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SOME ESSENTIALS OF CONSTRUCTIVE CRIMINOLOGY¹

DAVID COOMBS PEYTON²

Thinking men cannot have failed to note for some years the abnormal symptoms in the body politic. The unhealthy sentimentality, crass creeds, mountebank philosophy, loud mouthed political fakers with cure-all nostrums for the public weal. All these betoken a disease state. In the new renaissance, when peace shall have settled down over the earth, out of the horror of these turbulent years among the many evidences of improvement let us hope and believe there will be a rejuvenation in the science of prison management, and this science must be founded upon the great underlying fundamental—common sense. The ideal prison will not so quickly appear, for indeed in real life the ideal is never attained. Progress is measured in degree of approximation to the ideal, but the supreme end—the “*summum bonum*”—is never reached.

In prison management there have developed two colossal evils. One was peculiar to the past and the other in a measure characterizes the present. Most of the evils that are associated with prison work have come from these two roots. They are as antipodal as east and west. They are cruelty and sentimentality. As the first was the child of ignorance, the second springs from half knowledge and is not the less reprehensible. True reform will come not by a softening and relaxation in prison discipline, not by imputing to criminals qualities which their whole activities have proven them to lack and the very absence of which is the cause of their incarceration, not by making their pathway smoother and easier, nor yet by touching it with the magic of romance. If a little of the leaven of common sense were allowed to permeate the situation it seems to me that the clouds in our pathway would lift somewhat.

Of course, cruelty, the other *bete noir*, is only named to be condemned, and thanks to our even half-knowledge it has no place in modern prisons except in isolated spots. But I doubt if ever cruelty

¹Presidential address at the Annual Conference of the American Prison Association, New Orleans, La., November, 1917.

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was any more cruel than a regime which threatens to become popular today. It seems to me that prisons should be run for the purpose of training men for sane living. If that is true, then they should in fact train these men for sane living.

Life is a school and the spirit of the world is the teacher. Every man is required to enroll therein that he may master sufficient of the social heritage pertaining to the behavior of the individual in respect to the social groups to enable him to measure up in a satisfactory manner to those standards of behavior which society deems right and just. Each day the school of life presents new tests; each day the failures are registered in houses of ill fame, the saloon, the gamblers' den, and are finally entered upon the dockets of the police courts, the courts of justice, or the roster of penal institution. Such is the material with which prisons are stocked. These failures must be re-educated that they may again face and solve the world test. To destroy and to cover up the past; to reorganize; to re-equip; to rebuild—in short, to reform the lives of human beings who have passed the quarter mark in life's course. What a noble ideal! How difficult to realize!

Fundamentally his mental powers and neurological organization may be greatly deficient or extremely unstable; or if the neurological organizations and the mental powers are not different from those of men on the outside, it will be found that his judgments are mostly false and the life experiences are so organized and so assimilated that they continually prompt reactions which are at variance with behavioristic forms of society; and these experiences, the accumulations of months, years, or even a lifetime, must be changed and reassembled. It is not sufficient to minister alone to his physical being; indeed that is only the beginning. The work of reformation and re-education will be in evidence only when false judgments have been supplanted with true ones and when the subject is given a series of life experiences from which may crystallize attitudes that will direct his activities in such channels as will lift him from the sordid life to a plane of self-respect, usefulness and service. If it is a mere veneer, the storms of adversity will quickly wash it away; but if it is deep, the foundation is secure on which the rejuvenated youth may build a life pure and noble.

In the matter of causation an intelligent analysis must be undertaken with a view to determining its underlying elements, diagnosis and prognosis, or cause, classification of the abnormality, and the probable outcome. To accomplish this satisfactorily we at once find our-

selves turning to the field of scientific research. It seems to me that it can be no longer questioned that we are confronted with a condition that is so intimately related to and interwoven with feeble-mindedness that the expression that "every fool is a potential criminal" can no longer be denied. We find ourselves at once dealing with a condition that is distinctly in the realm of neuropathology, having to do with the higher function of mental life. A careful investigation of thousands of cases justifies me in the statement that the essential or determining defect is found both in the field of judgment and moral sense governing ethical relationships. In most of these cases there has been such a serious retardation of the development of the higher centers as to render the individual incapable of drawing proper conclusions or appreciating the finer relationships as to render him incapable of understanding the spirit of altruism, and we find an obtunded, dwarfed condition of the whole moral life. It is not infrequent that we find a fairly well developed state of the general intelligence, thus enabling this class of men to become more or less proficient in the mechanical and general industrial fields, but in a vast majority of cases there is a distinct lack of development of that mental function which is the highest of all the purely mental activities—judgment—and which is absolutely essential to the higher degree of industrial success; and in practically every individual of this character we find a serious and in many instances a fatal defect in the moral sense.

