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# THE TASKS OF CRIMINAL PSYCHOLOGY<sup>1</sup>

HANS W. GRUHLE<sup>2</sup>

The days when the veneration paid to the highest ideals of mankind also applied to the conception of the state, and when the state as such, no matter how inadequately it embodied that ideal conception, enjoyed the esteem and respect of the people, are gone forever. Few people who cling to outworn ways still consider the state as something sacred which should be propped up by certain specific safeguards, and hold that injury inflicted upon the state calls for atonement. As is always the case, these old-fashioned notions linger longest with the great masses of the people, which to this very day cling to the idea that atonement is a necessity. Many a great newspaper in our day while attempting, in editorials and on its front pages, to disparage the ideology of atonement as being equivalent to the state's revenge against the individual, in the same breath, as it were—on page three, for instance—voices its regret that a certain crime, just then in the public eye, has not been properly atoned. Thus while the modern ideas of feature writers fill the front pages, the opinion of the masses finds expression on the other pages of the very same issue.

This article, however, does not concern itself with the so-called sense of justice on the part of the people or with kindred notions; it deals frankly with the modern spirit of which various scientists, judges and writers are the exponents. No matter how much one may admire the old-time conception of atonement or inveigh against the modern notions as being commonplace, utilitarian, technical, American, these modern notions must be reckoned with. They do not only exist, they are in actual operation.

The state is a technical institution which must be protected because it has proven itself to be useful. Since a criminal wrongs the state and the law-abiding citizen as well, he must be prevented from inflicting such wrong. He is prevented from an anti-social or socially harmful mode of life not by deterrent methods, but, as is being assumed, by correctional education or by confinement. But if a crim-

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<sup>1</sup>Authorized translation by T. Plazinski of "Aufgaben der Kriminalpsychologie," which appeared in the *Zeits. f. d. ges. Strafrechtswiss.*, vol. 51, pp. 469-480, 1931.

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inal is to be properly educated, or if a correctional education is to be attempted, the criminal must first be studied before his is confined.

The ideas just expressed have indeed little originality. Nevertheless they are prevalent today and make themselves felt even in the movement for reforming the study of jurisprudence. The interest in the personality of the criminal is gaining headway everywhere; it is in other words, quite the thing today to go in for criminal psychology.

Anyone, who in his lifetime has devoted considerable scientific endeavor and time to the problem of the criminal, will gladly welcome the opportunity to submit the results of his scientific research and his personal opinions to a wider circle of the interested public, even though he may not esteem highly the motives actuating the current of opinion which at the present time engenders such increased interest.

Criminal psychology considered as a science implies two different research methods. One of them compiles vast numbers of statistical figures and analyzes from the perspective of time periods the biological or social causes or the operation of technical institutions and methods evolved by the state, all of which constitute the high and low points of the curves shown on statistical charts. This method pays no attention to the individual as such. The other method, on the contrary, focusses its attention on the individual, delves into the individual makeup and the personal crime motives of the criminal. These individual studies may then of course be summed up either from the psychological or from the criminological point of view in order to arrive at characterological or criminal types. No essay of this problem could possibly neglect mentioning Gustav Aschaffenburg who was the first to arrive at basic results in both methods. The burden of an extensive daily work prevented this esteemed scholar from systematically developing his book on Crime and its Repression. Thus far, however, no methodologically precise syllabus of criminal psychology, so eagerly hoped for by Mittermaier and the rest of us, has been written. It could not possibly be claimed that the material and experience at hand is not sufficient for a work of this kind. Both criminal statistics as well as studies of individuals would be quite ample to permit the erection of a temporary structure at least on the basis of methodological argumentation. To be sure, important aspects of criminal psychology have not as yet been worked upon.

The way in which the wealth of statistical material has been utilized, has in most cases been far too naive and impetuous. It is

