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Fritz Schmidl

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PSYCHOLOGICAL AND PSYCHIATRIC CONCEPTS IN CRIMINOLOGY

Fritz Schmidl

Criminology needs the help of psychology and psychiatry. Up to now psychological and psychiatric explanations of delinquency have been unsatisfactory. Suggestions are made for research on personality of the delinquent and on the development of psychological concepts in criminology.

The author, DR. JURIS, University of Vienna; M.S., New York School of Social Work, Columbia University; fellow, Rorschach Institute, works with the Community Service Society of New York, and is doing graduate work at Columbia University, specializing in research on personality of delinquents.—EDITOR.

Problems of Method in Criminology

Criminology is a young science and its position among the other social sciences has not yet been determined exactly. Since criminology deals with human behavior it is either a part of sociology or closely related to it. Most modern criminologists have a mainly sociological background. In colleges and universities, criminology is taught as a specific subject within the framework of sociology. However, there is hardly any textbook on criminology or any more or less comprehensive book on its subject that lacks some references to psychology and psychiatry. This can be shown in a few examples from the criminological literature: From Sutherland's definition of criminology as "the body of knowledge regarding crime as a social phenomenon"¹ we may doubt whether he holds that criminology has its psychological aspects. But, as we follow the development of what Sutherland calls "a theory of criminal behavior,"² we learn that "systematic criminal behavior is determined in a process of association with those who commit crimes," a process which obviously cannot be understood without the use of psychological and, in some instances, psychiatric methods. According to Michael and Adler,³ "criminology is a subject matter dependent upon the subject matters of psychology and sociology."⁴ They deny the possibility of "empirical scientific research in criminology" at this point because the "subject matters of psychology and sociology have not yet been developed as empirical sciences."⁵ Sellin has shown that the criticism by Michael and Adler upon the scientific value of present criminology is based on wrong logical and methodological premises.⁶ His reply to them, however, is not directed

¹ Edwin H. Sutherland: *Principles of Criminology*, J. B. Lippincott Company, New York, 1939.

² l. c., pp. 4-9.

³ Jerome Michael and Mortimer J. Adler: *Crime, Law, and Social Science*, Harcourt, Brace and Company, New York, 1933.

⁴ l. c., p. 77.

⁵ l. c., pp. 390 and 391.

⁶ Thorsten Sellin: *Culture Conflict and Crime*, Social Science Research Council, New York, 1938, pp. 4-21.

against these authors' opinions about the dependence of criminology on sociology and psychology. Sellin, in his "sociological approach to the study of crime causation"⁷ goes beyond the study of group behavior, stresses the fact that cultural ideas "embodied in the mind become personality elements"⁸ and demands a careful study of "personality types."⁹ Doing so, he recognizes that causation of crime cannot be understood without exploring the personality of those who become criminal.

The question arises as to what methods the criminologist will have to use. Will it be a requirement for the criminologist to study psychology and psychiatry? Or will it suffice to use the psychologist or psychiatrist as experts? If so, when will we have to consult them and how far has their opinion to be embodied in criminology proper?

It frequently occurs that one science has to draw on information from another. We speak of "auxiliary disciplines." Often the relation of sciences to each other changes as they develop. "Physical chemistry," e.g., is a science which includes elements from both original disciplines, physics and chemistry, but has a theory of its own. The cooperation of two or more sciences creates specific problems.

The criminologist needs the help of the psychologist and the psychiatrist, but he will not be satisfied unless psychologist and psychiatrist focus their interest on the specific problems in which the criminologist is interested. At the present stage of the development of criminology and the related sciences of psychology and psychiatry, the cooperation of these disciplines is not satisfactory. Psychologists and psychiatrists have failed to arrive at general and reliable statements about crime and criminals because some of the specific problems involved have escaped their attention. Criminologists have made disputable statements on the psychological causation of crime because of insufficient familiarity with psychology and psychiatry.

Criminology and Psychology

There had been little contact between criminological thinking and psychology until psychologists started to deal with the computation of "mental age" and of the I.Q. of delinquents and criminals. A number of psychologists applied their new and not yet sufficiently founded theories to the population of prisons and reformatories and thought that, with the discovery of a high correlation between feeble-mindedness and criminality, they had found the key for the definite solution of the problem of crime causation. The main error of these students of crime was made in the psychological field. Their criteria

⁷ See the second chapter of *Culture Conflict and Crime*.