I am convinced that not only is this defect basic but that it has its origin in a central malnutrition, and that this same central malnutrition results alike in both the mental and physical defects or malformations so characteristic of and universally found in our defective classes. So-called criminals, or men who violate the law, especially against property rights, are not born as such per se, but individuals with expressions of this central malnutrition are born and their criminal activities are not due to the fact that they are defectives, but that there has been a failure in the home, in the church and in the school, and this failure is the determining factor in the production of the criminal. These unfortunate human units, with their higher essential centers of development dwarfed by reason of the transmission of some serious defect, are not recognized as such at any point along the line of their development period, and they drift into the exciting, vicious, environmental influences as naturally as does the water flow down stream, with the never failing result that in these unfortunate individuals this concentrated environmental toxine finds a most fertile soil and their activities are directed along anti-social lines.

I must not be understood as contending that all criminal or anti-social activities are to be found in only those with a transmitted hereditary defect, but I would also emphasize the thought that during the early, impressionable period of development of the individual, regardless of the fact that he may be possessed of the very finest degree of heredity, that by subjecting him during this period to the vicious and exciting influences with which our social organization is so impregnated, it is most likely that the individual young life thus exposed will be so weakened in its moral sense that it will be difficult to re-establish a normal growth in the higher functions. Especially is this true if these malignantly destructive influences are continued for a prolonged time during the early years of the moral life.

It must be recognized that we are dealing actually with an essential pathology and that criminal activity is not the expression of voluntary will but that it is an expression of an underlying, fundamental defect of the higher sense, just as much so as is the chill an expression of diseases.

From the foregoing it will be seen that the field of science is now challenged to its greatest efforts in order that it may accomplish an intelligent understanding of the rationale of criminal activity. A bedside study of the daily routine of the so-called criminal, and a laboratory research with its completest possible armamentarium for a most careful mental and physical examination, are indispensable, for it is quite necessary that we should have the best possible understanding of the underlying elements of causation in order that we may intelligently determine a comprehensive and fairly promising method of procedure.

We now come to the question of treatment, and this, I insist, must be founded upon the broadest possible scheme of educational development. Learning comes in many other ways than by the perusal of books. Life itself provides an education for those who observe. Indeed school training is merely the preparation of the student in the methods of observation so that he may react advantageously to life's varied stimuli. We have contended heretofore that the anti-social condition is the result of destructive influences and we must intelligently bring into operation the simplest yet strongest constructive influences in the development of the moral life in the plan of our educational training. These men in their early lives have developed without a restraining and guiding influence, and this wild and unrestricted development has become such a fixed character in their make-up that they are resentful of all forms of authority so essential

to the perpetuation of normal society. A decided majority of these men comes from the field of idleness. They have lived almost constantly in an atmosphere of combat, excitement and all forms of irrational indulgences. The primary work of the school has been neglected or evaded. The emotional side of their lives has been overdeveloped, the moral training so necessary to the development of the moral sense has been a negligible quantity in their career.

In the treatment to overcome or counteract these conditions it appeals to me as most essential that these men should be handled along lines of a sane firmness, tempered with kindness and absolute justice. The fact should not be lost sight of, however, that the development of these men has been along lines of uncertainty and irregularity, and that germane to the whole problem of intellectual construction, reasonable firmness, kindness and justice should be ever enforced. These men, as it were, are suffering from a general weakness of the whole moral body and they should be firmly held with the strong splints of necessary restraining and directing control until the whole scheme of educational training has given to them at least a degree of strength in the way of moral co-ordination until there is a reasonable hope of its withstanding the competitive influences met with in organized society. They must be taught not only industrial habits but how to work, and in many instances this has been wholly neglected.