preposterous simply to link the oscillations of the crime curves with isolated economic factors, such as for instance the price of cereals. In order properly to interpret the oscillations of the main crime curves, a far wider outlook and a far more careful weighing of sundry social and other cultural points of view are required. Rudolf Wasserman once outlined some very important methodological ideas on the subject in question. But no scientist, who has as yet appeared possesses the breadth of vision to survey all the economic and other social factors of a given period, the various amendments to the existing laws, the many regulations and decrees enacted during such a period as well as the many general currents of ideas operating in that period, and who also has the courage clearly to deduce from the cumulative operation of the aforesaid factors the ups and downs of the crime curve. In view thereof it might as well be suggested to the research scientists of the future to specialize in criminal geography. In the limited area of a country, with which the research worker is personally familiar, all the operating factors may more easily be registered and comparatively appraised. The research, however, must not follow the historically defined frontier lines of the various "countries." The historically defined frontier lines are of interest in connection with the interpretation of crime curves only insofar as a certain offense may be more vigorously prosecuted in one state than in the neighboring one, which condition of things may be due not to different systems of law obtaining in the two given states, but to the fact that the political powers that be in these two states have issued different "instructions" to their respective public prosecutors, thereby initiating different procedural policies. The handling of vagrancy, prostitution, crimes of passion and juvenile delinquency may serve as an illuminating example in this connection. Selecting at random one of the many problems of this nature it would be for instance extremely interesting to compare the criminality obtaining in the border zone of Rhine valley, from Landau to Mainz, where wine-growing constitutes the main industry, with the criminality obtaining in the "hinterland" lying west of that zone. It has at all times been the easiest way out, for the distant observer, to link up the very high criminality obtaining in the Rhenish Palatinate with the latter's wine industry and wine consumption (home drinking). Close scrutiny, however, shows that the highest figures of crimes of passion apply to Pirmasens and other sections of the Palatinate's "hinterland" where no wine is being grown and relatively little wine is being consumed. In this connection all factors seem to point to the ethnic stock of the Palatinate

(the term "race" as a conception is being gradually abandoned) as the cause of criminality. If differences in criminality were found between the wine-belt zone and the "hinterland" which is both agricultural and industrial, the temptation would be near at hand to compare the criminality of some other district (for instance, the eastern wine-belt of the Rhine valley between Basel and Offenburg) with the Alemanic sector situated east of this wine-belt. Since imbecility was shown by recent research work to be prevalent in the Palatinate (researches by Brem), it could also be linked up with criminality.

There has been considerable discussion of the scarcity of crimes of violence in Saxony (formerly the Kingdom of Saxony) and the prevalence of the intellectual crimes against property. The question is whether this assertion applies to all of Saxony. Does it apply to the East-Elbian, Wendish and Silesian ethnic stocks of Upper Lusatia just the same as to the rural population of the Lommatz Country? Does not the toy industry district in the Erggebirge differ in this respect from Leipzig which is a large industrial center? It would be preposterous to claim in this connection that the study of criminality was but an auxiliary science for the sociologist or psycho-anthropologist, for the purpose of exploring the psyche of a people. On the other hand, it is important to know the psyche of a population in order to be able to appraise its criminal tendencies.

Another procedure is also possible. We may select one single city or a certain section of a country. Such a section should not be too large, should be either mountainous or a plain, but not both, and should permit not only of a comprehensive survey of the shifts in population, increments through new settlers, immigration, etc., but also of a clear picture of the industrial and general economic changes in the course of half a century. In this way it will be possible perfectly to interpret the criminality curve of such section (between let us say 1880 and 1930) on the basis of the various contributing social factors and to compare it with other curves applying to other well studied sections and to Germany as a whole. Tönnies has recently tried a similar method in connection with the problem of suicide.

Professional criminality has hitherto been studied but little. In this connection it would be essential to treat the feature of professionalism, as it were, seriously and avoid being deceived by statements made by anti-social individuals as to their alleged occupations. The scientific resources of any one research worker are at all times rather limited so that large numbers of cases could hardly be studied. But it would nevertheless be quite instructive to compare the penal

registers<sup>3</sup> of 300 homesteaders of Lower Bavaria (farmers) with the penal registers of 300 homesteading Westphalian peasants. Such comparison would hardly yield a conclusive proof, but would furnish very interesting sidelights on ethnic peculiarities. Another subject for criminological research would be cities or districts where at a specific time, known to the research workers, a certain industry was first introduced; thus the influence of such change could be studied. It stands to reason, however, that new settlers flocking in should be segregated from the natives.

The problem of the percentage of the German population subjected to penalties also deserves closer study. Without further entering into the methods of calculation which hitherto applied (Finkelburg), an analysis of the penal registers of a certain strictly limited number of males between the ages of 18 and 60 years would show, what percentage of such individuals have *actually* come into conflict with the law. In this way new notions could be gained as to age classes within the criminal element.