⁸ l. c., p. 25.

⁹ l. c., p. 41.

of "normal intelligence" were arbitrary because they were not based upon examination of a fair sample of the population.

The assumption that low intelligence was the main cause for crime has proven untenable. A number of investigations have shown that the correlation between feeble-mindedness and crime is so low that no significant inferences can be drawn. Considering the effort which has been put into collecting evidence for the assumption that criminality is mainly due to low mentality, we recognize one of the ideas which frequently has led students of crime astray. The law-abiding person, whether he be a social scientist or not, has had a desire to prove that the criminal is "abnormal" in one way or another. There has been a general, probably unconscious fear to realize that the criminal is as much a human being as the righteous citizen. Hence, the tendency to dissect his brain, to measure his bones as well as his intelligence, rather than to try to find out just what kind of person he is.

During the last ten or fifteen years a number of psychologists have freed themselves of the traditional limitations of their science, have learned from the results of modern psychiatry, particularly from psychoanalysis, and have developed a dynamic point of view. Their main object of study is the human personality in its totality. Up to now none of these psychologists has dealt with the problem of crime or the personality of the criminal in any comprehensive way. However, criminology can hope to receive great help from these studies in the future.¹⁰

Criminology and Psychiatry

Psychiatry has shown more interest in the problem of crime than has psychology. This state of affairs can be understood when we remember that psychiatrists as experts have been determining the criminal responsibility of a defendant. Psychiatry's theoretical interest in crime has been stimulated through the problems of the psychiatric court expert.

In their work on problems of delinquency and crime, psychiatrists have encountered two main difficulties:

First: Being physicians, psychiatrists have been accustomed to helping "patients," i.e., "sufferers." The delinquent or criminal may be put to suffering once he is apprehended and punished; he may show symptoms of suffering when he is prevented from continuing his asocial activities. Some of the so-called prison neuroses and psychoses are probably due to this particular deprivation. But the criminal undisturbed in his

¹⁰ For information on these theories and for bibliography, see O. H. Mowrer and Clyde Kluckhohn: *Dynamic Theory of Personality*, Chapter 3 of *Personality and the Behavior Disorders*, edited by J. McV. Hunt. Ronald Press Company, New York, 1944.

activities is not suffering and even when he is made to suffer through punishment he is not a patient in the sense of medical art and science.

Second: The psychiatrist has been called upon in order to decide whether a person was "guilty," i.e., whether he could be made responsible for his acts. This is not a question of fact, but one of values. Although, according to formal law, the psychiatric expert has to give a statement of a fact, i.e., the responsibility of the subject, actually his opinion determines to a great extent whether or not the defendant should be punished. The court psychiatrist has become involved in the most difficult problems of the philosophy of punishment. This is a field for which he has neither been trained, nor has been able to collect much experience outside of his court work.

The creation of the notion of "moral insanity" by the English psychiatrist Prichard, in 1835, and the ensuing disputes on the validity of this theory show the struggle of psychiatrists with problems which, to a great extent, are beyond the scope of medical science. Frequently the ethical postulate of psychiatrists, that under certain conditions a defendant should not be punished, has taken the shape of the apparently objective statement that the subject was suffering from a mental condition which made him unable to be responsible for his acts. Actually, science cannot decide what society should do with a subject who commits antisocial acts. To declare that somebody is responsible or guilty is tantamount to the statement that, according to certain legal rules and values, he should be punished.¹¹

As one began to deal with crime as a more or less independent field of exploration, psychiatrists turned from the discussion of specific problems such as that of moral insanity to the general problems of the psychological meaning of crime and to the problem of classification of delinquent and criminal personalities.

