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PHYLOBIOLOGICAL ASPECTS OF FORENSIC PSYCHIATRY¹

HANS SYZ²

I.

Forensic psychiatry has to do with the effort to investigate illegal or criminal behavior from a medical or biological point of view. This phase of psychiatry deals with the individual who is in conflict with the moral codes set up by society—the individual who is not necessarily mentally deranged in the accepted sense but who deviates from socially approved behavior. It attempts especially to trace the relation between criminal or antisocial conduct and the disorganization of behavior observed in insane or neurotic manifestations. On the basis of such investigations it is the aim of forensic psychiatry to offer advice regarding the treatment and legal management of criminality.

Some investigators in this field admit that the existing approaches to and regulations of criminal conduct have so far yielded only inadequate results. R. C. Cabot in his foreword to Sheldon and Eleanor Glueck's study of "Five Hundred Criminal Careers" (1) says that "Psychiatry and psychology have given thus far few if any clues of proved usefulness in the treatment of crime" and that "The book merely brings to light in the experience of one institution the general bankruptcy of our remedies for crime." A similar pessimistic note has been sounded by the Gluecks themselves when they state in the conclusion of their study of one thousand juvenile delinquents published in 1934, (2) that neither psychiatrists nor sociologists have as yet built up a science of criminology. They write: "The major conclusion is inescapable that the treatment carried out by clinic, court and associated community facilities had very little effect in preventing recidivism." However, other investigators (for instance Cyril Burt (3), and also Healy and Bronner (4)), report that a well organized treatment of delinquents, especially of juvenile cases, yields more positive results.

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Figures in parenthesis refer to the bibliography at the end of the article.

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During the last 25 years much work has been done also by other investigators from a psychiatric background toward describing the interplay of personality trends and social factors which lead to a criminal career (H. Adler (5), Branham (6), B. Glueck (7), Healy (8), Karpman (9), Ploscowe (10), White (11)). While statistics have shown that there is more delinquency in the socially and economically less favored classes, it has become necessary to circumscribe more specifically the nature of the causative factors. The view held by Lombroso (12) and the older criminologists that the inherited constitution determines the criminal propensities of a personality is no longer accepted, though recent studies of Lange (13) and of Rosanoff (14) on identical twins support the contention that constitutional factors are—at least indirectly—of some importance. Regarding the relation of crime to psychopathological reaction-pictures Sutherland states (15) that “feble-mindedness has proved relatively unimportant as a general factor” in the etiology of crime, and Thompson (16) concludes from a recent review of prisoners examined at the Court of General Sessions (New York) that, on the basis of stricter classification, “psychosis, mental defect, and psychopathic personality account for only a small percentage of the crimes committed.”

Certain investigators have placed the emphasis on unfavorable environmental influences which they have pointed out in family, playgroup, neighborhood, school (Haynes (17), Sullenger (18)). In his report for the National Commission on Law Observance and Enforcement Anderson (19) discusses from a historical point of view the principles and structures of the American social and political organizations which tend to promote criminal behavior. He states that “. . . these criminal acts or conditions are symptoms of more fundamental conditions of personal or social deficiency or unbalance which, unless corrected, have led in the past and may lead in the future to far-reaching and disastrous consequences.”

In recent years there have been attempts to determine also from a psychoanalytic point of view the personality development that leads to criminal activity (Aichhorn (20), Alexander and Staub (21)). In many cases there appears to be a close relation to mechanisms described in neuroses and in psychopathic personalities, such as repression, instinctual frustration, hostility, anxiety and symptom formation. The criminal act may often be considered, like the neurotic symptom, as resulting from conflicting and poorly developed personality tendencies, as an expression of rebellion or

dependence, or as the equivalent of a neurotic compromise formation (over-compensation, substitute for sexual wish, self-punishment). However, as Alexander and Healy (22) say, very complex phenomena seem to be at work—a combination of hereditary characteristics, early acquired reactive tendencies, family influences and influences from the broader social and cultural environment. According to Healy and Bronner's (4) recent statement most outstanding among the various factors is a condition of emotional disturbance in delinquent individuals which is characterized by a frustration of fundamental urges and interests. As external conditioning factors of this frustration one usually finds unfavorable attitudes in the family group, such as overprotection, hostility and similar antisocial trends.

