

Medical Jurisprudence of Crime (Book Review)

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This control study, in addition to throwing light on the causative factors of delinquency, thus establishes important criteria that must be considered if the treatment of delinquent children is to become more purposive and effective.

JUSTINE WISE TULIN.*

MEDICAL JURISPRUDENCE OF CRIME. New York: Current Legal Thought, Oct., 1936, pp. ii, 93.

While all of the abstracts in this issue are interesting and several represent the opinions of writers entitled by position and experience to speak with authority, the space allotted does not permit a presentation of their views. Dr. Healy's paper¹ has been chosen for comment because, as befits a responsible President of the American Psychiatric Association, his remarks are characterized by a critical and judicious reasoning. No starry-eyed enthusiast is he. Nor is his mind closed to the high value in this field, as elsewhere in science, of research through control studies.

Dr. Healy, considering delinquency and criminality the resultant of the impact of environment upon the individual, assigns the major role to the influence of external stimuli.

In a study of law-breaking tendencies among similar racial groups in different cities, such great variations were demonstrated as to lead the author to conclude that established community attitudes, and local social patterns and values were of greater influence than native tendencies to crime.

An immense percentage of criminals have had their careers determined by childhood situations. Easy opportunities for obtaining illicit satisfactions in early life, condition toward a criminal type of response to the stimuli arising from the social pressures of adult existence. The gang spirit, the gang organization, and the automobile, tempting to excitement and pleasure, are appraised as tremendously important stimuli.

When Dr. Healy surveys the criminal individual, he finds no convincing evidence to support the idea that tendencies to criminality may be inherited. When criminality appears in successive generations, he believes it to be dependent upon the inheritance of mental abnormality or the continuance of environmental conditions. Only exceptionally is the criminal a stigmatized individual.

So far as height, weight, nutrition and body build are concerned, the author and other investigators were unable to find any marked deviation from the norm. In a small number of cases, such factors as physical over-development in adolescence and the compensatory reactions of the undersized type, find expression in crime. Hyper-sexuality, epilepsy, structural disease of the brain and the post-traumatic instabilities resulting from severe head injuries are operative factors of significance, as are alcohol and drug addiction. Dr. Healy displays a healthy

* Justice, Domestic Relations Court, New York City.

¹ This paper is entitled "Crime and the Individual" and may be found on page 11 of the issue designated in the title.

scepticism in discussing the attempt of some to seek a general explanation of delinquency in disturbances in endocrine gland function.

The author offers good evidence to support his statement that crime is not largely determined by mental defect. Not more than ten to fifteen percent of "caught" delinquents can be shown to be mentally defective. An Elmira study of 1933 "first admissions" classified only seven and five-tenths percent as feeble-minded. Nor is the relationship between psychosis and crime in general, anywhere near as great as popularly believed. We are told that very few of those who have gone on with criminal careers develop psychotic manifestations.

With regard to that type of abnormal, termed the psychopathic personality, the author is, as always, cautious. Among those diagnosed as abnormal, unstable, egocentric personalities are found the worst criminal careers on record. A second group is that of the constitutional inferior personality, inadequate to the demands of society. By no means all of these two types come to lead criminal lives, but it is evident that such individuals are susceptible to deviation into anti-social channels of behavior under the influence of environmental stimuli. Further, when so reacting, the form of the criminal response will be conditioned by the underlying personality type. It cannot be shown that delinquents are prevalingly ascendants or submissives, introverts or extroverts, or inclined to other types. However, the aggressive extrovert possesses an equipment that leads him to be successful and ardent in the pursuit of crime, just as in many other occupations. Dr. Healy is not convinced that criminality is biological fate; that the physical make-up of the individual is more important in shaping conduct than are social and educational factors.

Lastly he states that:

"When we attempt to assay the part that constitution or the personality, as these may be defined in any terms, play in the production of delinquency and crime, we are faced by the necessity of taking into account the main classes of variables which are known to be effective in producing antisocial conduct. They are:

"(1) The physical and mental equipment of any given individual as it may exist at any given time.

"(2) The formative life experiences of the individual.

"(3) The formed reactive tendencies of the individual mainly to be thought of as elements of ideational life, emotional tensions, and habit-formation.

"(4) The environmental influences and social pressures which have been active recently prior to or at the immediate time of the commission of delinquency and crime.

"The interweavings and permutations of these variables and their many components create a tremendous body of factual material which we discover if we attempt scientifically to weigh the factor of constitution or personality and answer the main question: Who are delinquents and criminals and what are they?"

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