

college, I will attempt to inspire the student to do original work, which is the only way to promote the scientific standard.

ORIGINAL ARTICLES.

A MEDICAL ASPECT OF CRIME.

Read in the Section on Neurology and Medical Jurisprudence, at the Forty-seventh Annual Meeting of the American Medical Association, held at Atlanta, Ga., May 5-8, 1896.

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Aside from the uncivilized barbarism that would induce a barbarous or half civilized person to commit outrages on the individuals of a neighboring tribe or state while practicing obedience to his own tribal laws, there are exceptions in which the individual is not true to his own tribal or state laws. These he continually violates, through some unknown impelling force that makes him act in utter disregard of the good, safety and comfort or all. This latter violation is usually called crime.

Now in all the mutations of the silent revolution that has wrought so wonderfully since the debut of an organized Christian civilization, we have room for so many different phases of a variation of progress that we have amid a high Christian civilization, great irregularities in which individuals are untrue to their assumed, acquired and inherited responsibilities and obligations, and tend frequently or constantly to violate those laws, written and unwritten, which are for the good of all, both living and unborn. Besides this variation as between civilization and barbarism as to the highest types of that which we may call tragic crimes as between nations, there is quite as much variation or want of consistency in our civilized Christian and free country between communities and states. What is a crime in one state or city is not necessarily such in another. What is a crime in one section is not in another, and some things that are a violation of law on one day in the year or week is not on another. Amid this almost inconceivable and inscrutable maze of varying conditions, individual and collective, local and general, we are called on in this ASSOCIATION, established for the well-being of society, to discuss the Medical Aspect of Crime.

As far as the discussion in this paper is concerned it shall be based on the fact, that the brain and the nervous system are the physiologic organ of the mind and intellectuality, and that every grouping of ideational activity, or well defined mental faculty has its origin in the functional activity of brain or nerve cells and fibers, either local as in areas, or disseminated throughout the nervous system, or both local and disseminated, and that *morality*, the ethical sense, the sense of moral uprightness, of justice, of right between men, people and things, has such an origin; that it is a faculty of the mind just the same as the will of the reason, and that as such it is subject to the same laws as the functional activities of other organs; that it is susceptible of being cultivated, of being repressed, of becoming increased by education and activity, of being diminished by neglect and occupation, of being perverted as in diseased conditions manifested in a class of criminals; that it is deficient in many persons to a greater or less degree. In other words there are children, youth, adults and mature persons who are moral imbeciles from congenital deficiency of the moral sense.

This faculty of moral sense or morality is the inhibitory faculty of the mind, the let or hindrance to the human expressions, activity and conduct, modified by the will, the reason, the judgment, the understanding and the impulses and intellectual delusions.

This faculty of morality is the latest and best results of man's long continued culture and its exercise is the highest function of his very complicated cerebral and nervous mechanism.

With this physiologic source and condition of crime before us its treatment is greatly simplified. When amid the mutations in progress of development from barbarism to civilization and advanced christianization, influenced by atavism and connotation, the impulse to commit an act is felt that belongs to the criminal calendar, that is, to do that which is in disregard of the rights of others and is hurtful to the well-being of the civil social compact, and is in violation of law written or unwritten, the individual sense of justice and moral uprightness intervenes and inhibits or sanctions the act, just in proportion to the development of the moral faculty of the individual.

Now, would you have crime lessened? Then you should cultivate and develop the moral sense and repress the emotions. I can not give here a tithe of all the details this cultivation would embrace, but certain it is that some code approximately correct should be formulated and put in practice expressly for this purpose. Something that would teach children as definitely to exercise the moral and ethical faculties as there is to teach the exercise and development of the reasoning and intellectual or mathematical. Children should be taught as early as possible *that there is a principle of right and justice in the abstract*, irrespective of any mere religious sentiment or superstition. Each child ought to be impressed, if in no other way, by mere precept in a round of words, that he who has not an average moral perception is a moral idiot and is to be held in apprehension as one unsafe to trust. Lessons in morals ought to be formulated and a spirit of emulation engendered that would cause them to strive with each other to learn the most of them. These lessons should be elementary and advanced and graded in adaptation to the ability of each child to grasp and comprehend them. *And every school of whatever character, should be required to rigidly teach them; for the exercise of morality, to the extent of being just and upright in conduct and character, is the best and highest function of the human brain.* In this course each crime should be designated and its heinousness expatiated on and a thorough understanding of its turpitude required, and that its commission and practice would lead to still further immoral practices in the individual, propagate the same or similar practices by inheritance to others. *And over all this ought to be held the terror of lawful punishment.* For he who can not or will not learn, let him be deterred by fear of pain and penalty and let the seal of disapprobation be placed on every act that violates the least of the moral code.

This much should be done for the individual from childhood up, and should not be neglected, and whatever religious influence that may be deemed proper should be added. If anyone can be deterred from criminal or immoral practices through fear of impaired future happiness, by all means give him enough to answer the purpose. It is the practicing that cultivates more than the mere tendency inactive.