There are presuppositions in these formulations regarding the nature of instinct and of man as a member of society which are not as self-evident as is often believed, nor are they based on obvious "facts." It is necessary, therefore, to reconsider certain basic criteria that now govern our procedure and concepts if we are to arrive at a comprehensive approach to the problem of antisocial behavior.

II.

Crime is closely linked with opinions on morals; it is tied up within a vast social system of moral and religious tradition, of ancient magical rites and superstitious fantasies—a system of beliefs and emotional constellations that is still powerful in our present-day society. In some of its phases this conventional orientation is embodied in each individual in his conviction of sin, of punishment and redemption. But it is also present in the very research endeavors with which we approach behavior disorders. Though we begin to be interested in the historical background of the affect-responses that have to do with crime, we ourselves as a community are naturally weighted down by this traditional heritage which makes it difficult for us to arrive at a more objective procedure. As far as the management of crime and the legal instruments involved are concerned it may be said that they have remained as yet almost entirely untouched by the more scientific, biological view-point.

In face of these difficulties I should like to speak of the approach to the problem of criminality as it suggests itself to me from the basis of Dr. Burrow's (23) experimental observations on human

behavior reactions as they express themselves in social groups. These investigations are carried on by The Lifwynn Foundation. Our orientation from this background means a shift in our accustomed methods. It means investigating the common factors that make for coördination as well as for disorganization both in the individual and in the larger social setting. In spite of the great complexity of conditions that appear to be at work in antisocial behavior it is naturally the aim of scientific research to uncover fundamental issues, to determine, if possible, a common denominator to which the variety of manifestations can be related. While we rightly distrust an over-simplification of things, nevertheless, as Whitehead said, it remains "the aim of science to seek the simplest explanation of complex facts" (24). As in other branches of science such an elucidation of basic issues likewise promises in the field of human behavior the most practical and far-reaching results.

Perhaps I may first indicate in a general way how personal bias, often expressive of socially accepted trends and prejudices, is apt to influence scientific formulations. For a long time, for instance, there has existed in biology an antagonism between mechanistic and vitalistic concepts. In a recent survey R. H. Wheeler (25) has shown how these two theories of biological function have since the thirteenth century alternately dominated the trend of scientific thinking. During the last twenty or thirty years Ràdl (26), Schaxel (27), Bertalanffy (28), Woodger (29) and others have subjected the concepts employed in biological research to a critical analysis. It became evident that there was an emotional, religionistic element in the mechanistic as well as in the vitalistic formulation and that this emotional attitude made for vehement argument and self-assertion on both sides. At present we have in the organismic point of view (which is becoming increasingly important in the different branches of science) a conceptual tool that permits a more adequate comprehension of the phenomena under observation and an investigation without the intrusion of extraneous and emotional factors.

As another example I may mention Darwin's concept of the survival of the fittest which, as the fight of all against all, has often found a too superficial interpretation in the mind of scientist and laity. Recent investigations have afforded additional evidence that the principle of coöperation has also a definitely biological basis. In his careful studies on animal aggregations Allee (30) has found that even in lower organisms there are various forms of association

and of social integration, not necessarily linked to sexual activities. He says that "Evidently mutual interdependence, or automatic coöperation, is sufficiently widespread among the animal kingdom to warrant the conclusion that it ranks as one of the fundamental qualities of animal protoplasm, and probably of protoplasm in general." Or as Wheeler (31) has said: "Living beings not only struggle and compete with one another for food, mates and safety, but they also work together to insure to one another these same indispensable conditions for development and survival." From phylobiological investigations (32) it becomes increasingly evident that the over-emphasis on the competitive, self-defensive principle as embodied in the theory of evolution was largely a reflection, and at the same time an unconscious justification, of socially dominant trends. It represented an unconscious glorification of the competitive and self-defensive attitude of the scientist himself and of the social group in which he is living.

