surely good sense.

Here is a work of the deepest importance for the well-being of society, this treating with the problems of delinquency. It belongs to and has many bearings upon the whole problem of human conduct, which, after all, is the main concern of civilization. One doubts if the importance of their problem is well realized by workers in this field,

even by judges of juvenile courts. Certainly with the ample proofs that can be mustered it has not been made plain enough to the world at large.

The most delicate organism in the world is involved, the human being, body and, more especially, mind. We are concerned, then, with affairs that invite, yes, and require the very deepest scientific understanding.

Most strangely, it has been somehow felt that this work could be done without professional attitude, professional training, knowledge or technic. Of course, it is easy enough to see reason for this in the newness of juvenile courts and other agencies treating specifically with juvenile delinquency, or in the fact that our methods of administrative government in this country stand in the way of the development of a really trained personnel. And, then, why should we expect to know it all in two or three decades, even if the world does move so fast nowadays. As a matter of fact, the whole of civilized progress has long been waiting on a better understanding of conduct tendencies of human beings for the development of a better relationship of man to man.

It is plain that a great deal of our work with juvenile delinquents is a botch. The vastly important fact of what happens to the individual in the future is kept in the mind all too little. Of course, devoted men and women do accomplish much through good personal touch and through a commonsense outlook. And we observe self-initiated rightings of conduct tendencies, sometimes through fear of punishment, perhaps more often as the result of the passing of the general instabilities of youth.

But through the courts a steady stream comes and goes and continues to be delinquent. And the same is true of a considerable proportion of those who go to institutions. One sees very little account taken of this. What judge has kept an accurate record, over years, of the outcome of his judgments. After these twenty years of the Juvenile Court we are, for the most part, in a very chaotic stage as far as knowing the effectiveness of measures employed. To the onlooker there is nothing so curious about courts as the fact that there are no studies by them of the effects of their own decisions and efforts.

Such bare statistics as are occasionally worked up are of no major value because they are figures without groupings of causes, of potentialities and of treatments. Such figures would not go far in any scientific work or any business, for that matter, where analyses of all kinds compare effort, as calculated in terms of cost and qualities of

material, with production, or salability, or income, that is to say, with results.

What have we from chief probation officers, or from officers in more intimate contact with offenders, or from institutions, that really tells us the essentials of successes and failures? We altogether lack studies of outcomes as compared to possibilities of the human material, or to the possibilities, according to the nature of the offense, of the living conditions, of the habits, of the direct causations, etc. We lack the good self-criticism which can only develop upon the basis of knowing two fundamentals: (a) The relation of specific causation to the given delinquency and the given case, and (b) what is practicable to know of the human material which is being worked with, particularly its potentialities. We lack conclusions and judgments centered about two plain, practical issues: (1) How the court can cope with various causes of delinquency; (2) with what reasonable expectation can it prescribe particular sorts of treatment when dealing with various sorts of individuals—individuals so different in needs and possibilities that what will serve in some cases will unquestionably fail in others.

There is often much satisfaction with formalization, with the establishment of a system, and to a considerable extent this has been true with the building up of the Juvenile Court as such, particularly in regard to probation, which to some seems almost like a magic word. As a matter of fact, probation may mean nothing constructive being done, and, unfortunately, little does happen in many cases to prevent further delinquency, even if there be a routine glance at the child's home and at a few other aspects of his life. For example, part of the regular procedure in some courts is attention to physical needs; a child comes in for breaking a window and, to the astonishment of his parents, gets his tonsils taken out. This systematic physical oversight is certainly admirable, but it has little bearing upon delinquency. In several phases of court work there is apt to develop a mere formalism.

We may note in this connection an attempt recently to take over a little psychological science, just a little, with a jump at the idea that there can be handed out overnight a percentage statement which shall represent the so-called intelligence of delinquents, or at the idea that some few words of classification will tell a valuable story about the individual.

But sometimes in courts we meet the easy-going conception that any scientific attempt whatever to study the elements which are in the background of conduct is academic. There is some talk about still hanging on to commonsense methods, phrased almost in the terms of

the "conservative" farmer who does not know what the agricultural schools can teach.

Most unfortunately, however, only too often decisions are made, and have to be made under present circumstances with quick judgment and with inadequate knowledge of personalities and of whole situations, in such a fashion that nobody with sense can conceive that this is what is expected of a court that is most fundamentally concerned with the welfare of human individuals and has the protection of society at stake.