Psychiatrists have not attempted to approach the problem of crime as Lombroso did, i.e., by exploring one type of personality called the "born criminal." However, there have been general theories on crime based upon psychiatric concepts. One of these theories has been developed by the psychoanalytic school. While Freud never dealt with the problem of crime in any comprehensive way, he stimulated criminological thinking along psychoanalytic lines through a small paper on "Crim-

¹¹ Felix Kaufmann, in *Die Philosophischen Grundprobleme der Lehre von der Strafrechtsschuld*, Leipzig and Vienna, 1929, has shown that there cannot be any objective scientific concept of "responsibility" and "guilt" and that social values are frequently concealed behind seemingly "objective" and "scientific" propositions.

inality from a Sense of Guilt."¹² Freud started from the observation that patients in psychoanalysis often told him about thefts, frauds, and other delinquent acts which they had committed in childhood. Most of these patients had become good citizens in their later life. In the analysis of these incidents of delinquency Freud discovered that a sense of guilt was present prior to the transgressions of the law and that the delinquent acts had been committed in order to provoke punishment. Consciously the punishment followed a delinquent act, but unconsciously, it was related to a much deeper-seated feeling of guilt, which had developed from the Oedipus situation. Freud raised the question as to "whether it is probable that this kind of causation plays a considerable part in the transgressions of mankind." He did not answer this question, but said that "it lies outside the scope of psychoanalytic work." Several of Freud's followers have written on the problem of crime, using Freud's article as a point of departure. Theodor Reik¹³ has used the new insight into the dynamics of guilt and punishment in order to explain several psychological phenomena, among them two which are related to criminology: He has given an explanation for the fact that many delinquents and criminals, at some point, betray themselves, and act in such a way that the authorities could detect their crimes. He has also shed some light upon the psychology of punishment. According to him, "punishment serves as an agent of the unconscious desire to be punished, which led the subject to his delinquent acts."¹⁴ Alexander and Staub¹⁵ went beyond Reik in their application of the psychoanalytic theory on the problem of crime. They suggested that psychoanalytic exploration may show that there are neurotic roots for the criminal behavior of many delinquents. Aichhorn, who treated only juvenile delinquency, made an important distinction between neurotic and not neurotic juvenile delinquents.¹⁶

There can hardly be any doubt about the fact that the findings of the psychoanalytic school on delinquency, crime and punishment have deepened the understanding of the psychological processes involved. However, from the point of view of criminology as a science, some objections have to be raised. Crime is a legal and sociological phenomenon. The criminal is the person who violates the law. Do we have any right to

¹² Sigmund Freud: *Collected Papers*, English Translation, Vol. IV, pp. 342-344.

¹³ Theodor Reik: *Gestaendniszwang und Strafbeduerfnis, Probleme der Psychoanalyse und der Kriminologie*, Int. Psychoanalytischer Verlag, Leipzig, Vienna and Zuerich, 1925.

¹⁴ l. c., p. 151. (Translated by the author of this paper.)

¹⁵ Franz Alexander and Hugo Staub: *The Criminal, the Judge and the Public*, English translation, New York, 1931.

¹⁶ August Aichhorn: *Wayward Youth*, The Viking Press, New York, 1939.

assume that "delinquents" are a psychological type also? Or can we expect that personalities of the most diverse kind may become delinquents under certain conditions? Is there any evidence for the hypothesis that most or all criminals may be neurotic? Freud has not given a definite answer to these problems.

Psychiatric attempts at a classification of delinquent and criminal personalities have not been more successful than the general theories. The concept of the "psychopathic personality" has been the crux of the psychiatric attempts at classification. Sutherland, as well as Tannenbaum, has mentioned statistical figures which show clearly how non-specific is the diagnosis of psychopathic personality.^{17, 18} Since it cannot very well be assumed that, e.g., the population of a reformatory in Illinois is completely different from a sample of offenders handled at the Court of General Sessions in New York City (82.3% "normal" here, 99.5% "mentally pathological" and 88.3% "psychopathic personalities" there), it appears that the diagnosis "psychopathic personality" is unreliable. Bleuler¹⁹ has pointed out that the concept of psychopathy "involves only artificially differentiated pictures, and that next to these pictures and between them there exists in reality an infinite shading of variations, transitions, and combinations." When we follow the differences in psychiatric classifications of delinquents and criminals in various statistics, it is interesting to note that there are comparatively small differences in the percentages of subjects classified as psychotic, neurotic, or organically ill respectively, and that the appalling difference exists between the percentages of the so-called "normal" and the so-called "psychopaths." The explanation for this phenomenon is rather easily found. Psychiatrists do have adequate conceptions of psychosis, neurosis, and of the organic brain diseases. But they have not yet developed any satisfactory classification of those personalities who do not fall into these categories. If some of these show deviations from socially acceptable behavior such as delinquency, some of the psychiatrists call them "normal," i.e., hold that these deviations have to be explained in other than psychiatric terms, whereas other psychiatrists label them "psychopathic personalities." In most instances, the diagnosis "psychopathic personality" for a delinquent or criminal adds nothing to our understanding of these subjects nor does it give much help for treatment.