If we review basic concepts regarding human behavior, we find similar emotionally conditioned factors where we supposed we were dealing with securely established and fundamental issues. As a result of his experimental work within groups Burrow has consistently called attention to this personal or subjective source of error that distorts the prevailing approach to behavior disorders (33). He finds that this inadvertence underlies the current theory, expressed or implied for instance in the view that the human being is basically egotistical (narcistic), aggressive, hostile to others—trends which are supposed to be linked to the sexual impulse and which have been formulated in terms of instinctive dispositions. In psychoanalytic terms, it is the "death instinct" which is supposed to form the basis of these aggressive-destructive and self-destructive tendencies (Federn (34), Jelliffe (35)). Though widespread as these views may be, they call for reëxamination. The fact that actual behavior in civilized social groups gives ample evidence of antisocial, criminal trends does not permit us, at the present state of our inquiry, to draw these sweeping conclusions regarding basic action patterns. The question arises, in how far do such concepts as the aggressive and destructive instinct express the wish and prejudice of the investigator, in how far do they represent self-excuse and self-justification rather than (as is usually assumed) an objective deduction from the material investigated. As Burrow has emphasized, due to the "fallacies of the senses" (36), we can see many "facts" regarding human behavior only as through a veil, that is, in a personally biased interpretation.

It may be said that quite generally we tend to read into biological processes the behavior mechanisms which we have come to know only from our own self-conscious, civilized modes of adaptation and from this we try to deduct further conclusions regarding human conduct. A closer analysis would show this unsuspected vicious circle in many of our current concepts, in those for instance referring to the pleasure and reality principle, to socialization, to sublimation and others.

III.

In a positive way some of the characteristics of the procedure suggested by Burrow's phylobiological investigations (37) and its application to the problem of delinquent behavior may be stated as follows: The individual is comprehended as an inherent element of the social and racial structure; individual and society are seen together as parts of one total constellation. The behavior manifestations of the individual are understood as expressions of a dynamically structural whole. This comprehensive social matrix includes not only the criminal or patient but the larger social environment *and with it the observer or physician himself*. The continuity and interdependence throughout this generic constellation is active in any immediate observational situation. From this altered frame of reference (38) investigations in group or phylobiological settings make evident that antisocial (aggressive, destructive) trends exist throughout this entire socio-individual constellation. The specific expressions of these antisocial trends are of minor importance from the point of view of the underlying dynamics. It is unimportant whether we have to deal with substitutive neurotic symptom-formations, with open delinquency or with the often disguised and socially accepted misdemeanors of normal conduct (39).

From this phylobiological basis the customary contrast between the behavior of the egotistical individual and that of an assumably coöperative society loses its pertinency; and the concepts based upon such a contrast (repression, normality, maturity, and others) require reconsideration. The customary differentiation between normal behavior—which means also one's own behavior—and the insufficiently socialized adaptation expressed in crime and neurosis is no longer to the point (40). There is evidence of aggressive-competitive action-patterns in socially conditioned behavior throughout and this social conditioning is traceable also in the observer's own activities, not excepting his scientific endeavors and concepts.