At present the public schools in our country, through which most of this grade of work in moral culture must be done, is incompetent for the task. There is among school teachers as well as among the laity in general, no definite idea as to the difference between morality and religion, between moral uprightness and the mere ritualistic processes of a beatific worship.

I once had occasion to investigate this subject among public school teachers in my own State, and I dare say they average with those in other States. Some said morals is a theological question, and if we attempted to teach it in schools it would give rise to religious sectarian wranglings that would impair the harmony and usefulness of the school, and if this or that teacher inculcated his or her moral ideas (religious views) it would create dissension and independence among the patrons of the school because of their varied religious beliefs. One who was in high esteem as principal of public schools said in substance "that the question of how to promote the morals of my pupils has given me a great deal of anxiety, and is a matter I never felt satisfied how to manage, owing to the varied religious views entertained by my teachers and pupils. I have in one school a class of six or seven studying natural sciences, two members of which are believers in the theory of evolution, and it gives me a great deal of annoyance and anxiety for fear they will ruin the morals of the remainder of the class and in fact infect the whole school." Other teachers replied to my queries that they would leave the question of morals or religion to the Sabbath schools, the churches, the sectarian schools and the colleges. There were still others who frankly admitted that the question of teaching morals was not well understood and criminally neglected.

Now, I do not think I misrepresent the great body of divines and religious instructors, including all denominations from pope, priest, bishop, theologic professor and clergyman to pastor, when I say that they are not more systematic and definite in their conception of in what moral uprightness consists and how crime is to be prevented.

Nor has the legal profession elucidated and proposed a better plan than the hurling of statutes and sentences of punishment. Now, what shall I say of the medical profession? Have we elucidated any better or well devised method of defining morals and cultivating the moral sense? In fact I doubt not that when this point is discussed that it will reveal quite as wide a range of different ideas as to the moral sense and faculty of the brain and mind as the classes to which I have referred.

But having to do with the brain as an anatomic organ and its physiologic phenomena, the mind in the abstract, it is our incumbent duty to determine whence the source of criminality in the individual as far as his mental composition is concerned and what additional plans shall be formulated for its prevention. The conclusions arrived at on this point shall constitute a basis for the consideration of the medical aspect of crime.

The moral defect with its criminal tendencies is always congenital, many times hereditary and always modified in a greater or less degree by *environment* and *synergistic influences*.

By *congenital* I mean the inborn tendency, which mental condition is a derivative complex, much

like a double decomposition in chemistry, and by which a mental composition is transmitted congenitally that is unlike either parent in moral perception, yet like one or the other, or both in many other respects. This is *congenital* moral imbecility, while an *hereditary* moral imbecility must be like one or the other or both parents.

The congenital variety of mental complex is that in which criminal children are born of amiable parents, or amiable children of criminal parents. Many instances of both varieties I have observed.

Having established in a fairly plausible way that the tendency to crime is inborn and consists in a defective mental composition in which the moral perceptions are weak or deficient and that it may be cultivated like any other mental faculty, it may be well to consider some one or two conditions of environment or synergistic influences that coöperate with a slight or marked criminal tendency to make the criminal. To a large extent all men are creatures of association or environment. Many with only slight tendencies are schooled out of or away from crime. While many are schooled into it who but for such synergistic influences would have always remained guiltless.

Beyond these suggestions I would be recreant to my trust were I not to arraign the liquor traffic as being the greatest despoiler of human morals and well being. While we do in our associated capacity much to school children and youths out of and away from crime, yet we tolerate and perpetuate a traffic that unschools and dissipates much that our well designed efforts have wrought. The use of alcoholic beverages is always to degrade and debase the moral sense in the individual and disorganize society. It never elevates or cultivates a moral sense, but degrades and tends to make criminals just in proportion as it is used. It never sent a child to Sabbath school but has sent many to the penitentiary and the gallows. If a man uses a thousand barrels of it, it does not do him as much good, based on his necessities, as the eating of a teaspoonful of meal.

Its tendency to produce crime and make criminals can be proven by the history of any county in the United States where the sale and use of it has been prohibited for only one year, for just in proportion to the efficiency of the restricted sale and use of the beverage among the citizens will crime and criminality have been diminished.

I do not think that the destruction of the liquor traffic would by any means prove a panacea for all crime, but its synergistic influence amid a degree of moral imbecility is at the present time greater than all other influences combined.

Some eminent medical gentlemen have argued that some one or more organic instincts are responsible for most all the crime, and that a surgical procedure or operation would prevent crime and reform the criminals. The most remarkable contribution to the discussion of this character that I have seen is a paper by Dr. Robert Boal to the Illinois State Medical Association in 1894, entitled "Emasculation and Ovariectomy as a Penalty for Crime and the Reformation of Criminals."