While hitherto such aspects as geography, class stratification, social status, etc., have governed the proposed classification into groups, the annual curves of the crime volume should also be taken into consideration. Without paying any attention to the delinquents themselves, a given category of crime should be apportioned to the calendar as far as the date of the commission of the crime is concerned; this procedure has already been applied to vagrancy and kindred offenses (Wilmanns). Curves simply showing cases of murder and homicide would be of little use, however, because countries in which emotional crimes (due to revenge, unrequited affection, anger induced by drunkenness, etc.) prevail must naturally be judged by entirely different standards from those applied where robbery with murder and homicides in connection with burglaries prevail. The annual curves which have hitherto been drawn in connection with "emotional" factors (suicide, sex crimes, acute psychoses) should in fact be made to include crimes against property as well. Neither should the aspect of geography be overlooked in this connection. An annual curve for Kiel or Königsberg would look different from the annual curve for Stuttgart or Mannheim. Many a reader might be inclined to interpolate at this point the words "of course." Quite unjustly so, because when one visualizes the various suicide figures

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<sup>3</sup>Note by translator: In many European countries, a central record bureau, the penal registry, exists, where are filed data concerning the offenses of all individuals in the country who have come into conflict with the law.

applying to geographically neighboring countries (Finland and Sweden 48 and 147 respectively per million, whereby Finland has a considerable Swedish admixture) whereas Italy and Norway show the same figures (60 per million), there is really nothing that would really be "matter of course."

Last but not least the economic depression of our times could be put to a good use for the science of criminology. The criminality of the "victims of taxation" among the unemployed might be well worth investigation; studies along these lines might possibly yield also results of meritorious nature insofar as internal administrative policy is concerned.

Complaints have frequently been made by many research workers (for instance by the Exner group) that while a lot was known about the crime of swindling, only a little was known about the swindler himself. How could, however, a criminal jurist garner in at once all swindlers? Any criminal jurist who would undertake to keep systematic records on and about all swindlers with whom he had to deal for three or five years during his official career as judge or prosecutor would perform an extremely meritorious piece of work. Criminal jurists, however, who in addition to their regular duties would also go in for empirical scientific research are few and far between. But when the possibility for studying the individual delinquent in the courtroom is eliminated, there remains no other basis for studying him except the penal registers and the prison records. The author of this article has himself published many years ago a small, very modest work on juvenile delinquency, which while hardly possessing any subjective value, had nevertheless certain merits of methodological nature. (See Aschaffenburg's *Monatsschrift* for August, 1911, Page 15.) Just as the 85 penal registers of juvenile delinquents were analyzed in this work from the most various points of view, so thieves, swindlers, receivers of stolen goods, pimps, etc., should be studied on the basis of their penal registers. It cannot be denied that the legal provisions concerning deletions from penal registers render research work somewhat difficult. Nevertheless, interesting information on the life history of a criminal may be gained from the study of the file covering such criminal's first known offense and from the study of the penal register which forms part and parcel of such file. The study of almost any penal case opens new avenues for research in the archives of educational institutions, town clerks, parishes, penal institutions, etc. Particularly the records of penal institutions are frequently quite instructive. Through such research work one may often gain a clear insight into the character and mode

of life of a criminal without even ever having seen him. To be sure, research work in archives and files requires study and experience; small details which appear inoffensive and insignificant may yield very rich information when properly followed up. Any beginner in such research work may even, under expert coaching, require weeks before he is able to gain a comprehensive view of the life history of but one individual.

It could not possibly be expected that anyone and everyone should be able to gain such a thorough understanding of a criminal through personal contact and repeated talks with him, as to be in the position to form a clear picture of his character. Personal contact is of course the primary element in the study of personality. As a general rule, however, the jurists lack training for this type of work. The tendency on the part of the criminal to appear different from what he really is, for the purpose of gaining some advantage for himself; the emotional shock, be it only temporary, under which many a convict labors; the specific frame of mind into which many an inmate of a penal institution works himself, are all just so many traps in which the student of human nature and especially a jurist may become entangled. An experienced and specially trained prison executive, however, and particularly the prison physician and prison chaplain would find in repeated intimate talks with the inmates and in the study of their records the most dependable source from which to derive their knowledge of the criminal's personality. It is to be deeply regretted that the two criminal psychologists Albrecht Wetzels, who for weeks studied the anti-social inmates of the Home for Women and Girls at Bretten, and Edward Reiss, who for a long time studied in the prison of Hoher Asperg criminals imprisoned for heavy offenses, have been prevented by the war and in later years by the daily routine of their respective professions in entirely new environments, from publishing in full the extremely interesting scientific material which they collected. As far as women criminals are concerned, the studies made by Kurt Schneider among the registered prostitutes of Cologne have added very valuable knowledge to the material already on hand; as far as male criminals are concerned considerably more should be ascertained over and above the present stock of knowledge. There is a need for life histories of 100 delinquents guilty of serious offenses; such life histories could best be secured from recidivists in prisons and penitentiaries, preferably from intellectually superior offenders against property (swindlers and forgers). There is no sense in arguing whether or not a pimp is a harmless or a dangerous fellow; what is needed are the life histories of 100 pimps. By these life histories

