SOCIETY AND THE CRIMINAL.

BY C. STANFORD READ, LONDON.

IN the study of human problems it seems self-evident to say that all possible scientific knowledge should be brought to bear in any endeavour to understand all the factors involved, or to find a possible solution. We are, however, so bound down by tradition and a natural intellectual conservatism that our viewpoints upon matters which have for long concerned us tend to become fixed, and we react to any stimulation to change with arguments which largely involve rationalisations and permit economy of thought. Modern psychology has especially led us to realize that in dealing with human conduct any adequate insight into the sources of motivation must be sought mainly in those realms of the mind into which awareness enters but little or not at all, and that the mental mechanisms are of such a nature that rational explanations are in essence false and dependent upon unconscious emotional tendencies. Modern psychological investigation has led us to scrutinize afresh the various maladaptations of individuals in relation to society which are connoted by the word 'crime.' Apart from those patent mental aberrations which have an intimate relationship with some criminal action, psychiatry hitherto has not regarded such a subject as falling within its purview. Psychiatrists in the future, nevertheless, will recognize that their path of interest and study must lie wherever conduct does not within certain boundaries conform to the present civilized standard. In the same way as physical disorders are viewed as a reaction to some external conditions, so in the sphere of the mind we can only take cognizance of the individual in relation to his environment. From the evolutionary standpoint so-called disease may appear at different levels, and if we look upon a psychoneurosis or a psychosis, as we should, as occurring at a 'psychological level,' we should scientifically view criminal conduct as a disorder of the still higher 'social level.' We may roughly see much analogy between the criminal and the insane in that both have specially in common an anti-social element, so that society reacts to them much in the same way. It shuts them both away if possible for its own safety, therein seeing its main duty accomplished without reflection upon the factors of the why and the wherefore, the cure or the prevention. The average member of the community knows little, if anything, of what goes on behind prison walls or within the asylum gates, nor does

he seem to interest himself much in such themes unless some special presumed inhumanity voiced through the daily press is hyperemotionally reacted to. There are many reasons why society as a whole takes small concern with the criminal and the insane, but one prominent element is that the individuals who compose such classes are difficult to understand, and it is a natural tendency to withdraw our interest from those who seem to violate the normal. It is for the same reason that the main body of the medical profession belittles and neglects the neurotic, because these seem to depend upon a pathology which is foreign to them. During late years, however, much light has been thrown upon mental mechanisms which were previously obscure, with the result that we are enabled to comprehend human conduct in its various phases in a more enlightened way, and *pari passu* our attitude towards the criminal has an enhanced interest.

First, then, we see that crime should be studied in an individual-society relationship, and that both of these factors must be taken into account. Lacassagne, the French criminologist, pointed out that every society had the criminal it deserved, that society was the culture medium in which the criminal germ could flourish. Society has only taken upon itself the retaliatory measures which in days gone by were meted out by the injured party himself or his representative, so that now the idea of private revenge, though retaining much of its emotional value, has been replaced by the abstract idea of justice in our Courts of Law. The herd evinces its hatred towards those who transgress its laws, and on reflection the prohibitions it endeavours to enforce are directed mainly against those impulses which are most instinctive in mankind. It may be truly said that we are all criminals at heart, and the difference between what society calls the good and the bad man is that the former may dream of doing what the latter actually carries into overt action. The hatred unconsciously felt by the herd is largely a defensive weapon of the individuals composing the community, in that they really identify themselves with the wrong-doer and defend themselves emotionally against those very acts which they might be tempted to do. Since we can recognize that it is the act and not the individual which is the prime psychological factor, it is plain why in our jurisdiction the crime itself, instead of the criminal, receives the main attention of the law. It is common knowledge what a venomous and unsympathetic attitude is taken up by woman-kind against a 'fallen sister,' whereas the masculine attitude is a charitable one. We see here an apt illustration of this identification mechanism. The instinctive but inhibited desire for sexual gratification, with its natural results, must in the face of herd taboo render the feminine possessor hard upon that part of her nature, and this reproach is projected upon the sufferer before her. The possible excusing factors in the case can but little, if at all, alter the emotional reaction by means

