

idiots, imbeciles or feeble-minded. With regard to the age-limits, cases were admitted from three years, and discharged, as a rule, when they had become on longer useful industrially. The inducements offered in the Colony to do good work consisted of one or two ounces of tobacco a week; that allowance was stopped if the work was not such as it should be, or if the workers misbehaved themselves, and an additional punishment was to keep them from working in the shops with their fellows. While such a misdemeanant was detained in the wards, he was regarded by his co-workers as in disgrace. They were kept away from work for some time after, until they showed eagerness to go back to work. With regard to the subdivisions, the real unimprovables must be low-class imbeciles. There were few imbeciles who were really unimprovable; but many idiots were sent in as imbeciles, and these were regarded as unimprovable imbeciles. The feeble-minded in this Colony were uncertified, and legally could not be so while classified as feeble-minded. He maintained that the question of the improvability or otherwise of the patients formed a clearer line of demarcation than any line which could be drawn between the normal and the feeble-minded. The former line could be a distinct one, whereas he knew of no such well-defined border between the feeble minded and the normal.

The Mentally Defective Criminal. By J. P. STURROCK, M.A., M.D., Medical Superintendent, Criminal Lunatic Asylum, Perth.¹

SOME forty years ago, Dr. Bruce Thomson, the first resident surgeon to this prison, contributed to the medical journals a series of observations upon over 5,000 prisoners. He dealt chiefly with the more obvious physical defects which, to his thinking, supported the theory of the existence of the instinctive criminal, and though his observations were somewhat generalised, he was rightly regarded as a pioneer in the science of criminal anthropology. He also drew attention to the prevalence of weak-mindedness among juvenile prisoners, and stated that as much as 12 *per cent.* of all prisoners required special observation soon after admission because of mental defect. There is little doubt that in his time the old method that consigned all forms of disordered conduct to prison still persisted, and many changes have since taken place that would tend to diminish his percentage. Prison discipline is still, in spite of its mildness, largely credited with bringing into prominence many symptoms that are put down to mental defect. It would be reasonable to look for a considerable reduction in the numbers of weak-minded persons in prisons during a period when prison administration can conscientiously take to its credit the fruits of a progressive spirit that is not, however, readily granted to it by many whose reforming enthusiasm takes no

thought of the spade-work that has preceded their own awakening. The psychological point of view is prominent in the most recent methods of dealing with the criminal. Preventive detention for the habitual, probation for the first offender, Borstal training for the juvenile delinquent, etc., all recognise the mental aspect of the offender as fully as any system that can be evolved by the mental pathologist. That the mental abnormality of the habitual major offender is a more complex affair in its origin and treatment than is insanity will, I am sure, be amply verified by the future experience of the preventive detention institutions, where grave disorder can only result if the treatment views too much in this light of irresponsibility the vicious tendencies of the inmates. From whatever point of view we look upon the habitual and professional criminal, it is certain that many of this type may be safely left to the law which is rightly concerned with the protection of the public, and continually progresses in an endeavour to fit the punishment to the individual.

It is doubtful if there is any form of crime that is purely a symptom of lunacy or of simple mental defect. The infrequency of ordinary typical forms of insanity in prisons but serves to emphasise the destructive character of the criminal manifestations associated with unsoundness of mind. Crime rarely takes a definite persistent form unless that is a remunerative one, and much confusion results from attempts to correlate the varied forms which the habitual's offences take with the vicious manifestations or the defect he exhibits under detention. We do not see the same conduct in the weak-minded pauper lunatics who have no prison association. In the defective criminal, in addition to a substratum of disposition, moral insanity or wickedness as you please, which sets a definite stamp upon his conduct and is the controlling factor that determines his treatment, we have also to deal with all the vicious tendencies acquired from his environment, many of them having no causal relationship to his mental defect, but simply intensified because of it. Bruce Thomson, looking upon the puerperal woman accused of child-murder from the criminal standpoint, sought for some moral defect to account for her offence, whereas she is now invariably considered to be insane, though we cannot but look for some underlying disposition to account for the particular trend of her insanity. The woman who, in an attack of melancholia, drowns her chil-

dren, having failed in an attempt to drown herself at the same time, rarely exhibits any remorse when she recovers, and in her sane condition reveals in most cases an ill-balanced temperament which explains how under the influence of melancholia, often complicated by alcoholism, the almost invariably contributory cause of domestic friction comes into play, and she seeks to rid her husband of herself and her children. It is interesting to observe how the morally defective or criminal mind invariably exhibits this peculiar variety of melancholia, the sulky, petulant, resistive type that projects its disordered conduct to affect others. We have here two men who in different ways nearly succeeded in killing their wives under the influence of ideas of infidelity and were found to be of unsound mind. Both had been absent from home for a long period, one had wilfully neglected his wife before coming home to live upon her earnings, and had become irritable, suspicious and despondent through sheer indolence, undoubtedly prior to any delusional state, and both not only admitted that they had been unfaithful, but showed evident signs of venereal disease which they confessed to having acquired while away from home.

