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# PSYCHOLOGICAL ASPECTS OF THE QUESTION OF MORAL RESPONSIBILITY

JAMES W. WOODARD<sup>1</sup>

## I. SUBNORMAL AND ABNORMAL

Our crime problem grows more and more acute. Alienists and psychiatrists have, by their findings, secured the release of prisoners in the face of a public clamoring for their punishment. So that much difference of opinion has arisen in regard to their testimony and what action should be based upon it. A careful consideration of the question of criminal responsibility should be made from the standpoint of the normal as well as of the abnormal offender. Such a study resolves itself into a consideration of the age old problem of moral responsibility itself.

That man is capable of responding to moral teaching, if it is adroitly enough done, all know. So that ethical ideals may be, and are, held and taught. For moral teaching may conceivably be adroit enough to determine the response of the individual. But *moral responsibility* can only exist if the response is not determined but is the choice of a free will agent. It is to this age old enigma that we turn our attention in this article in the hope of arriving at some sort of understanding of the attitude to be taken toward those who give us personal offence as well as toward the criminal offender.

The classical school of criminology, following Beccaria and Howard, was concerned with a humanitarian movement to reduce the excessively brutal system of torture, mass imprisonment, and punishment by death which characterized the time of its rise. Philosophically, it did not question the culpability of the offender. Supposedly possessed of a free will, his was the blame, and in the last analysis the entire blame, if he chose to do wrong instead of right or chose to transgress the law instead of conforming thereto. Therefore he deserved to be punished, and attention was directed upon the meting out of a proper punishment "to fit the crime." Emerging also, as it did, from the egalitarian philosophy of the eighteenth century with its axiom of the equality of men, it allowed no distinction between one case and another. The consequent laborious hair-splitting over the definition of the crime, over the classification of a particular act into this category

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with this punishment or into that one with that penalty, is a problem that is still with us. With this hair splitting concern over the crime and its classification went an obliviousness to the criminal and the conditions which had produced him, so that, despite its humanitarian gains in tempering punishment, no progress resulted in discovering the causes of crime itself. The sum of the whole matter of causation was supposedly taken care of when the person was said to be "perverse" or "wicked," preferring the devil to the hosts of righteousness. This is readily seen to be an altogether too easy solution for a problem whose factors are exceedingly complex and subtle. Neither does it hold out the possibility of coming to an understanding of the causative factors sufficient to remove or realign them and so obviate the maladjustment.

The neo-classical school made a further concession to humanitarianism in positing a limited freedom of will instead of an absolute freedom of will. Infants and lunatics were exempted from punishment, partly out of humanitarian feeling and partly out of recognition of the scientific fact that such persons are not morally responsible. And, of course, the hailing of hogs, horses, and dogs into courts of justice and the solemn pronouncing of judgment upon them has long since ceased, though there are many such cases in the earlier records. The neo-classical limited freedom of will is almost as futile and as over-easy an explanation of the causes of crime as is the strict classical doctrine. It contributes almost as little to a study of these causes. Yet, with these concessions to infancy, to lunacy, and to various mechanically and legally defined "extenuating circumstances," it furnishes the foundation upon which our whole criminal law is built.

That such an explanation of human behavior, criminal or otherwise, does not conform with the findings of modern science is apparent to any psychologist or psychiatrist. It is not so apparent to the layman, however. He is accustomed to weighing alternative lines of behavior, accustomed to the reason and prudence required in his economical matters, to foregoing certain pleasures that he may safeguard his health, his business, or his reputation, to calling his children to account for their obstreperous behavior, and accustomed to being called to account himself by wife or mother-in-law or traffic officer for his own infringements. So largely is he held accountable, so largely does he call himself to task for lapses, and so largely does he call upon others to conform to his own demands and to those of society, that he is quite unmoved by the deterministic theories of philosophers and criminologists.

And this is true whether, with Lombroso, the determinants are said to be largely within the individual himself through his heredity, whether, with Tarde, Garofalo, and Bonger, they are put largely in the environment as so many strings activating the automaton which is man, or whether, with the modern psychologists and psychiatrists, they are found in the inter-relations between the individual, with his particular heredity, and the particular environment in which he develops and lives. To the layman, his frequent recourse to reason and to his moral code and his avoidance of penalties together with the mastery of himself and his own destiny which he subjectively feels he possesses, are so obvious that a deterministic view of human behavior receives scant consideration and summary dismissal from the category of the believable. The thinking of the average man, like our whole system of criminal law, is couched in neo-classical terms. With certain concessions to infancy, lunacy, and extenuating circumstances, he regards the bulk of mankind as free moral agents, equal before the bar of judgment. How, if at all, can this difference between common sense and science be reconciled? And, if science and common sense cannot be reconciled, which is indeed right about the matter? To these considerations we turn our attention.