are understood not essay-like, imaginative portrayals, garnished with Freudian or Adlerian symbolic interpretations, but on the contrary, matter-of-fact and realistic reports. Science would greatly appreciate the compilation of the life histories of 100 emotional criminals regardless of whether their respective offenses have been classified as murders, homicides, assaults which resulted in the death of the victim, etc. We are badly in need of exact studies on specialized criminals such as: confidence men, railway thieves, hotel thieves, marriage swindler, up-to-date vagrants (posing as war veterans). As far as the border zone, leading to psychic abnormality, is concerned we need monographs on pyromaniacs, exhibitionists, ravishers of little girls, child-murderesses, misfits belonging to the educated classes, incestuous fathers. In order to clarify the somewhat confused notions on the real nature of psychopathy which seem to prevail among the general public, monographs on many psychopathic criminals would constitute a highly valuable contribution. A certain amount of pioneer work in this field has already been accomplished by Karl Birnbaum.

A study of the psychic factors in 100 perjury cases would be of greater value perhaps to the future legislative treatment of perjury than for the understanding of the perjurer's personality. In all these "fields" the research worker would apply not only the afore-described procedure of studying the penal registers but the method of personal contact as well. In the case of the latter method all interest should be centered in the *character* of the subject, as only the character is both theoretically and practically interesting. It is quite the thing at the present time to devote considerable research energy to heredity and physique. These problems, however, are side-issues which are of little value to crime research. It could not possibly be denied that research along lines of general heredity, such as is being conducted by Ernest Rüdín in Munich, can derive considerable gain from minutely and expertly made studies of criminals. The knowledge of hereditary factors, which knowledge by the way remains in most cases quite indefinite, is just as inconsequential from the point of view of the study of the personality of individual criminals as the study of the physique. On the other hand, it would be quite important to extend the studies now being made of the ascent and descent of individuals from their respective social strata; these social class shifts should be studied on a sufficiently large number of criminals and the causes which led to social degeneration also looked into. A compilation under the caption "One hundred life histories of criminals from upper classes of society" would constitute a work of great criminological, sociological and psychological merit.

The psychiatric groups have ceased to have any criminological importance whatever. Contrary to the notions current among the lay public, all professional students are well aware of the fact that the psychoses, properly speaking, are in reality of but little importance so far as crime is concerned. Persons with manic-depressive psychoses turn criminals only in very rare cases; the fact that paralytics commit in the early stages of their affliction mostly clumsy swindles super-induced by megalomania, is quite uninteresting and of no practical importance. Sporadic, very violent acts committed by ill-tempered or deranged epileptics are also relatively unimportant considering the enormous number of other crimes. Somewhat more important from the point of view of anti-social conduct is schizophrenia. This is either due to the fact that persons who suffer from it and are imperfectly cured degenerate socially, become occasional thieves and hoboos or else to the fact that some big crimes which defy understanding attract general attention to these strange, diseased personalities. Important from the sociological and criminological point of view are in fact only the inborn or early developed feeble-mindedness, and dipsomania. Both of them are of material importance from the point of view of the new law on protective detention, soon to be enacted but are scientifically of little consequence. On the other hand, however, it is today a well established fact that the vast host of psychopaths, that is of personalities who while not being really diseased are nevertheless predisposed to be different from normal, is of real importance as far as criminality is concerned. This problem has been discussed in full in all of its aspects and wellnigh settled by Karl Wilmanns in his book on impaired responsibility.