It may be defective moral sense or something else, but at any rate some difference, which cannot be explained by a purely delusional insane state, exists between the man who insanely believes his wife to be unfaithful and shoots her, and the similarly deluded inmate of an asylum who has probably before certification for years had the same opportunity, or the sane person who has full proof of his wife's infidelity and only brings her into the Divorce Court. I doubt if the acutely alcoholic, whose impulse invariably takes the form of wife-beating, will be found to be much attached to her when he is sober, or, as some authorities would have us believe—at least we can only so interpret their explanation—is continually in a potential state of wife-beating from which his sober self-control deters him.

Criminal acts, even where there is a causal, or simply an associated, mental defect, are more complex in origin than is generally conceded, and it is this that must be kept in mind in any attempt to correlate them with mental defect, and which is of the greatest importance when we deal with their treatment.

Apart from the question as to whether all crime should be treated entirely from a mental standpoint, it is agreed that there are many persons, particularly among the petty delin-

quents, whose mental defect does contribute markedly to their lapse into habitual delinquency and their graduation as major offenders. Many offences, at least, are so associated with mental insufficiency that the delinquents should not be treated in a prison. The percentage of defectives in prison has been very variously estimated. Dr. Quinton, late of Holloway Prison, a man of great experience, makes it as low as 4 *per cent.* The modest estimates invariably come from those whose duties bring them daily into contact with prisoners. There is no difficulty in correlating simple weak-mindedness with the minor crimes of omission, such as vagrancy, trespassing, loitering, indecent exposure, etc. A considerable percentage of these cases will be found to be weak-minded. After a sentence they are environmentally worse off than before, and readily drift into the ranks of the habitual. Many become the tools of expert criminals, and so find their way back to prison for major offences, which they readily imitate when again at large. Such, for example, was an evidently congenital imbecile recently sent to the lunatic department during His Majesty's pleasure. He lived with his mother, who was separated from her husband, and drank heavily. He earned a little by selling papers and matches, but soon fell into the hands of thieves. He served a few short sentences, till he was found in possession of a bicycle which had been stolen by others and given to him to keep when they feared detection. The parish authorities had previously refused to provide for him, recognising his previous record of convictions more than his defect, which was apparently not certifiable, and he was sent here by the Court to prevent further relapse. He was harmless and inoffensive, most obviously not a dangerous lunatic, so that he was soon transferred to an ordinary asylum, where, if he shows any vicious propensities, these are probably due to his not having been sent there at first. Any defective with such an environment can hardly fail to drift into prison. He cannot acquire a means of living, joins the ranks of loafers that pass through lodging-houses, poorhouses, and prisons, and as the latter is the only establishment that has to keep a record of him, he soon acquires the brand of the habitual and incurs long sentences.

Weak-mindedness makes itself apparent in many who at an adult age acquire a place in the world that they cannot keep. Many women who are sent to prison for persistent cruelty to

children are guilty of the much less harsh offence of neglect, and observation often shows that they are hardly fit to look after themselves, and cannot properly be held responsible for their ignorance and inability to cope with an increasing burden of children. I do not, however, agree that in all cases of neglect of children there is mental defect; in many cases the trouble is due to the woman becoming more fond of drink than of attending to the needs of her children, and often apparent mental defect has been produced by alcohol. Senile dements, chiefly women, readily drift into the vagrant classes, and their aversion to the poor-house, coupled with their inability to subsist without begging, brings them into prison. Some of these have come originally from asylums after attacks of insanity, and from supervening secondary dementia, lack of friends and proper after-care, have found themselves unable to live without begging or stealing.

Epilepsy, too, furnishes its quota of habituals. In some cases, the actual manifestations of the disease have been viewed in the light of disorderly conduct. In most cases, it is the accompanying feeble-mindedness that produces delinquency, but even the disability resulting from the purely physical effects of the disease tends to loss of employment and subsequent delinquency. The condition of all these cases is simply due to the absence of any system of compulsory detention, which need not be in an asylum, but should not be in a prison.