Perhaps we may first be content with finding groups which all agree are not morally responsible. Aside from some religious extremists who would believe in infant sin, this would certainly include infants. The fact that their intellectual powers are not yet mature and that their experience with the universe has been so limited would make the products of judgment, if judgment is yet exercised at all, so prone to fallacy that no one would dream of holding them responsible in any absolute sense.

Where, then, shall the line of demarcation between infancy and adulthood be drawn? Obviously, a self-sufficient "moral sense" and a capacity for rational judgment do not descend upon the individual at midnight of the day of his coming of age, twenty-one in this place, eighteen in another, etc.; nor upon womankind at the age of consent, sixteen in one state, fourteen or eleven in another. The actual capacity to judge situations rightly is of slow development through the years and is dependent in part upon what factors of experience have shaped one's thinking. So that few who are more mature in experience, looking back, would put much stock in their own capacity to have reached an infallible judgment upon which to base their action at, say, seventeen, or even at twenty-five; or at a month or so back, where the uni-

versity of hard knocks may have impressed a particularly difficult lesson.

And not only does experience wait to drive home a lesson to some of us painfully and at great cost in adult life which it has impressed effectively upon others in very early years, but the ability to learn from experience when it does present itself varies greatly in different individuals. So that one is wiser at ten than another at fourteen and yet another, at forty, is incapable of taking care even of his bodily wants and is put in an institution for the feeble-minded. Infancy, insofar as it concerns rational judgment and self control in conformity therewith, is not a matter of years but of development and experience. Here is one of the most illuminating side lights from psychology on the question of moral responsibility. Mankind is not divisible into two clearly divided groups, normal and feeble-minded. It is the universal finding of psychometrists since Binet that any large group can be arranged in an unbroken series from the profound idiot, an inert mass of breathing flesh, up to the most scintillant genius. Ability to learn from experience, ability to visualize results of actions, ability to remember admonitions, threats of penalties, and promises of reward, ability to take factors into consideration that are not present to the senses at the moment, ability to handle complex material and make fine discriminations therein, and capacity for self control—all these differ by heredity from one individual to another through almost imperceptible gradations from the lowest to the highest and there are serious limitations to the most highly developed.

All these abilities are called for in making moral decisions and controlling action in conformity with them. But in all of them there is an upper limit which the individual with his particular heredity cannot pass. And for actions which exceed his capacity he certainly cannot be held morally responsible. Thus a youth of nineteen with a "mental age" of seven who puts paris green in the milk supply because he is angry at the cook cannot be held morally responsible, even though he must still be effectively dealt with. Handling his case is a matter for dispassionate solution and not one for blame and vindictive punishment. Punishment in these cases, if used at all, is dispassionately given however painfully received, and is used or not used wholly on the basis of its effectiveness in preventing a recurrence and not at all in the sense of being "merited."

We see this in the obvious cases but it is no less true in cases less obvious. The stenographer who consistently submits jumbled and misspelled copy *may* be doing so because she simply *cannot* do better

and the student who persistently flunks out or stays in the group of those barely passing is often, though by no means always, there for a similar reason. But insofar as we do recognize them as due to inherent limitations, we absolve even our greatest leaders from the moral responsibility for their mistakes. Science and common sense are here at one, except that science has analyzed our shortcomings in this regard a little more astutely and has found that the average intelligence in the population is much lower than we have always supposed it to be.

The army mental tests and similar researches have shown the average capacity for intelligent adjustment of the adult population to be in many ways, not in all ways of course, comparable to that of a child of thirteen and a fraction years. And many who are considerably lower than that are not in institutions but are well adjusted in the community. Early *training* (which impinges upon the individual from the *outside*) in habits of industry, thrift, and observance of simple rules of conduct enable many of these to get along well in a more or less routine way of living so that they appear quite "normal" to their neighbors. Sometimes, however, an unusual set of circumstances confronts them which their long established habits of living are not adequate to meet. Then their ability to visualize results, to apply past experience, and out of a complex situation to make fine discriminations and control their actions accordingly is over-reached and maladjustment ensues. Since they have always seemed "normal" in their undisturbed routine of living, those who know them naturally blame them for their wrong doing. But if common sense had the facilities of science for more precisely diagnosing their cases, the two would be at one here as in the more obvious cases. The situation is generally aggravated by the newspapers who, as self-appointed evangelists of a punitive type of justice, resent any diagnosis that would relieve any offender whatever from the least modicum of culpability, overlooking the fact that in showing freedom from moral responsibility, the psychometrist is not at all begging the question of dealing with the offender effectively, though dispassionately, as a social problem.