The foundation stone of constructive criminology is the educational training of prisoners—education in its broadest sense—and one of the elements of this educational training that stands out so conspicuously in the scheme that it is annoying that any one should miss it, is that prisoners should work hard. Many former inmates of prisons fail on parole because their prison life made them soft and they cannot endure the “hardships” of hard work. What would we say could the criticism be leveled against the cantonments where our boys are taking training for participation in the great war?

A modern prison should be a beehive of industrial activity and should be more than self-supporting. Indeed men should be able to serve their sentences and earn enough overtime money during their terms to support their dependents—at least in part. A trade should be taught when practicable, but even more important than a trade is the idea of inculcating industrious habits. It is not a misfortune for men to have to labor, but it is a blessing both for them and for us.

Discipline should be strict but not arbitrary. The rules should be based on experience and should be obviously sound.

Punishment has a place in prisons, but it should be logical; should, as far as possible, flow as a natural consequence from the transgression, according to the pedagogical rule of Spencer.

The industrial training should be correlated with the didactic instruction and prison library. The three should form the tripartite educative force of the institution.

Certainly at the very outstart the inmate population should be divided into groups, as many as three at least—normals, near-normals and abnormals. Those that are chronically anti-social should be kept in the institution permanently; only those apparently fit should be returned to society. The process of segregation should be made on the basis of mentality and only an examination by a competent physician or psychologist should determine that point. Of course all institutions should be equipped with psychological laboratories, if for no other reason than to facilitate the segregation. For whether we make an actual physical separation or not, we do in effect handle them with that idea unconsciously held—responsibility, near-responsibility, irresponsibility. We treat them differently.

The institution should have another attribute, and that is Justice. Let me name the three Graces that should preside—Educational Training (Mental and Industrial), Common Sense Management, and Justice. If these three qualities characterize a prison it will satisfactorily discharge its function, that of rehabilitating society's moral and social derelicts.

The general moral sclerosis, resulting from the life of combat and irrational and exciting indulgences, the result of their early environments, is not easily corrected and is impossible of a complete curative result. This condition has been intensified and the treatment made more difficult by reason of the absence of school and moral training. We find therefore that we must train these men to understand the fundamental necessity of general laws governing human conduct and to respect these regulating precepts. It is found that the school of letters in which some of the fundamentals of a common school education are taught, an understanding and a simple application of some of the primary principles of a military training, and moral instruction, are important in the constructive educational scheme. There is nothing more distinctive in the developmental process of these men under the vicious influences of their lives than the over-development of the emotional side. They laugh inordinately; they cry easily; their explosions of temper, resulting at times in serious attacks on their fellow

men, all evidence an irrational, emotional development; the fact that usually we find these individuals with a rapid heart action and a sub-normal temperature serves to further emphasize the presence of a neurological abnormality. In the general scheme of treatment let me enjoin upon you the advisability of avoiding those things that serve to arouse the emotions or to still further excite and strain the emotional life, for it is impossible to construct upon an over-emotional foundation a life of rational activity. All forms of emotionalism and maudlin sentiment are as destructive to a strong and sane individuality as is brutality; the over-stimulation by any form of artificiality of any part of the nervous organism lessens its strength. I would not have you understand that I do not believe in a sane, strong sympathy, for that indeed is constructive and helpful and serves as a most essential element in the upbuilding of a strong character foundation for a worth while citizenship.

I have tried to indicate in this paper my earnest conversion to the thought that this greatest of all scientific problems—the analysis of the human mind—must be solved, if solved at all, by the application of the principles of a sane, rational, scientific understanding of its underlying principles, and its treatment lies in the constructive influences of a broad, comprehensive educational plan looking to the development of the principles of a better life.

May I not then submit that constructive criminology is builded upon broad, deep and far reaching principles of scientific research and educational development? Thus modern science and human kindness have supplanted the ignorance and brutality of the past.

Let us so live as to guarantee to future generations that the morning of childhood shall be bright, that the noon of young manhood shall be useful, and that the evening of old age shall be peaceful and satisfying.