The interest in the character of criminals and in the treatment to be accorded to the latter has in recent years grown because of the closer attention paid to penal treatment. As the slogan of correctional education as an integral part of penal treatment, has become rather commonplace, it is only logical that the personality of the convict should be thoroughly studied. Anyone with experience along these lines knows that the unending talk about correctional education contains a great deal of exaggeration. This knowledge, however, should never prevent us from applying correctional education wherever possible, with one proviso, however, to wit, that such education be real and positive. As it is, "good treatment" is being nowadays confused with correctional education; furthermore the mistake is being frequently made of taking for a good result of correctional education the fact that by using somewhat more lenient methods the convicts

are easier to be managed. But already among juvenile delinquents quite few turn out to be downright incorrigible. Among the adults a far greater percentage of incorrigibles is to be found. In this connection the science of criminal psychology is confronted by another problem, namely, what kind of individuals are these incorrigibles in reality? Are they in any way alike in characterology or psychopathology or are types of the various kinds to be found among them? The problem of the born criminal arises in this connection with an entirely new, purely psychological aspect and in specific relationship to social class stratification. In other words, are there really inborn character tendencies, which in case the individual possessing them belongs to the proletariat, would force him into a career of crime? A professional criminologist would be inclined to answer this question in the affirmative; however, no detailed and conclusive study of this problem has as yet been made, although it would be of material value to the problem of treatment to be given in the institutions for preventive detention, the establishment of which is being eagerly hoped for. In all penal institutions where graded penal treatment has been introduced and is being really individually applied, thus enabling only very well behaved convicts to advance into the higher grades, very interesting observations may be made as to what psychological types are really advancing to the highest grade. I am afraid that a goodly number of particularly serious criminals will be found in the highest grade, whereas men with little self-control, who are nevertheless less dangerous, will remain in the lowest grade. These, however, are merely guesses which would require careful verification. There are to be found today many kind-hearted, though utterly naive prison executives who advocate flower-gardens, orchestras, football clubs, Sunday excursions, self-government, etc., as methods of penal treatment. No doubt that all such otherwise admirable institutions are bound to give considerable pleasure to the inmates and why begrudge them this pleasure which cannot but mitigate the penalty of confinement? Only few among the experienced prison executives (in the broadest meaning of this term), however, will concede any corrective value to such measures, when applied to thoughtful adult men who have entered upon a career of crime. The aforesaid kind-hearted measures are for the most part the result of a naive notion that the criminal is a poor human being gone astray who is reaching out for a helping hand. This is but rarely the case.

Should in this connection a less experienced person object on the ground that the above contention lacked proof, then as a matter of fact a proof positive could not be adduced. Results of general life

experience and of experience along specific professional lines can be but seldom reduced to mathematically correct figures. Research work therefore will not be spared the necessity of applying to inmates of penal institutions a method which was productive of ample results in psychiatry, the method of follow-up study. Only after having followed the subsequent destinies of 100 released convicts of the highest grade for 10 years after their release may we be able to form a clear picture of their character and of the influence modern penal treatment has had on them.

One method of research work has not as yet been mentioned, although it has already produced some results (Walter Luz) and should in fact be more extensively used, to wit: the collection of copies of letters, diaries, essays, etc., written by criminals. A good deal of informative material on child psychology has been gleaned from diaries, etc., and criminology should avail itself of this material, although the experiment made by Hans Prinzhorn with art products (drawing, modelling, etc.) of prison inmates has failed to yield adequate results. Great caution, however, should be exercised in using the "confessions" made by prison inmates as a good many of such writings have a marked political tendency or else are sensational.

It would be highly desirable if an Institute for the study of criminals (Research Institute of Criminal Psychology) were affiliated with one of the larger German universities so as to afford a possibility for systematic research work; unhampered by political considerations, on the sundry problems discussed in this article and on the many related problems. No excessively large outlay in money or facilities would be required. Seven rooms, let us say, would afford sufficient space for a director, a scientific assistant and three technical assistants. No outward elaborate, American appearance would be at all necessary. Such an institute of criminal psychology could very well be combined with an institute of police technique (*Kriminaltechnik*) into a large criminological institute, a laboratory for crime research. However, police technique and criminal psychology should be treated as separate branches of research work, each under a research specialist as director.

By being affiliated with a large university an institute of this kind would offer an additional advantage by enabling the various scientists to consult the proper professional specialists on many questions falling into the border zones of criminology. A research institute of this type would not only permit us to hope for an abundant yield in theoretical knowledge, but it would also furnish highly instructive material for practical crime repression.