According to Burrow's experimental work with the fundamentals of this interconnecting constellation, observation of it has no meaning if the observer does not include himself in the material observed. I realize that this is a new and vexing position; that it leads to an unwelcome revision of established values. But in failing to include ourselves in this bio-social inquiry we artificially keep apart what really belongs together. Traditional atomistic thinking, the singling out of a great variety of behavior expressions and symptoms, the distinctiveness of the verbal labels which we attach to these symptoms, our own proprietary isolation as personal units—these are some of the factors which impede a ready recognition of the common structure and causes that underlie the diversity of antisocial manifestations. As experimentation shows, we may believe that we have mastered the difficulties of this scientific re-orientation towards behavior problems, when sudden inconsistencies and self-contradictions show that on the contrary we do our utmost to evade them (41). However, in the measure in which we realize the antisocial and autocratic attitude which too often motivates our own behavior, we will be able to appreciate the true significance and interrelation of those expressions we designate in others as self-assertion and arrogance, as dislike and resentment, aggression and hostility, negativism, sadism and overt criminal actions. Furthermore we will also be able to fit into the total picture those manifestations of egocentric, antisocial trends which are disguised in outwardly more acceptable forms of social accord, of mutual dependence and agreement.

Recently certain sociologists have begun to realize, at least theoretically, the importance of this total situation that comprises society and the individual, and to recognize the basic shift of background that is implied in such an outlook. They begin to speak of a sick society, of "our schizoid culture" (Bain) (42), or of "society as the patient" (Frank) (43) and are thus giving a partial restatement of the position which years ago was taken by Burrow from a psychiatric-medical point of view (44). But these writers leave out of account the circumstance which comes more closely home, namely, the observer's own involvement in the condition observed. As a next step we shall have to recognize, however, as we have recognized in modern physics, that also in modern behavioristics (psychiatry and criminology) there are errors due to the instrument used in the observation.

IV.

This self-inclusive factor with its consequent revision of our research procedure permits us to arrive at a quite fresh evaluation of the problem of criminality. It is generally agreed that aggressive, antisocial attitudes are of importance not only in delinquent behavior but also in the genesis of psychopathological developments. The internal structure of neurotic conditions is found to be closely interrelated with the internal structure of crime. But there is the need now to reckon seriously with the observation that aggressive tendencies occur everywhere throughout the configuration of our social interchange. This is not a pessimistic point of view but merely an attempt to see things as they are. It may be annoying and seem over-meticulous to include in the consideration of delinquent behavior the minor items of hostility or antagonism which are continuously expressed in one's own group, in one's own behavior-tendencies, in one's sarcastic or self-defensive attitude, in one's petty negligences or self-centered emotional pleasures, in the innumerable forms of mutual disregard which are disguised under the form of thoughtfulness and social consideration. But as scientists we may not falter at a consistent course because it is personally unacceptable. We must realize that the inclusion of this further phase, namely, oneself, alters the frame of evaluation and leads to an altered understanding of human reaction-tendencies generally. From this inclusive background it will be found that in criminality we are confronted with a basic social problem and not with episodic phenomena that occur in some people about us and whose sensational features offer interesting material for case description.

To speak of aggressive trends, however, as "just human nature," as an instinctive action-tendency or as a reaction to frustration and to other repressive influences—this does not cover the ground. From a phybiological point of view we have to consider an additional factor that determines these behavior patterns and the inclusion of which permits a more unitary treatment of the problem. Viewed from this expanded frame of reference implicit in Burrow's experimentation with internally observable patterns of adjustment, it has been shown that the additional factor which brings about destructive trends has to do with man's symbolic development (46). The disorders of function expressed in crime and in neurotic disharmonies relate to an organismic imbalance that is bound up with the undue or misplaced rôle

which the symbol or image has come to play in man's internal economy. The peculiarly rigid and pictorial qualities of the symbol, and the spurious attachment of organismic feeling-processes to it, has tended to bring about an imbalance that is manifested in the joint constellation of individual and society, a disequilibrium which may be characterized as an over-emphasis or insubordinate assertion of part patterns in relation to the organism as a whole. This intra-organismic process finds its expression in our social interchange throughout. There is, throughout, a sort of decentration, a transposition of motive and impulse into the social-symbolic sphere. There is on the part of each individual an automatic effort to secure his own separate balance with reference to his symbolically circumscribed self-image—a self-image that is experienced in opposition to other symbolically circumscribed individual entities. Self-defensive and aggressive impulses are among the ensuing reaction patterns. These reactions represent an effort to keep up a balance that is essentially unstable, not securely centered and that is in need of constant emotional social-symbolic support. It is interesting to observe in group-settings—be they experimental, exploratory or therapeutic—how these self-assertive, hostile or antisocial constellations in one individual are touched off, activated, and reënforced by the signs of essentially identical manifestations on the part of other participants (47).