We are not here saying that all delinquencies are due to mental deficiency or even that most of them are. That the percentage of low mentality is high in our penal institutions is in part due to the fact that the dullards are more easily caught. We are only saying that insofar as the delinquency is actually due to a mental handicap, moral culpability is to that extent obviated. It is a matter for diagnosis in each individual case. So in the succeeding discussions, we must not be misunderstood as taking in all delinquency in each discussion. The knottier

problem of the so-called perfectly normal person's behavior will be considered in its proper place.

A second group which all would agree to be irresponsible is the insane. Certainly this would be true of such psychoses as are apparently rooted in the neural organization, as in the case of malignant growths within the nervous centers, blood clots, the attacking of nervous centers by disease organisms, or derangements due to arteriosclerosis, physical injury of the brain, etc. Here would be included general paresis, aphasia, senile dementia, and various traumatic derangements. In these cases the distorted behavior results from causes beyond the control of the individual at the time and not usually chosen as such by him at any time. Common sense and science would be at one here in absolving the individual from the moral responsibility of his actions, though, here, too science sees a little more clearly. There are many cases in the literature, for instance, where anti-social behavior which was not before present follows a severe blow on the head or a pressure on the brain from a fractured skull and clears up again when the pressure or other source of aggravation has been removed. Often in these cases others of the family and community blame the individual sharply for behavior which was probably the result of neural functioning quite beyond his control.

The same is true of derangements whose organic bases more or less elude analysis, such as the hallucinations of dementia praecox, the emotional swings of the manic-depressive psychoses, the states of blind anger that characterize some epileptic cases, the slow, halting reactions and emotional instability of the postencephalitic case, and even the inadequacy in crucial moments of the case of "brain fag" or neurasthenia. As these cases appear in varying degrees, many of the less obvious derangements are not apparent to the layman, and since the patient is able to adjust fairly well sometimes in spite of his handicap, he is often assumed to be normal and judged rigorously for shortcomings quite beyond his control. This is sometimes true in the face of an amazingly apparent handicap. For instance, among the cases at the Neuro-psychiatric Clinic at the Northwestern University Medical School, the writer remembers a boy of eighteen or nineteen who was continually beaten and scolded by his father for his slowness in action and inability to hold a job, all of which was most obviously the result of his postencephalitic state, accompanied as it was by halting speech, bodily tremors, and slowness of mental reactions quite beyond his control.

Here one would say the culpability was with the father, but there were limitations even there. Ignorant, and of limited mental capacity,

he was of a race and cultural tradition which put great stress upon economic success, an emphasis which was heightened by the limited resources of the family. These factors of life-long practical importance and other painful factors involved in the constant presence of an inadequate member of the family group took on an importance and an emotional connotation so great as to crowd out from his consideration the situation in its totality. Objectively, in the total situation, the handicap of the boy was a factor of such importance as to merit a dominant place in the adjustment of all affairs concerning him. But subjectively, they were lost sight of emotionally and intellectually because of the insistence of factors on the other side of the question, and, from the point of view of its "sincerity" in *such* circumstances, the father's behavior must be regarded as "only natural" even when his attempts at correction were brutally futile. It is this tendency to automorphic interpretation, to considering the situation and the behavior of others in terms of our personal biases and desires, which desires are more vividly present in our thinking, which sometimes makes futile the most laborious and sincere attempt to be objective and fair. We shall consider the point further when we consider the limitations of so-called normal behavior.

Mental aberrations that are psychogenic in origin have an etiology, a developmental history, involving mental functioning at every step. Where these aberrations are not traumatic in origin, i. e., are not results of an emotional shock from a particular experience, but the result of the gradual entrenchment of certain conflicting emotional attitudes, we will for the present (only) grant the possibility of the individual's bringing the conflicting elements into consciousness during the earlier stages and resolving the whole matter rationally. So that, insofar as capacity for rational judgment involves responsibility, the person is for the moment considered as at the earlier time responsible for the later appearance of the aberration. But when the aberration has developed in all its distorted character, the person is as helpless with regard to it as in the case of those psychoses which are rooted in neurological causes. And it is as little susceptible to reason. The conflicting elements are sometimes split off from the main personality and completely out of its direct control. Thus in the obsessions and impulsions that sometimes characterize neurasthenia, the person is quite aware of the utter foolishness of his fear, say of open spaces, but the fear is so intense that he cannot cross them. Or he is quite cognizant of the futility of the elaborate ceremonials sometimes built up around dressing, eating, or washing, yet has no rest until they are



carried out. Reasoning as to their futility has nothing to offer which he does not already know, yet he cannot bring under control this split off part of the personality, because he does not understand himself.