The concept of "psychopathic personality," compared with

¹⁷ Sutherland, 1. c., pp. 109-111.

¹⁸ Frank Tannenbaum: *Crime and the Community*, Ginn & Co., Boston, New York, etc., 1938, pp. 210-216.

¹⁹ Eugen Bleuler: *Textbook of Psychiatry*, The MacMillan Company, New York, 1944, p. 569.

those of neurosis, psychosis or organic brain disease, is too vague. In this it resembles medical concepts at an early stage of the development of medical science. Before doctors knew about the etiology of tuberculosis, they operated with the concept of "consumption." The precise concept "tuberculosis" had not been developed until, with the discovery of the bacillus which causes the disease, the etiology of the main forms of "consumption" has been found. We expect that, with added knowledge of the personalities of delinquents and their development, the concept "psychopathic personality" will be replaced by one or several more exact concepts.

The Psychological Thinking of the Sociologist

We suggested that psychology and psychiatry have given some valuable help to criminology but, as yet, have failed to explore the field of the psychological understanding of the delinquent in a comprehensive manner. A number of sociologists and sociological criminologists have tried to make the psychological study of the delinquent personality a part of their own work.

Some criminologists, such as Sutherland, handle psychological facts implicit in their treatment of sociological phenomena.²⁰ Others are more keenly aware of the psychological character of criminological problems, but are prone to use a sort of common sense psychology instead of taking advantage of the refined methods which modern psychology and psychiatry offer. The outstanding studies of delinquent behavior made by Clifford Shaw and his collaborators²¹ are representative of this latter approach.

Shaw goes beyond a sociological exploration into problems of the psychology of the individual delinquent, even into the problem of unconscious motivation. In a chapter on the "value of the delinquent boy's own story," for instance, Shaw mentions that the boy's "own story" is a "device for ascertaining the personal attitudes, feelings, and interests of the child." He says that "rationalizations, fabrications, exaggerations are quite as valuable as objective descriptions, provided, of course, that these reactions be properly identified and classified."²² When Shaw points out that "any specific act of the individual

²⁰ What Sutherland calls "a process of association with those who commit crimes" (*Principles of Sociology*, p. 4) is certainly a very intricate psychological phenomenon. The word "association" indicates only the framework within which a number of subtle processes of identification, imitation, etc., take place.

²¹ Clifford R. Shaw: *The Jack-roller*, University of Chicago Press, Chicago, 1930.

Clifford R. Shaw: *The Natural History of a Delinquent Career*, University of Chicago Press, Chicago, 1931.

Clifford R. Shaw and others: *Brothers in Crime*, University of Chicago Press, Chicago, 1938.

²² *The Jack-roller*, pp. 3-4.

becomes comprehensible only in the light of its relation to the sequence of past experiences in the life of the individual,"²³ this implies that the author has adopted a developmental point of view in exploring personality. Shaw stresses the fact that "life history data have theoretical as well as therapeutic value."²⁴ Obviously, he refers to the cathartic effect the writing of an autobiography may exert on a person. In the discussion of Sidney's case in the *Natural History of a Delinquent Career*, Shaw's collaborator, Prof. E. W. Burgess, even promotes a new category of personality (the "precocious personality"),²⁵ in this way entering the fields of psychology and psychiatry.

As far as information and material are concerned, the reader can receive more light on the psychology of the delinquent from one single book of Clifford Shaw than from a score of textbooks on psychology and psychiatry. However, Shaw's method and results can be accepted only with certain reservations. Though autobiographies render valuable material, from a psychological point of view, certain pitfalls are to be considered: An autobiography is always a document heavily influenced by the author's image of himself. It is true that, as Clifford Shaw points out, collateral, more objective material may be used in order to separate truth from fantasy, invention and rationalization. But it is most difficult to use these controls against the dangers of succumbing to a presentation based upon an individual's intensive desire to show himself in a certain light. The autobiographical method, furthermore, offers a premium for the subject's sophistication. It must be assumed that the intelligent person will be able to build up an impressive story of his life and his motivations.