The discussion was made under nine considerations which were practically these:

1. "We are taught by both physiology and psychology that all human beings are controlled in their conduct and actions, and appetencies are expressed

through their organic instincts. Of these, two are of paramount importance. They are love of life and sexual love. The first is the strongest and outlasts all others. Next is love of sex, which dominates human conduct and desires. Its bestowal was wise, but when uncontrolled it is potent for evil."

2. "The greater proportion of the crimes characteristic of the criminal and vicious classes may be traced directly and indirectly to the influence of this uncontrollable and dominating sexual love. The rapes, homicides, suicides, defalcations and embezzlements may be ascribed either directly to sexual love, or to influences associated with it. So well is this understood that when we hear of the cashier of a bank absconding with its funds, or a trusted clerk robbing his employer and betraying his confidence, almost the first comment heard is, 'Oh, there is a woman in the case.' With scarce an exception, there are few vices in the calendar of crime, licentiousness, prostitution, intemperance, gambling and others that are nameless, that are not designated, associated with and maintained by sexual love."

3. "The physical or structural characteristics of the criminal and defective classes are produced, reproduced and multiplied, and perpetuated by intermarriage or sexual commerce of persons of like defects, and we have accordingly the results of living activities of matter or what is called heredity."

4. "By the imposition of the penalty of emasculation and ovariectomy we destroy the capabilities of these defective criminal classes, to inflict injury upon society, thus depriving them of the power of reproduction."

5. "For the purpose of intimidating others from the commission of crime, while neither cruel nor vindictive it is more terrifying and repulsive, next to death, than any or all modes of punishment. The loss of sexuality as a mark of manhood is so utterly abhorrent to all men that it would be avoided if possible by all individuals not hopelessly insane."

6. Practically, "By unsexing all constitutionally depraved convicts we would curtail such production and aid nature in natural selection and the survival of the fittest."

Seventh and eighth considerations are conclusions based on the acceptance of the six preceding referring to the results and effects of emasculation and ovariectomy on the disposition of the individual, and that as a punishment would not excite revenge, etc.

Ninth consideration is a general statement as to range of application of the punishment, to the effect that it might be safely applied to insane persons, cranks and paranoiacs.

To this ninth consideration I have only to ask, Would emasculation and ovariectomy change the delusions of the insane and make them safe citizens at large in society? I have quoted these "Considerations" because they embody an idea that is held by many both in the medical and legal professions. I think the idea is untenable as a whole. I discussed them in a paper before the same society a year later, when I replied to the "Considerations" seriatim. In the discussion of this paper Dr. N. S. Davis of Chicago, said, "I have seen nothing in my observations in human society to make me believe that human depravity is greatly ruled by simply the sexual organs in either sex. That they are capable of exerting a predominating influence in individual cases, as much and probably a great deal more owing to bad training,

bad education, bad surroundings than to any inherent vice in these organs, is undoubtedly true, but whether they have any more tendency to produce crime than a man's stomach I very much doubt. I think it has been shown that a well developed dyspeptic is about as likely to go wrong as almost any other class we might enumerate. It is not, in my estimation, the fault of the organs that we propose to *excise* as much as it is a fault in the brain that accompanies them, and if you want to get rid of the tendency to crime you will have to excise some of the cells of the brain, if you can find the proper ones, instead of the sexual organs."

THE PHYSICIAN AND THE CRIMINAL.

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The axiom that the proper study of mankind is man has evidently not long been applied to criminal man, for careful search reveals a striking dearth of records in this regard. Until 1841 nothing worth recording had been done in the special observation of criminals, and the science of criminal anthropology, strictly speaking, was only begun in 1854, and not until Lombroso's work "The Criminal," was published in 1876 did criminal anthropology assert itself as an independent science.

There are several instances where observations have been published as to the characteristics of criminals, but no connected and definite work was done. (Immediately after the publication of "The Criminal," however, numerous works on criminal anthropology were published, especially in Italy.) All the valuable work done in this line is of recent date; good literature in this field is therefore limited, and carries with it the conclusion that the whole subject has been surprisingly neglected, and he who would enter this field of work must find himself somewhat lonely. On every hand, however, there are evidences of an arising interest in this feature of social life. In France, Germany, England and Italy more especially, criminology is fast assuming the dignity that rightly belongs to this important and essential science. In our own country, however, no such concentrated results have obtained, and the study of criminal man is a slighted one and the subject little understood. More striking is this when we consider that such study is not without necessity, for a glance at the census figures of the United States will show a proportionate increase of incarcerated criminals of nearly five times from 1850 to 1890 inclusive.

Year.	Prisoners.	Ratio of population.
1850	6,737	1 in 3,442
1860	19,086	1 in 1,647
1870	32,901	1 in 1,171
1880	58,609	1 in 855
1890	82,329	1 in 757

The number of homicides in 1889 were 3,567 in the United States, in 1895, 10,500. This, too, in the face of the fact that society and the courts and general public sentiment has constantly grown more lenient, and the number of unpunished criminals has largely increased; as for instance, according to Andrew D. White, if the whole number of murderers for the six years last past were in prison there would be 40,000; as a matter of fact there are only 7,300. Neither is