Again, in the course of time, the aberration or the anti-social trend becomes part of the warp and woof of the personality so that the person thinks and evaluates in its terms. This is a situation almost equally hard to deal with; as where a spoiled child becomes through years egocentric to the degree that he habitually decides things in terms of his own desires and overlooks the considerations of others; or where an early rebellion against authority becomes entrenched with passing time until moral suasion and enforced restraint meet only the responses of personal prudence or expediency. The same entrenchment is sometimes true of religious fanaticism, prudery, licentiousness, desire for gain, and many other attitudes which become so entrenched over a period of years that when a problem for decision arises which involves them, emotional attitudes are aroused which are so intense, so deeply rooted, and so a part of the warp and woof of the personality as to void the deliberative process of any real objectivity in surveying the situation. Here, if there be moral responsibility at all, it diminishes in proportion as the particular bias "sets" and becomes inflexible and self-sufficient. It is greatest, if at all present, at the inception of the entrenchment where plasticity still obtains and there, as we have already reserved for ourselves a qualification, only in the degree that rationality and responsibility are correlated. And this lack of moral responsibility when the aberration is thoroughly entrenched is as applicable to virtuous biases as to anti-social tendencies. In both, the automaticity of a fairly self-sufficient mechanism may be approximated. The same reasoning would apply to drug addicts, extreme alcoholics, or other habitists.

Leaving for later consideration the relation of rationality to moral responsibility, we may profitably turn our attention to certain other factors involved in the question of whether the subject is responsible for these aberrations at the time of their inception. Take the traumatic psychopathies in which the root of the maladjustment lies in an intensely painful experience or emotional shock. Here the subject in no sense chooses the distortion that the experience works upon his personality. He is caught in the vortex of cataclysmic emotional stresses which work their effects upon him. This is well illustrated by Hart's summary of the case of Irene, first described by Janet:

"Irene had nursed her mother through a prolonged illness culminating in death. The circumstances connected with the death were pecu-

liarily painful, and the event produced a profound shock upon the patient's mind. An abnormal mental condition developed, characterized by the frequent appearance of symptoms resembling those exhibited by the ordinary sleep-walker. Irene, perhaps engaged at the moment in sewing or in conversation, would suddenly cease her occupation, and would commence to live over again the scene of her mother's death, carrying out every detail with all the power of an accomplished actress. While this drama was in progress she was perfectly unconscious of the actual events happening in her environment, heard nothing that was said to her, and saw nothing but the imaginary scene in which she was living at the moment. This phenomenon, technically termed a somnambulism, would end as suddenly as it had begun, and Irene would return to her former occupation, absolutely unaware of the fact that it had ever been interrupted. If the patient were interrogated during the apparently normal intervals it would be found that she had not only entirely forgotten everything which had happened during the somnambulism, but that the whole system of ideas connected with her mother's death had completely disappeared from her mind. She remembered nothing of the illness or the tragic end; discussed her mother without emotion, and was reproached by her relatives for her callous indifference to the whole subject."

The literature of shell-shock cases, obsessive fears, somnambulisms, and symbolic stereotyped behavior is replete with instances in point. *And as there are manifold varieties of these distortions, so there are many degrees of the intensity with which they are impressed.* An innocuous case would be the person who heartily dislikes cauliflower and refuses to eat it because he once overate of it and was nauseated by it. Between this and actual insanity range all degrees of intensity and fixity of emotional attitudes and, what is perhaps more important, all degrees of distortion in their expression. Among them might be found such as the following: the employer whose business has arrived at a critical point where the realization of a lifetime of striving depends upon the efficient operation and output of the industry over the next few months, who is held up by labor troubles, who sees his nearest competitor grasp the opportunity which was just within his own grasp, and who becomes so embittered as to be willing to fight all laborers with sluggers, injunctions, lockouts, and by any fair means or foul; the laborer whose wife is sick, who finds himself locked out from his job, denied by injunction the rights of free speech in his own behalf, who loses his house or is evicted from the company house in which he lives, whose wife dies in consequence, and who adopts an enemy

attitude toward all capitalists such that stealing from them, cheating them, or antagonizing their interests in any way whatever becomes a virtue in his eyes instead of a fault; the man who has had a vividly unpleasant experience with a negro, Japanese, or Jew and who thereafter has no use for any one not white, Protestant, and Nordic; the man who is rejected and becomes a woman hater, etc. Again in terms of "sincerity" under the circumstances their reactions, within their limitations, are "only natural." Subjectively, their biased views represent reality to them. Apart quite from intentions, the widest error of thought or anti-sociality of behavior may arise—from such distorted misapprehension of reality. Analysis perhaps could straighten them out. Of themselves—that is the way reality looks to them.