Among the illiterate prisoners dealt with in batches, and passed from one authority to another in virtue of anti-social conduct and previous convictions, cases of unrecognised insanity occur. Peculiar obsessions that result in crime, sexual offences, motiveless thefts, etc., are often found to be based upon mental defect. The difficulty of allotting proper treatment for the more revolting types of sexual offences lies in the fact that in otherwise apparently normal persons the defect only becomes prominent under the influence of alcohol.

The combination of alcohol and mental defect in producing crime is a complicated matter. The condition is by some put down widely to a loss of self-control, a diminution in will-power, terms which are at present on everyone's lips and have not been satisfactorily defined by anyone. The impulsive acts of acute alcoholism and the degraded habits of the inebriate are alike put down to this condition. The only alternatives to methods of dealing with serious crime occurring only but always under

the influence of drink, are to allow the offender to go free as being irresponsible at the time—a proceeding which will have no tendency to cure him—or to detain him indefinitely. The records of the reformatory show miserable results from attempts to reform the uncertifiable but vicious drunkard. If it be true that crimes of violence due solely to alcoholism and habitual inebriety are symptoms of mental defect, there is good reason for detaining the offenders, and making the best of their vicious and discontented conduct under enforced detention. But all vicious alcoholics and all habitual inebriates are not weak-minded, and in my opinion there never was a more pernicious definition of weak-mindedness formulated than that based upon the inability of a man's brain to carry alcohol. The statistics of English inebriate reformatories show a larger percentage of defectives than is furnished by our own reformatory, and I do not think our observations are unduly unenlightened. One reason for the discrepancy has, it is stated, been offered by a magistrate in a large industrial centre, who committed most of the inmates to an English reformatory, and was so convinced of the futility of reformatory treatment of the inebriate that he only sent those who were defective. The failures, it may be admitted, include all the defectives. The better results of recent years are due to the admission of greater numbers of respectable women, whose neglect of their children, etc., are obviously secondary to an environmental lapse into inebriety, often originating in physical infirmity and mental worry, and it is unfortunate that so many of these have to go through a prison treatment before qualifying for the reformatory. Many of the earlier incorrigibles who were subjected to treatment in the reformatory are now allowed by the authorities to go to prison, and their good behaviour there is remarkable when compared with that which they exhibited under the better conditions of the reformatory, with the treatment of a long, and to them unjust, detention. No class of habitual offender so well exemplifies the difficulties of treatment under permanent detention as the inebriate. He will assert, of course, that he has been already punished for each of his offences, and that the long detention for his last one is simply punishing him all over again for his previous convictions. If there is a likelihood of his being liberated according to his good behaviour he may do well, but if, after

a trial, he fails to keep sober and is returned for permanent detention, he will soon give any vicious propensities full vent. Indeterminate, not permanent, detention will alone prevent his becoming hopelessly debased. He has no thought of the social order which is being protected, will tell you of many individuals who drink far more than he does without their liberty being interfered with, and looks upon the detention of a sane and capable person, as he believes himself to be, and is in most cases while detained, as a piece of gross injustice. He may be placed in a labour colony, but unless he has definite hopes of freedom it will need considerable inducement to make him labour. That in a large number of cases self-control is not so much defective as in abeyance, is proved by the fact that when sent out on license, before the expiry of their reformatory sentence, they often keep from drink until their sentence has expired and they cannot be returned to the reformatory. The prospects of success for the indeterminate sentence are also based upon the indeterminate guardianship with hopes of liberty.

The most interesting conditions, where, too, it is most difficult to estimate the extent of mental defect, are those which develop in the confirmed criminal and in the juvenile offender with an ingrained or acquired vicious disposition. What at the adolescent stage appears to be an inherent disposition may actually be an acquired one, and a vicious temperament that sets a youth out upon the road of delinquency may simply be a perversion and aggravation of improperly corrected habits of childhood. The origin of the "spoilt child" is not always the allowance made for defect. The "explosive" prisoner is often the youngest, sometimes the only, boy of an indulgent mother, and we get such histories as that of a boy, who, when refused his own way, would take the tablecloth and pull all the breakfast dishes on to the floor without reproof.