In order, however, to appreciate the rôle of the symbolic interference and the genesis of destructive tendencies related to it we have to view these problems, as Burrow has emphasized all along, from the basis of the organism as a whole—not as a theory but as a practical internal bio-physical adjustment. The total function of organismic structure and the relation and subordination of the part to the whole, has found much corroboration in recent researches of biologists and physiologists. For instance, Muller (48) and other geneticists have pointed out that the gene embodies most unique properties in what is called auto-attraction and auto-synthesis—properties which assure the maintenance and growth of specific protoplasmic patterns. Spemann's (49) experiments on the organizing function of transplanted embryo-tissues, Coghill's (50) emphasis on the total integration in development and behavior, Lillie's (51) studies of cellular function as a complexly balanced process, Child's (52) observations on interrelated functional gradients, the work on physiological integration by Cannon (53), Hess (54), Jordan (55) and others—these basic investigations have estab-

lished specific principles of organismic coordination. As mentioned before, the work of Allee (56) and of other students of animal aggregations, to mention only Espinas (57), Kropotkin (58), Deegener (59), Alverdes (60) and Wheeler (61), suggests that the tendency to coordinative inter-relationships is a fundamental quality throughout the varieties of animal species. These organismic principles have their definite application to human behavior; they require to be given thoughtful consideration if we are to arrive at a consistent evaluation of the phenomenon of individual and social disorganization. It is essential, however, not to confuse the organism's biological, non-conscious basis of coordination with the self-conscious and secondarily imposed social patterns in which we are living. Our moralistically socialized conduct, with its premium on the right or good appearance, represents a situation that is very different from, in fact contradictory to, the deeper motivation of organismic action. Burrow has emphasized this fundamental distinction, and his experimental investigations into internal adaptive patterns have established a means of differentiating between the distortions of our social-symbolic adaptation and the basic adjustments of the total organism. There are indications that internal measures of rehabilitation may be developed and applied which will bring the organism's social level of behavior in alignment with its basic organismic laws.

It is important to keep in mind that this formulation is not the outcome of philosophical deductions and generalizations. It is the result of continued work with the action tendencies that occur within one's own organism as part of a socially interreactive structure. The specific misapplication of the symbolic function to which I refer is a condition that has not yet been taken up generally by students of behavior as a problem for investigation. But the evidences of experimentation thus far assembled indicate that we have to deal here with a developmental phase or miscarriage which is modifiable and not final. I may add that in my own experience the application of this principle to the delinquent trends in problem children has led to interesting modifications of mood and behavior which tend to corroborate the above mentioned formulations.

On the basis of the foregoing considerations, then, criminal or delinquent manifestations are understood as symptomatic expressions of an action tendency that extends throughout the behavior structure of the community. The observer or investigator is part of this behavior structure whose antisocial tendencies influence even

the scientific observations and concepts of the observer himself. On the basis of phybiological investigations, these disorganizing action trends are found to be related to a common denominator in internal adaptive patterns, to a misapplication of the symbolic capacity in man's biological economy. The resulting disequilibrium and the effort at a purely compensatory re-balance, internally and in one's social relationships, find expression in aggressive and antisocial phenomena. Many of the diverse factors in delinquent personalities and in criminal deeds, as well as conditioning social and cultural influences, can be comprehended in relation to this central disorder. Accordingly, a more intensive study of the internal reaction patterns involved in human behavior generally appears as a prerequisite for a fuller understanding and more practical management of criminality.

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