It is obvious that here are differences of degree and that biases which characterize all of us could be found which are as stubbornly inflexible to reason, as effectively insulated into logic-tight compartments, as some of these. From cauliflower to insanity, these fixed attitudes and aberrations may be serious maladjustments biologically, economically, and socially, but they are solutions physiologically; and solutions which have worked *themselves* out! The above is a normal way of acquiring emotional attitudes and few of us habitually subject them to further rational analysis, so that in the absence of rigorous intellectual efforts, many of our actions result from our attitude toward those few isolated factors in a very complex situation which have at some time had a vivid significance in our experience. It is the rare person (of rare ability and rarer training) who can view the situation objectively and in its total complexity.

Another qualification to the acceptance of moral responsibility at the time of their incipiency for the later development of aberrations is the immaturity of the individual at that time. Inferiority complexes, guilt complexes, and conflicts over sex sometimes root back to the earlier years of childhood and adolescence when the child understands neither his own nature and its impulses nor the world in which it lives and the reason for its requirements upon him. So that he could not possibly call the conflicting elements into the focus of attention and resolve the conflict rationally in the light of modern knowledge on the case. The appeal of certain stimulating situations to native impulses affords him one definition of the situation and the voice of his elders imposes an opposite definition on the same situation together with the imputation of guilt if he accepts his natural inclinations instead of the artificial and extraneous definition of the situation proffered him. It is not always possible and it is not usually accomplished, to properly

synthesize or reconcile these conflicting points of view in other than a mature mind, and the result is sometimes conflict and distortion *whichever* choice is made. He may follow his natural impulses and the conflict of the action with the prescribed definition may persist more or less subconsciously and with more or less distorted and serious expression; as in the etiology commonly traced for the obsessive neurasthenias. We are speaking here, not of his responsibility for the act itself at the time—that would fall under the relation of reason to responsibility—but of his responsibility *for the mental effects which later follow*. And since even the trained psychiatrist is not always able to avoid these in his own personality, the tenuousness of their predictability would be sufficient to release the immature child or the layman from the possibility of forestalling them.

For even where the ethical choice, in society's definition of the term, is made the possibility of distorting conflict still entails. If the prestige of the impressing agent is over great, so that the appeal of the stimulating situation to the natural impulses is rejected *in toto* as being immoral, vile, and wicked and every thought and impulse thereto is rigorously excluded from the mind, these impulses may become split off from the personality and, more or less self-sufficient, secure their own distorted expression, sometimes symbolical and susceptible of high sublimation, sometimes open and flagrant, yet so utterly out of control of the individual as to warrant a diagnosis of schizophrenia; as in the erotic hallucinations of monks and hermits. The path which most of us have followed is perhaps a middle course. Lapses from the imposed code have not been over frequent in childhood; the voice of authority has not too deeply impressed feelings of guilt, rebellion against authority, or apprehensions of disaster when they have occurred; mechanisms of forgiveness and readjustment have been provided; and we have muddled through until a real synthesis of the conflicting definitions can be made rationally with more mature minds.

To the extent to which we can bring all the factors and desires involved in a situation into our thinking, frankly face them, and decide the situation rationally in the light of its total significance and continue to do so as we meet it again and again, to that extent is the danger of a subconscious conflict and distorted expression thereof removed. The relation of that ability to the age, native mental ability, past experience, training, and other factors out of the control of the individual is at once apparent. So that the positing of moral responsibility must be further qualified as correlated with the extent to which the individual is able to synthesize all the conflicting impulses

