

**PHYSICAL BASES OF CRIME, A
SYMPOSIUM. PAPERS AND DISCUSSION
CONTRIBUTED TO THE
XXXVIII ANNUAL MEETING OF THE
AMERICAN ACADEMY OF MEDICINE,
MINNEAPOLIS, JUNE 14, 1913**

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AMERICAN ACADEMY OF MEDICINE

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PREFACE.

The papers making up this volume were contributed to assist in a discussion of the subject at the annual meeting of the American Academy of Medicine held in Minneapolis in June, 1913. They were secured through the indefatigable energy of the Chairman of the Program Committee, Dr. Charles Stuart Sheldon, of Madison, Wisconsin. The design was to give a broad presentation of the subject from as many points of view as possible. How fully this design has been attained may be determined by the reader. The discussion was not planned to furnish argument for any pet theory but an earnest effort to get at some of the facts relating to this exhibition of the unsocial habits of mankind and the endeavor to learn some lessons from the facts gathered. This, we think, has been accomplished, but the facts gathered and the lessons learned simply call for more light upon the subject before definite conclusions can be formulated. That the papers are of distinct value and worthy of consideration of those interested in the uplift of the submerged class we are assured by the many words of commendation received from those who are familiar with them. From these we quote an editorial item in the *Journal of the American Institute of Criminal Law and Criminology* for September, 1913.

Elsewhere in this issue there appears the list of subjects that were discussed in a remarkable symposium on the Bases of Crime at the thirty-eighth annual meeting of the American Academy of Medicine in Minneapolis last June. Each paper was of unusual interest and value. With no desire to disparage any feature of the program it may be asserted that the report on "Heredity as a Factor in Criminality, A Study of the Findings in about a Thousand Cases," reached the high water mark. It was presented by Dr. Edith R. Spaulding, Resident Physician at the Reformatory for Women, South Framingham, Mass., and Dr. William Healy, Director of the Psychopathic Institute, Chicago. It represented intensive research and the results reported are of far-reaching value for a theory of the criminal. Up to date it is the most extensive and intensive study of its kind. This report, together with all others that enter into the symposium, will be published in the *Bulletin of the American Academy of Medicine*, and some of them also in the *Medical Review of Reviews*.

The problem of heredity in criminality, as in other connections, cannot

be investigated until other causative factors, such as developmental and environmental conditions, have been eliminated. This has been accomplished in the work of Drs. Spaulding and Healy, and the outcome of the investigation is that it is yet to be proven that there is a direct inheritance of criminality *per se*. There is, however, inheritance of predispositions which are responsible for delinquency and crime in succeeding generations. These predispositions are mental or physical, or both. Feeble-mindedness, psychoses, hysteria, epileptic states and temperament, general physical characteristics, results of specific diseases, etc., may be inherited, and through them inheritance may be an indirect factor in the making of the criminal. Some of these points are demonstrated in the family charts of twelve juvenile delinquents. The charts were presented in connection with the discussion of the report.

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Acknowledgment is due to the American Academy of Medicine for having arranged such a comprehensive symposium for their annual meeting. Each effort at cooperation in thought and act among physicians and others who deal with the problems that the criminal presents represents a step forward.

The American Academy of Medicine is an association devoted to the study and discussion of social problems involving the physician or which have a medical factor. It was organized originally for the purpose of standardizing the educational requirements for the practice of medicine, when medical education in the United States was in a state of chaos. As it is no longer needed for this purpose, since the requirements for examination for licensure to practise in most of our states make a proper standard, it has taken up the broader field indicated above, dropping the definitiv educational requirements for membership from its constitution and accepting those formulated by our various universities. Its activ and honorary membership is composed of physicians but it seeks to affiliate with it by an associate membership those who, while not physicians, are interested in the topics discust. The present volume fairly indicates the character of its work. It will be glad to add to its membership, both activ and associate, those who are engaged in the study of such problems.

PRESENT-DAY AIMS AND METHODS OF STUDYING THE OFFENDER.

By WILLIAM HEALY, M.D., Director Juvenile Psychopathic Institute, Chicago.
Associate Professor of Nervous Diseases, Chicago Polyclinic.

Present-day studies of criminalism aim at the development of a science—a science of adjustment of human relationships. The offender is out of line with the requirements of society; he presents himself as a social problem; the question arises how to get him to conduct himself within required bounds. The solution of the problem involves adjustment between social possibilities and individual tendencies. For rectification of anti-social conduct there must be self-developed or environmental control—in either case an adjustment.