One of the main difficulties is that of fully understanding what happens in the relationship of the person who studies a delinquent, and his subject. Modern dynamic psychology has learned to understand the phenomenon of transference and its impact upon everything a subject in a therapeutic relationship says or does. There cannot be any doubt about the fact that there has been transference in the relationship between Shaw and his subjects.

The way in which Shaw accounts for the improvement of Stanley (*The Jack-roller*) shows the difficulty of a sociological interpretation of such an intricate psychological phenomenon. In giving a "summary of case and social treatment"²⁶ Shaw emphasizes at great length the significance of Stanley's removal to an area of little delinquency although we learn that Stanley frequently returned to his old neighborhood. But

²³ l. c., p. 13.

²⁴ l. c., p. 19.

²⁵ *Natural History of a Delinquent Career*, p. 245.

²⁶ *The Jack-roller*, pp. 164-183.

Shaw says very little about his own work with the boy. Anybody with experience in psycho-therapeutic treatment will probably realize that Stanley's cure was to a great extent an effect of Mr. Shaw's treatment and that the removal from the delinquency area was only a relatively minor concomitant. In this point, the sociologist Shaw seems to have been not quite fair to the therapist Shaw. For the sake of the delinquency area theory he has failed to realize, or at least point out, what outstanding therapy he had performed.

It would be a most interesting task for a future, more refined technique of psychological and psychiatric exploration of delinquent personalities to re-examine and re-evaluate the cases of Stanley (*The Juck-roller*) and Sidney (*Natural History of a Delinquent Career*). Some features are striking: Stanley, who time and again, denies his own part in his delinquencies and projects all blame upon "Fate," the step-mother, etc., is able to stop his delinquent career at the age of 18. His longest prison term is one year. Sidney, who accused himself of being "a sore on the face of the earth"²⁷ was committed to a penal institution for twenty years at the age of less than 17. The two boys seem to be of very different types. In Shaw's and Burgess' interpretation these basic differences are not satisfactorily appraised. "Precocious personality"²⁵ cannot be considered a sufficient diagnosis. For its basic feature, emotional immaturity of a person, in spite of comparatively high intelligence, is a symptom of various pathological conditions.

Whereas, as we have seen above, the psychologists and psychiatrists have not been able to establish a comprehensive theory of the delinquent personality for lack of sufficient knowledge of the underlying facts, we see that sociological criminologists have failed because of too little familiarity with the achievements of modern psychology and psychiatry.

Personality Research in Criminology

The English psychiatrist, Prof. D. K. Henderson, in an article on "Psychopathic Constitution and Criminal Behavior,"²⁸ deplores the insufficient cooperation of "lawyer and doctor" in the exploration of crime and pleads for combined efforts in order to achieve further progress. The question arises as to what should and could be done in order to gain more insight into the problem of crime causation.

We think that criminology needs to focus its study of crime causation on the problem of the personality of the delinquent

²⁷ *Natural History of a Delinquent Career*, p. 53.

²⁸ D. K. Henderson: "Psychopathic Constitution and Criminal Behavior" in "Mental Abnormality and Crime," Vol. II of the *English Studies in Criminal Science*, edited by L. Radzinowicz and J. W. C. Turner, MacMillan Company, London, 1944, pp. 105-121.

whether or not this personality is to be called "pathological" in a psychiatric sense. As Michael and Adler have pointed out, a great number of statistical correlations between delinquency and isolated factors of a sociological, psychological or psychiatric nature have failed to lead to a scientific classification of the problem of crime causation. Criminology will have to put more emphasis on exploration of the person of the criminal than it has done up to now. "Cultural" factors must not be neglected for the sake of "personality." But, the understanding of the way in which they are "embodied in the mind" (in the sense of Sellin⁹) will shed light on the personality as well as on cultural environment.

Modern dynamic psychology has a number of methods at its disposal which could be used for the exploration of the delinquent personality. Outstanding among them are the projective methods of exploring personality, such as the Rorschach Test or the Thematic Apperception Test. The Rorschach Test is a perception-association test. The subject is shown a series of 10 plates with ink blots and is asked to give interpretations of the ink blots. In the Thematic Apperception Test the subject is shown a series of pictures and asked to tell stories of the pictures. Both methods have one thing in common: the subject knows almost nothing about the meaning of the test procedure and of the test interpretation. He therefore can hardly even try to influence the results consciously in an attempt to show himself in a favorable light. The Rorschach Test has the additional advantage, that its interpretation is based on a number of objective criteria. This is of paramount importance in a field where mere evaluation may depend to a great extent on the personality, experience, and training of an examiner.