of his nature and the demands of society into an integrated whole in which the ethical self is always dominant. This is a fine art, a difficult task for a lifetime and there are only a few cases in history, perhaps only one, on which there would be even fair unanimity as having achieved it. In criminology we find many cases of impulsive crimes in which the offender is tortured by the recognition of himself as the perpetrator and repeats over and over, "I don't know why I did it! I can't understand it!" The vortex of cataclysmic emotional stresses in which the impulsive criminal is caught is not such as to permit the objectivity of carefully deliberated discriminations. And his moral responsibility, if at all present, is not of that moment but of an earlier time when he *may* have foreseen such a crisis and built up reaction tendencies that would have carried him through it along ethical lines of behavior. This in turn is dependent upon his inherited capacity to analyze and adapt himself to the complex factors of a situation remote from his present experience *and upon the extent to which his past experience has impressed upon him the necessity for so doing.* But even where he has done this to the best of his ability, the stresses of the situation sometimes give a split off or repressed impulse a position of temporary dominance and he is motivated by urges that are not those of his own personality in the psychological sense. These are cases such as we have cited, in which the offender himself cannot understand his own behavior. Obviously there are in these cases also all degrees of intensity and distortion and most of us can find petty instances in our own experience in which, under stress of embarrassment, rage, jealousy, or desire, impulsive action replaced reason momentarily and betrayed us to acts which we afterwards regretted and could not understand as being typical of us, acts which would not have obtained if we could have kept the total situation and all the future results before us. Between these petty incidents and the insanities lie all shades of difference, the expressions of many of which are criminally defined, and the moment of moral responsibility, if there be such, must be found at a time other than when strong emotions have stampeded the individual and usurped the place of reason among his potential reactions.

In taking up the question of insanity, then, we have found it to shade by almost imperceptible degrees into so called normality. Just as infancy emerges slowly into maturity and as there is an unbroken gradation from idiocy to genius, so there is no place where a sharp line of division can be drawn between the so-called normal and the mentally sick. And just as there are many "morons" in the general

population who are well adjusted and are taken by their neighbors to be "normal," but who now and again run into an unusual situation in which a handicap beyond their control betrays them, so there are many psychopathic cases who are ordinarily looked upon as normal or at most as being possessed of a few idiosyncrasies whose lapses from prescribed behavior, when they do come, are as truly due to their being mentally sick as are those of the definitely maniacal case, however little this may be apparent to the layman.

Our investigation so far has then simply extended the boundary lines of the exceptions made by the neo-classical school when they absolve infants and lunatics from moral responsibility. We have found that infancy, in the sense of incomplete mental development, is not a matter of age alone but of hereditary endowment and past experience, there being all possible gradations in the adult population from idiocy to genius. And we have found that lunacy is not confined to asylums but that there is every degree of mental aberration from the petty idiosyncrasies and moments of weakness which all alike display to the senseless mutterings, hallucinations and violent ravings of the maniacal case. In both cases, science has merely seen a little more astutely than common sense. We have not as yet gone further in our argument than the neo-classical doctrine of limited freedom of will would itself permit of going. To the extent to which a person is actually feeble-minded or subject to a lesser degree of hereditary subnormality, and to the extent to which mental aberration is actually present, the man in the street would absolve the offender from moral responsibility. He would differ from the scientist on particular cases only because unable to see the less obvious forms of mental lack or mental sickness with the clearness with which the scientist diagnoses such cases. Given the skill of the scientist, so that they would agree on the diagnosis, they would also agree in absolving such cases from responsibility for actions due to these handicaps. It is because some pseudo-psychiatrists and pseudo-philosophers have commercialized their ability in medical and legal jurisprudence and, having proved offenders free of moral blame, have then pressed the point to make it *the excuse for freeing them from being effectively dealt with at all by society* that most of the misunderstanding has arisen.

But to the extent that a normal or a brilliant mental ability is present and to the extent that there is freedom from mental disease, the neo-classicist holds the person morally responsible. And in the succeeding section we will turn to this more difficult question of the moral responsibility of the normal, rational man in his rational mo-

ments. For professional criminals, much more than occasional or impulsive criminals, are made up of the so-called normal and rational.

## II. THE NORMAL INDIVIDUAL

We have found that there is no clear cut line of division between the normal and either the subnormal or abnormal, inherent handicap varying in the population in an evenly graded series from idiocy to genius, and mental aberration varying similarly from petty idiosyncrasy to lunacy. Minor degrees of these handicaps are apparent in all of us and there are many borderland cases who are taken for "normal" by their neighbors and who continue well adjusted until in a particularly trying emergency their handicap betrays them into anti-social behavior. Where this is actually true (and scientific diagnosis is the best guide), the testimony of psychometrist and psychiatrist is pat and the offenders should be dealt with by means of supervision and treatment rather than by punishment. It is a matter of individual diagnosis in each case. But the commercializing of forensic psychiatry to get the influential offender off interferes with the wholehearted acceptance of this forward step. It should be the function of an impartial expert appointed by the judge or regularly attached to the court.