It is not a little difficult to get away from the idea that the offense must be treated, even though we certainly wish to do the best for the individual. It sometimes seems as if those who have committed a delinquency of a certain grade of severity should be committed to an institution and others not, for the opposite reason, when, as a matter of fact, the real evidence of bad tendencies, of the need of removal from home, or for reformatory training, may not be shown by the conduct complained of in court. Behavior tendencies known only through study of the case; meanness, cowardly lying, instability at work, bad attitude toward parents, bad personal habits, may be much more significant for treatment. On the other hand, an offense more specifically punishable is not necessarily indicative of any deep-set trend toward criminality.

It stands out clearly from even a little study of the situation that juvenile courts and probation without studies of cases before treatment are not nearly living up to their responsibilities and possibilities. We feel so sure of this because our accumulated earlier studies with years of follow-up show hundreds of failures where causes and personality needs were not met, as against many apparently more difficult cases with remarkably favorable outcomes, sometimes through minimum effort, where there was an understanding of what treatment was fitted to offset causes and needs, particularly, I may say, as represented in the individual's mental life.

It should be obvious that competent studies of delinquency are aimed at effective treatment, and that they must include diagnostic understanding and knowledge of causes. Unless he who deals with the youthful delinquent knows the material he is working with, the active forces it represents, as the engineer knows his varieties of material and how they may be strengthened and how they may suffer from stresses, how is he intelligently to decide or proceed on a line of action? And without studies of what the offender is in himself and inside his mind, and without studies of what there was outside him that tended

to make him what he is, a delinquent, knowledge that is an absolute pre-requisite for a good study of results does not exist.

Moreover, these agencies, juvenile courts and probation, do not even make any systematic attempt to know whether they are accomplishing anything like their best or not. A most important need is the comparison of the effectiveness of different methods of treatment—in the long run the existence of the Juvenile Court itself must depend upon demonstration of its results—and this, too, implies the analysis of causes.

It is to the unraveling of the twisted threads of personality and environment in cases of delinquency that the modern sciences must come. With all the different types and variations of personalities, and the important conditions and content of mental life, and the external causes and background in delinquent tendencies, adequate studies are no easy matter. But if we are going to handle these complex affairs at all, we should rationally be in some position to answer the question of what this individual can do or is likely to do in education, in work, in conduct, or what is apt to take place if he is sent to this or that institution, or if he stays at home, or if he has special chances given him, and these points should be known early in the procedure with him for the sake of economic effort.

Work with children and youth can receive support that comes to little else in public affairs. It has been the rallying point now a number of times for cleaner political conditions, and with appreciation of greater needs and of the possibility of better returns from better efforts, there should easily be general education concerning betterment of Juvenile Court methods and results.

After these years of observation in courts and study of conduct disorders, I see nothing any clearer than the necessity for the following: (1) Better training of the personnel, beginning with the judges; (2) The placing of this whole work upon a professional basis through such training and through the education of the public. What has already taken place during ten or fifteen years shows the great possibilities in this direction, including the matter of adequate financial support; (3) The forming of an association of Juvenile Court judges, meeting as other professional men, with closely knit interests, gathering together, not for the purpose of self-advertisement or presentation of superficial statements, but with the idea of gaining much from the experiences of others and from the interchange of scientifically worked up data concerning types of cases and other special problems; (4) The focussing upon the fact that the real results of effort in our field are

to be measured by the non-recurrence of delinquency—in other words, therapy is the aim, and cure is the measure of success.

I have recently reviewed a list of failures among cases we saw long ago and for whom little that was fitting was done under the ordinary procedures of the Juvenile Court, probation, institutions or parole work, but, instead of being downcast, I am today a firmer believer than ever that the very largest share of delinquency and crime in young people is preventable. Comparison of these failures with successes shows that with anything like a reasonable effort in a reasonably decent community, delinquent tendencies in most individuals can be thwarted. The study of causes shows them to be ascertainable and generally alterable. If a scientific procedure can be built up, the possibilities of the development of these particular safeguards to civilization, the Juvenile Court and the other agencies which deal with juvenile misconduct, are far beyond their present achievement.

Even in these early stages of its own development the science of conduct comes, then, with a message of better achievement, with the hope for advancement that science now has demonstrated in many other fields.

If there are fears that new ideas, scientific ideas, may usurp the place of the law, we can allay them. None of us desires anything but a greater obedience to the law and respect for it. But inertness under the law we must face with the fact that betterment of method and progress in achievement is the keynote of our civilization.