It is quite fair to speak in this matter of developing a science because there is hardly a suggestion of its existence in the measures of adjustment which are offered under the auspices of the law. By its simplest terms a science implies delving into causes, and correlation of modifying activities thereto. Without such fundamentals there can be no science.

In dealing with criminalism by the canons of the law, attempt at regulation of conditions is based on standard *a priori* conceptions of the effectiveness of a scheme of social salvation which offers certain retributions for certain offenses. Adding to this the range of powers of judge and jury, and pardoning and parole agencies, we have in vogue a system which can be characterized only as very largely using a hit or miss method in the prescription of treatment as related to the desired end, namely, the protection of society. When personal judgment on the part of officers of the law is allowed play it is exercised without anything like full knowledge of the foundations of conduct in the individual. Indeed it is exercised by those who have not prepared themselves for judgment by study of the causative factors which lie back of anti-social behavior in general. So neither in the formulæ of criminal law nor in the personal judgment of officials do we

recognize that knowledge of antecedents and consequents which we always find at the foundation of any science.

It is not only from consideration of methods that we come to realize the unscientific aspects of our dealing with the offender. Nothing is any easier than to produce living evidence of the absence of an applied science in that field. Is it necessary to do more than call attention to the fact that if some intrinsic condition of mind or body predisposes towards delinquency, as is frequently the case, still no cognizance is taken, as a rule, of this important truth? Or need we mention the well known fact that the offender after incarceration is turned back most often into the world not only no better equipped to avoid misconduct, but often perforce of his imprisonment so warped in mind and so socially helpless that commission of new offenses becomes at once the compelling idea. Why, the very deprivations and mental vacuities of cell life can readily be calculated by the principles of the most easily understood psychology viciously to strengthen in certain types the very obsessions which previously led to criminalistic deeds. Five years for crime against the person, the person of a child, a couple of months of freedom without surveillance and with several commissions of like offenses, another sentence of eight years—to view only one such case as this, in the light of what we know about abnormal psychology, gives something to the picture of the weakness of our unforesighted treatment of criminalism.

The notorious failure of both the past and present in dealing with the individual offender, evinced, save in the days of hanging for sheep stealing, by the astounding annals of recidivism, clearly demonstrates both the non-existence of any such science and also the need for its development. The point can hardly be made clearer than by the fact that out of 168,000 offenders convicted in England in 1910, 104,000 had been convicted previously, and 65,000 of these had been convicted more than two times before, and 12,000 of them had been convicted upwards of twenty times previously. Taking the major offenses in that same year, tried at the assizes and quarter sessions, we find that out of 11,300 convictions no less than 8,000 had been previously convicted. One

instinctively asks, why this failure of adjustment? Was the prescribed treatment unsuited, or are a large number of the offenders innately impossible, or did the environment after release recreate criminalistic impulses? Unfortunately, in the Blue Book of criminal statistics we find no trace of these important facts having been inquired into.

I said the proof of the non-existence of an applied science in the adjustment of criminal affairs could hardly be made clearer than by the citation of the above figures, but after all even that is not nearly so startling as is the fact that we in America have no figures at all to offer on recidivism. This means that the most vital knowledge, that knowledge which can give the only basis for self-criticism, is not even gathered. If we do not know whether the end aimed at by the law really is accomplished or not, what then do we know that can lead to any possible betterment of a situation that is universally recognized as altogether deplorable? In every progressive field of activity, in the development of every science that is making for man's welfare, there is constant measurement of the relationship between endeavor and result. Not so in dealing with criminalism.

A general summary of present methods of handling offenders could be made in simple terms. The law with its cut-and-dried formulae and its prescription of certain punishments for certain offenses has long ago decided the whole procedure. The word of the fathers prevaleth and the efforts which have made in every other field for the vast progress of the present are here quite neglected. There is not even inquiry into how much success or failure there is in the endeavor of the law, to say nothing of the differentiation of the causes of those failures or successes. As its own interpreters put it, the law judges all men alike. Whether he be made of steel or clay, the same method is invoked to straighten a man's moral defects, and all are presumed to react in the same way to legal punishments or to other environmental stresses.

Fair analogy might be found in the sister profession, medicine, if the teachings of the professors or the discussion of cases had to do wholly with the restrictions under which one must practise