But where there is no mental lack and no aberration, what should be the attitude toward the offender? What can then be said as to freedom of will and moral responsibility? It is to this knottier problem of the moral responsibility of the normal, rational man in his rational moments that we turn in this section.

When we subject the normal man to close analysis in the psychological laboratory we are impressed with a multiplicity of limitations which, as we have already remarked, differ only in degree from those of the subnormal and the abnormal. We are all of us at times impelled by motives of which we are not conscious and which we would not tolerate if we knew of their existence and action, motives sometimes sternly repressed by the conscious personality which yet manage to clothe themselves symbolically in terms acceptable to our censorship and to attain a more or less flagrant, a more or less sublimated or distorted expression. That there is a psychopathology of every day life has been amply shown by the Freudians and other psychoanalysts and volumes could be written on the subject. Likewise we are all subject to limitations on our ability to learn from experience, limitations on the ability to visualize results of actions, on ability to remember admonitions, threats, and promises, the ability to take factors into

consideration that are not present to the senses at the moment, the ability to handle complex material and make fine discriminations therein, and in the capacity for self control, differing only in degree from the subnormal. Certain experiences must be repeated often before we see the nub of the matter and learn the lesson that they bear; certain lessons are so long and so involved that we cannot possibly remember them *in toto*; the results of certain actions ramify so far into the future that we cannot possibly foresee them and call them into consciousness to reckon with them; and certain problems are so intricate and subtle that the intellect is baffled in their consideration. Else the riddle of the universe were an open book ages since. So that a hypothetical person standing at the pinnacle of Mankind's development and achievement still meets moments when he cannot analyze his own motives and when he errs in judgment of the situation, though he none the less reaches the highest decision of which he is capable. We do not blame people for errors in judgment or for errors due to the lack of access to all the data involved. So it is within these still narrower limits that we must search for moral responsibility.

But we are concerned with the normal man's moral responsibility in his moments of deliberative, rational decision. To discover this, we may profitably inquire how the conscious personality gains access to the data involved, so that he may reach a decision in a particular deliberation. Obviously, through memory and observation. Are we then free and unfettered in the exercise of these functions?

Take memory first. Can we at will call to mind the details of any or every past experience? Plainly, many of them elude our best efforts. If I ask you details about, say, the article on criminology which you read last week, e. g., the date of Lombroso's thesis or exactly what it said about atavism, you are unable, despite your "efforts of will," to recall it, though if the question had been asked as you laid the article aside, you could have answered perfectly. But it has been over a week ago, you read it but once, these points were but two out of a mass of material, and while more vivid parts of the article remain, these are lost unless the memory is refreshed with a new observation. But if I ask you the date that Columbus discovered America, you would give it instantly. You have heard it repeatedly, you have memorized it by rote, it has been made vivid for you in song and picture and story and in the oratorical efforts of patriotic celebrations and the idealizations of history books. Whether the contents of memory appear in consciousness at all or not is then not subject to the "will" alone but to other considerations. These conditions are stable as



laws of association; and the contributions of memory to the contents of consciousness at any particular moment are as reducible to natural laws as are the reactions of a bit of matter to a physical force.

So that, if two experiences, say "Columbus" and "1492," are together in consciousness at a particular time, and if one of them is later brought to the attention, the other tends, indeed, to return also; but whether it succeeds in doing so is dependent upon other factors. Most of these laws comport with the findings of common sense when stated in untechnical language. Thus whether a particular bit of experience, a particular lesson, or a particular moral admonition will be remembered depends in part upon: (1) its recency (we remember recent experiences better than those long past), upon (2) its frequency (oft repeated experiences become part of our working equipment while the isolated event is lost sight of); (3) its intensity (the vivid impression remains but that which makes no impression at first is soon lost); (4) whether other associations at the time of the experience crowd out this particular one (initial inhibition; as in the case above where the particular items were lost in the mass of detail presented at the time. Various factors enter here, the amount of material, the length of the material, the position of the particular item within it, too fast a presentation of it, too quick a presentation of new material, etc.), (5) the extent of participation of the individual (we remember better if we actively recite or enact the material than if we merely listen to it); (6) the similarity or congruity of the association with the contents of consciousness at the time of attempted recall (the "significance" factor; convergence; and in its opposite aspect, terminal inhibition. That will be remembered which in its impressment formed a unitary, articulate, meaningful whole or a relatively independent sub-unit or a containing configuration relative to the stimulating situation; if the mind is full of related things it facilitates the entrance of the relevant; if full of other things, precludes their appearance; some interests exclude others; a student in love fails to recall and organize his academic experience—previous assignments—while showing an efflorescence of memories relevant to his interest; and a person pre-occupied with worries or a death in the family literally cannot mobilize his past experience to cope with minutiae ordinarily dealt with with ease). Psychologically, these all reduce to considerations of contiguity (including the kinaesthetic set of the organism) and of congruity, using the latter term in a structuralist-gestaltistic-hormic sense to cover the entire implications of form and meaning; and possibly to contiguity alone, if we properly define what we mean by an item