In recent years, the severity of prison discipline has been relaxed to a remarkable degree, and, curiously enough, coincidentally with this, the lunatic department has been flooded with a motley mass of degenerates, whose presence there is chiefly due to their inability or aversion to comply with this discipline. In the case of some convicts, it is possible that they exhibit symptoms of mental defect that were lost sight of under severer measures, but it is apparent in many others that vicious tendencies that cannot be tolerated amid the freer associations

and privileges accorded to them have been let loose by reason of that relaxation, and, if allowed scope, so obtrude themselves, when compared with the behaviour of the less vicious, as to bring them under mental observation. Ideas of persecution, chiefly directed against officials, are easily developed by the criminal mind in a convict prison, and disappear entirely upon expiry of sentence. In a few cases, these become extended and fixed under long sentences. In prisoners of weak mind they are often borrowed and used in a manner that contributes a simulated insanity without any direct intention of the complex process of malingering. The combination resists penal treatment, and when the convict is removed to the lunatic department the delusional condition disappears, or appears only on suitable occasions, while the mental defect aids only in aggravating the manifestations of jealousy, cunning, and ill-balanced temper. Such cases when they come here and find they have the freedom of a hospital become 50 *per cent.* worse before they show any signs of improvement. The same difficulties apply to the "explosive" prisoner, whose chief symptom is an aversion to regulations, and who, when at liberty, is invariably found in the hooligan ranks. He probably refuses to submit to some rule, and in his temper attacks a warder or carries out a protest in the form of destruction of property. Any punishment he receives causes him little inconvenience and usually acts as a further irritant. Most of these cases, it must be remembered, have little to induce them to get their sentences over quickly; they know the sentence is a fixed one, and only look forward to the freedom, which, to the hooligan, though it is his very life, has no aim or object. Persistent behaviour of this kind is not curable in prison at present, and the course of least resistance is to recognise a defect in the domain of self-control and remove him to the lunatic department as a defective. If he has been refusing food for some days as a protest because any change in his diet he cared to ask for was not granted forthwith, he takes a hearty meal the moment he enters the department and finds the abundant fare at his command there. If he has been violently excited or out of temper, the novelty and freedom of the surroundings, the tobacco, the privileges, etc., all combine to make him at once the sanest and most docile of inmates. Then the underlying elements begin to appear, jealousy usually first of all, and he begins to regulate

his behaviour according to the maximum privileges he can extract from the management, first by cunning, and later by a repetition of his conduct in prison and annoying disturbances. With the wider opportunities of an asylum, with full association amongst companions of his own temperament, who instruct him in the methods they have found most successful in their own case, and with a full knowledge of the possibilities to be gained by threats, his demands become more numerous and his protests more annoying. There is nothing that some of these degenerates will not attempt to effect if they lay their heads together. The staff are continually under the necessity of replying to accusations of the most perverted type. They have to treat these individuals, not only in the tactful and calm way that I can vouch for, but without restraint, force, or loss of temper, often at the risk of injury in return for their inability to meet every whim of an irritable disposition, but also in the full knowledge that the general trend of public opinion is that if a person is said to be of unsound mind he can do no wrong. One explosive prisoner, whom I consider to be sane now, though it is a difficult matter to face his liberation in view of his record of thefts and assaults, accused two warders of assaulting him during the night and giving him a black eye, this because he was irritable at being reproved for disturbing a ward by an outburst of temper. No inmate near him heard any disturbance such as would undoubtedly have occurred if anything of the kind had happened; he would most certainly have roused the whole house. There was no mark, so that later, to substantiate his statement, he, in the presence of another inmate, hit himself, making a trifling mark, and forming a combination with other companions regarding this till, as invariably happens, they fell out and each told upon the other, the facts being amply verified. Similar incidents of perversion are of almost daily occurrence.

It is generally anticipated that the detention of the habitual delinquent will result in a saving of much expenditure incurred in his repeated committals. I doubt if this will be found to work out satisfactorily. The machinery for administering the law to the responsible criminal will not very materially diminish for some time, and asylum treatment for the defective will not be provided without a large expenditure. Indeed, it will be as unsuccessful as present methods if this is not recognised. The minor forms of petty delinquency associated with mental defect

may be easily dismissed. In those cases where there are no vicious tendencies to be combated, no appointed authority can have objections to looking after them. Even if detention in a poorhouse were made compulsory for the vagrant and weak-minded delinquent, or a colony were provided, in either plan furnishing them with full compensation for their detention and all the comforts necessary for their condition, something definite would be accomplished. The difficulty is that at present the only methods of interfering with the liberty of the subject are a sentence in prison or a medical certificate of insanity. The solution of this may be safely left to the framers of a suitable bill for the treatment of the mentally defective. At present the position is absurd. Defective prisoners are frequently handed over on expiry of sentence to the parish authorities, and their medical officer, rightly adhering to the principle of certifying only upon facts indicating insanity observed by himself, may be unable to commit these cases to an asylum. I recently had a woman who was in prison for neglecting her children, and after treatment in the lunatic department was sent on expiry of sentence to the inspector of poor with a definite history of melancholia and weak-mindedness, and who returned in a few weeks to prison for sixty days, only to be again handed over as before and again set at liberty. Another difficulty is that, apart from the question as to whether the defect of the incorrigible and explosive prisoner constitutes insanity, there is an evident aversion on the part of asylum superintendents to receiving him, and for this there is something to be said. The only alternative is a large asylum for this class, and its management will be no sinecure. Meantime there is an increasing tendency to fix this type permanently by sending them to the lunatic department during His Majesty's pleasure, so that we are already providing, in hospital form, preventive detention for the defective delinquent. I could furnish countless illustrations of the fact that such associated treatment necessitates very special consideration, and buildings properly adapted for this purpose. The ordinary defective of non-criminal tendencies has in this country been well provided for already, and what the promoters of a mental deficiency bill will have particularly to provide for is the criminal defective, and it is well that the experiences of those who are already coping with this class should be known.