of which the self is prevented from realizing its own delinquent craving. If we keep in mind how, through identification and projection, hatred is the resulting unconscious affect of society to crime, we can understand how it is that such harsh repressive measures are meted out to its victims even before conviction. We see, too, how when the question of moral responsibility is voiced, the community projects its unconscious feelings into a fierce denunciation of those who would obstruct dire punishment, or less frequently by the same mechanism evince a grotesque sentimentality, both actions being the result of rationalisation and having no source in reason or judgment. This psychological viewpoint to some extent shows why we continue to retain a costly penal system which is supposed to have deterrence and reformation so much as its aims, when a superficial investigation demonstrates that the first factor only exists in a minor degree, while the second is practically never brought about. The unconscious retaliative spirit would explain why we have a public prosecutor but no public defender, why not even the name of an executed murderer, but only his initials, may be placed in the vicinity of the remains. That the criminal shall 'taste some of his own medicine' in cases of violence has its roots here, too. Where robbery with violence is dealt with, 'the cat,' under the guise of deterrence, is frequently administered, though such treatment patently has other motivation. The same principle applies to the carrying out of capital punishment in cases of murder, which is an extreme illustration of the *lex talionis*. We must not forget, further, the inevitable psychological effect which the continual use of the weapons of violence and revenge upon criminals has upon society itself, just as the sadistic instincts aroused in the recruited members of our late large army rendered their adaptation to peaceful civilian life difficult on discharge. Hate, too, begets hate, and there is no doubt but that our penalized criminal reads society's hatred in his treatment, and returns it with so much interest that recidivism is easily engendered. The projection of a repressed feeling of guilt upon something or some one outside ourselves, that is, the making of a scapegoat, is an inherent mechanism in all mankind, is plainly manifested in primitive customs and all religious rites and doctrines, and is demonstrated in many characteristic reactions of daily life as well as being a frequent complex in the psychoneurotic and psychotic. It represents a psychological means of attaining mental peace when some failure of an absolute repression threatens. As William White says: "In punishing the criminal mankind is not trying, primarily, to get rid of sin in the abstract; that is a rationalisation of his conduct; he is trying to get rid of that sin which he feels is resident within himself."

If, then, modern psychological studies have given us an added insight into some criminological factors, can these lead us away from mere destructive criticism to constructive efforts tending to an altered

and more rational attitude of society towards the criminal and a more scientific treatment of him? There is good reason for believing that the State would benefit much by applying psychological knowledge to this problem, so that deterrence and reformation loomed more into the foreground and the idea of revenge and punishment took a lesser place. Bernard Shaw, who shows much psychological insight in these problems, speaking in his trenchant manner of retribution on the criminal, says, "To propose to punish and reform people by the same operation is exactly as if we were to take a man suffering from pneumonia, and attempt to combine punitive and curative treatment. Arguing that a man with pneumonia is a danger to the community, and that he need not catch it if he takes proper care of his health, you resolve that he shall have a severe lesson, both to punish him for his negligence and pulmonary weakness and to deter others from following his example. You therefore strip him naked, and in that condition stand him all night in the snow. But as you admit the duty of restoring him to health if possible, and discharging him with sound lungs, you engage a doctor to superintend the punishment and administer cough lozenges, made as unpleasant to the taste as possible so as not to pamper the culprit."

Since society itself is responsible for much of the aberrational conduct of its individual members, it must look to its mental hygiene and see that the environmental conditions it engenders are of such a nature as to produce healthful reactions. As the projection mechanism involved in some abnormal personal characteristic can be analyzed out and the individual taught to see that it is within himself that the fault lies, so can society slowly but surely be educated to look upon the criminal from a different viewpoint. Punishment, though a necessary consequence of anti-social conduct, will fit the offender and not the crime, and as measures are taken to study the criminal so that the factors which led up to his maladjustments are known, he can be treated scientifically and re-educated to live in conformity with society. The social disease must be dealt with as any other form of disease would. All those repressive measures which seemingly made a passive automaton of the prisoner, but which really were building up within him a huge constellation of hostility to the world responsible for the *régime*, must be abandoned. Prison psychoses and much abnormal mental health, too, would thus be obviated. With an altered attitude on the part of the community at large, reforms would quickly advance. The law is essentially static, and it is only after a series of years that the pressure of public opinion brings legal enactments more into conformity with the constantly progressing ideas of mental science. At the present time there are indications of a movement in this direction, though for reasons we have already discussed the law is jealous of its prey, and it is with great difficulty that the legal and medical mind can see eye to eye. The intricacies of mental processes

and phenomena are at present but poorly studied even in medicine, but since some scientific knowledge of psychology is patently necessary for all those whose avocation in life leads them to deal with abnormal behaviour, it is hardly needful to point out that such a study should be part and parcel of a legal curriculum.

We may then begin to see that if society, acting through the administrators of justice, is to become effective in its control of crime, it must look further than the mere crime itself and the traditional treatment of it, to the offender himself, and see what relation between him and his environment it was which brought about the maladjustment. Scientific treatment can only follow correct diagnosis and pathology. Psychiatry here has its field, and there are already signs that advance is being made. Visitors, officially appointed, link up the prisoner with the outside world, and by human contact and good fellowship largely tend to lessen the necessity for emotional repression. The silence rule which was psychologically so harmful has also been much ameliorated in places. The interesting and valuable work of Healy and Bernard Glueck, which has borne such good fruit in America, is being initiated in our own country, and in Birmingham modern psychology and psychiatry have joined hands with the law for the good of society and the criminals within it. Society has its duties, but hitherto it has been cynically said that it has often been society which should have been tried and convicted in the dock instead of the prisoner. Through education it is to be hoped that society will be arraigned less and less on similar charges.