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Criminal Responsibility

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CRIMINAL RESPONSIBILITY

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Misapprehension and continuous controversy emphasize the need for vigorous public action in the problem of crime in all its phases—including prevention. As more and more people become aware of the causes and events leading up to crime in all its aspects, the greater will be the acceleration of progress in this important field.

All we have at present as means of criminal control are segregation and punishment. There is insufficient recognition of the criminal or delinquent as a basically sick individual with a fundamental personality disorder. All this is true despite the evident inability of some criminals to control their behavior manifestations any more than one can regulate the fever which follows an infectious process.

Rather than decide what should be done with the individual offender, a large majority of psychiatrists who examine and/or treat criminals merely report results of examination to legal authorities for evaluation and decision as to what to do.

A psychiatric opinion of illness does not mean the delinquent is insane and therefore not legally responsible. Rather the psychiatrist means that the abnormal behavior of the delinquent has its origin in the deeper and unaware part of the mental life of the delinquent and that he is, therefore, less able to manage his acts than the person who has normal emotions. The psychiatrist thinks of criminals as sick in the sense that he knows it is difficult for them to control themselves without therapy of some kind, and therefore he does not condemn them.

The following points suggest themselves although they are not considered as a panacea but as invaluable aids.

There is a need for new orientations on the part of all of us in the field of delinquency. We must realize that early life experiences and influences are important roots. An effort should be made to help children to avoid excessive or abnormal conflicts, fears, guilts and aggressions during the maturing years, for they remain, as a part of his permanent personality.

Psychiatry, psychology, sociology, and other related fields, can learn what special personality experiences and reactions cause various types of delinquencies or criminal acts. In other words, we should try to learn what the delinquent aims to tell us by his special form of behavior or self-expression. This would illuminate the path to better treatment and ultimate prevention.