Much discussion has taken place as to whether mental

experts are to be allocated to the Courts to examine all prisoners, or whether the mental investigation should be carried out in special annexes of prisons. With regard to the former, any such procedure has up till now resulted simply in mitigation of sentence, and this is not quite what is wanted. If legislation provides a State-conducted permanent detention for the habitual, there will, I am sure, be no need for anyone to search for him. A wide rendering will be given to the term "mental defect." It is only human nature to wish to pass our trials on to others, and there is, as everyone knows who has had to deal with him, no trial quite like the troublesome prisoner. Special annexes of prisons have been suggested as proper places in which to detain the most dangerous and vicious types of criminal defectives. The suggestion is only valuable in that it recognises the difficulties of treating certain defectives as completely irresponsible. Special annexes might be of value in allowing reasonable liberty to troublesome prisoners without upsetting the general discipline of the prison. Many of these behave well for long periods when at liberty, and this would obviate the necessity of sending to the State asylum many a prisoner who is not insane and only doubtfully defective, whose crime has no relation to any defect if it exists, and who is only really troublesome under the somewhat non-individualised *régime* of prison. The suggestion of a "half-way house" for the permanent detention of the insane criminal is simply a matter of treatment and it should not be associated with a prison. Such a proposition recognises, what is so evident here, that in many cases there is a doubt if the mental defect of certain prisoners is anything but an artificial condition produced by uncongenial restrictions and a vicious temperament, and that when given asylum treatment only they become unfitted for ever being discharged; it also recognises the vicious tendencies that are the prominent symptoms in these cases, and necessitate special structural provision for dealing with them. If, however, we have to deal with undoubted defect, we cannot deprive the individual of his liberty on that score without providing, under whatever name you please, all the amenities of an ordinary asylum; these include order and discipline in the best sense.

All our difficulties in dealing with the vicious and destructive inmate begin in the fact that, whatever we may do to make his lot comfortable we cannot give him his liberty, and he

wreaks his vengeance upon his guardians, having no thought or power to do it upon society, who are his real oppressors. We cannot but have sympathy with him. A real lunatic does not think of much beyond his confused fancies or his mythical persecutors; the prisoner looks forward to the end of his sentence, but the defective criminal whose delinquency is, so to speak, potential, is, if you take hope from him, in a miserable plight indeed. Give him everything you can to compensate him for his liberty, and his demands make him in many cases, as I have pointed out, a petty tyrant whose acquired habits lead him to try his guardians in a way that few have any conception of. Liberation under guardianship will be possible in some cases after prolonged treatment, but in most cases the very accession of liberty will not tend to make guardianship commend itself to the delinquent.

Proper treatment under conditions of permanent detention will only be secured by providing such structural and administrative features, such extensive provision for separating dispositions and temperaments, such specially selected staff as will ensure the safety of the public, the moral training of the inmates in habits of order and work which they take every means of shirking, and every consideration for their mental defect, while the staff will be protected from any transference of prison traditions to the State asylum, and will not be called upon to unduly bear the burden of philanthropic enthusiasm or of their charges' delinquency.

When the mental expert has turned his attention to prevention, and methods for obviating by means of segregation the acquisition of criminal habits by the imbecile, and especially the higher grade defectives, when the mental condition of the adolescent in the ordinary juvenile reformatories has been gone into, when the mass of finished delinquents has been appropriately housed, it will probably be found that the vicious tendencies of the defective criminal are as much environmental as inherent. Not only will many of the more serious and revolting forms of crime be diminished, but in time, I doubt not, the difficulties which we have to contend with, and which we shall continue to contend with for a long time—trying and nerve-wrecking as they are—will be to our successors as traditional as the prison orgies of a century ago are to ourselves.

(¹) A paper read at the Scottish Divisional Meeting of the Association, March, 1913.