Although the use of the Rorschach Test for research on delinquency has been recommended by authorities such as Sheldon Glueck,²⁹ comparatively little has yet been done in this direction. We think that comparing a collection of Rorschach psychograms of a large sample of delinquents with a carefully equated sample of Rorschach records of non-delinquents would be most useful as a starting point for research on delinquency causation. However, in order to arrive at valid and reliable results, it will be necessary not to limit oneself to the use of test material, but to compare test results carefully with findings from case studies, physical and psychiatric examinations. Research of this kind should bring out a basis for classification of delinquent personalities.

Such classification will only be helpful if its concepts are

²⁹ Sheldon Glueck: "Crime Causation," in 1941 *Yearbook of the National Probation Association*.

specific and dynamic. We think that a great number of factors for causation of delinquency and crime would become much better classified if they would be seen in their relation to personality formation than if only seen in correlation to statistical data on delinquency. As an example, we may consider the factor "broken homes." At a first glance it seems very likely that "broken homes" should breed delinquency. For most people would assume that a broken home cannot provide the same amount of security on one hand, and of control and repression on the other as an intact home.

However, when we examine the statistical data on the correlation of broken homes and delinquency,³⁰ we find that they do not bear out any too significant correlation. The studies which formed the basis of Healy and Bronner's *New Light on Delinquency and Its Treatment*³¹ show that, in a great number of cases, delinquent as well as non-delinquent offspring came from broken homes. Should the inference be drawn that "broken homes" have nothing to do with delinquency? We do not think this is the case. But we submit that this problem will not be fully clarified until we know in more detail in which way broken homes have influenced the personalities of individuals who have become delinquent. In this kind of study it may become necessary to break down the concept of "broken homes" into more specific concepts, according to the way or extent to which the children experience the lack of security and control or, eventually, to abandon this concept in favor of a concept which has more significance. Personality research will in all likelihood show the same result, i.e., delinquent behavior may be due to different causes; for instance, to a good relationship to delinquent parents or to a strong resentment against rejecting parents of the over-righteous type. Differences of this kind cannot become apparent as long as criminologists use only the methods of statistical correlation of mass data.

More intensive understanding of delinquency in its relationship to human personality will also enable us to be more careful in the classification of delinquencies and crimes. Criminal statistics, for instance, cannot make any distinction between thefts where the delinquent steals for material reasons and thefts committed out of an unconscious, neurotic impulse. A future, more psychologically oriented criminology will have to study each act of crime as a psychological phenomenon. This already has been done in cases of murder or homicide because the object of the crime suggested such studies. But it

³⁰ See the survey on the respective studies in Sutherland: *Principles of Criminology*, pp. 158-160.

³¹ William Healy and Augusta Bronner: *New Light on Delinquency and Its Treatment*, Yale University Press, New Haven, 1936.

has been neglected in those cases where the object of the crime did not seem significant. Such studies are likely to show that the psychological meaning of a specific delinquent act can be quite different in different cases. Among automobile thieves, e.g., one may steal a car in order to commit another crime, another in order to impress his girl friend, and a third one for deeply repressed, subconscious reasons.

Psychologically, the question of success and failure in a criminal career is another problem worth exploration. When we, for instance, compare the cases of Stanley in *The Jack-roller* with that of Sidney in *The Natural History of a Delinquent Career*, it is striking that Stanley in spite of a great number of sentences frequently succeeded in achieving a comparatively fair amount of pleasure, whereas Sidney seemed to be led by an instinct of self-destruction. Many of their delinquent acts are labeled in the same way because the same law had to be applied. But as acts of human behavior they have a very different significance.

We have made some suggestions for extended psychological research on crime and delinquency. These suggestions ought to be considered examples rather than as a comprehensive plan. We expect that a more psychologically oriented criminology will create a typology of delinquent personalities. Such knowledge will help us in our efforts to deal more adequately with the criminal and to prevent crime.