in experience. That is, when two experiences appear together in consciousness or in successive moments of consciousness, the rearousal of one of these tends to bring back the other one also, and its failure to so appear is only because it has been crowded out by other associations which were more recent, more frequently impressed, more vivid, etc., or by new experiences of the moment, or because it did not, in the impressment, or with relation to the stimulating situation supposed to call it forth, form a distinctive configuration or fit into a larger configuration of meaning as a relatively independent but related unit. The affective factors in congruity as meaning will be treated more fully when we deal with emotional appraisals.

The conditions of impression are also conditions of association, and we do not presume to have fully dealt with or even listed the latter here. The interested reader is referred to Titchener for the structuralist contribution, to Watson and Pavlov for the behaviorist angle, to Köhler for the gestaltist conceptions, and to McDougall (and, say, Kempf's segmental cravings) for lowered and heightened thresholds and the hormic considerations of the congruity factor in our widened use of the term. Of course the behaviorists go so far as to say that consciousness, despite its apparent function, has really nothing to do with behavior anyway, that the real determinants of action are nerve currents which work themselves out automatically in the neural pathways from the stimulated end-organ to the response, with consciousness occurring merely as one aspect of the process, a sort of epiphenomenon. But we are making a concession and assuming that the conscious control of behavior is a real control and are inquiring as to how the conscious personality gains access to the data upon which to base its decision. And enough has been said to show that the workings of the mind are as reducible to natural laws as are the reactions of material bodies.

The other means by which the conscious personality gains access to the data involved in a particular judgment is by observation, an activity which is confined in the term attention. And we find psychological conditions of attention just as we do those of association. Thus whether one pays attention to a particular sensation, a particular moral admonition, or any particular phenomenon depends upon (1) its intensity (a stone falling on the pavement does not interrupt my study, but an explosion or a clap of thunder gets my involuntary attention); (2) upon its suddenness (the slow starting sleeping car does not disturb my slumbers but a sudden change in the rapidity of motion awakens me), (3) whether the stimulus is moving or still (we notice

moving objects much more quickly than stationary ones; our eyes follow movements almost reflexly; the lecture that moves from point to point interests us but the long dissertation that gets nowhere soon loses our attention), (4) its novelty (we are intrigued by the novel, fearful of, but very attentive to, the absolutely new experience), (5) its repetition (the oft-repeated moral lesson or advertising slogan gets our attention sooner or later, e. g., "Smoke Chesterfields"; a single tap on our window is unnoticed but a shower of taps brings us to see the cause), (6) its isolation (if there is only one ad on the page we are much more apt to notice it than if there are ten or twelve), (7) its congruity (in the above use of the term) with the present contents of consciousness (the convergence or initial inhibition of the laws of association; if we are interested in baseball, the box scores catch our eye, but if we are selling motors the picture of a Cadillac sedan is more apt to intrigue us), etc.

Now a person can only arrive at a decision in the light of the data which is in his consciousness at the time. If, then, the *contents* of consciousness are determined through answering natural law, the *decision*, being based on the data so provided, is *determined* and praise and blame are alike inappropriate. In the case of the virtuous action as in that of the criminal offence, it would seem that ideas leading to one act in preference to the other either crowded the others out of consciousness altogether or outnumbered them or overbalanced them with their weight or outweighed them in their self-defined significances, and the response followed with a certain automaticity however much, subjectively, the person felt that the decision was his. He felt it was his because the conflicting forces were, for the moment, him, but actually the behavior resulted from the crowding out or overbalancing of one set of tendencies by another, as was hinted in the preceding section in the case of the father who beat the postencephalitic boy.

And this is largely true. The criminal is criminal in part because of his environment and training which have impressed the associations of criminality more deeply than those of virtue. Somewhere in his previous experience, in a childhood home in which there was a drunken father, a prostitute mother or an immoral boarder or nurse, in a school where there was an over-severe teacher and a rebellious roomful of kids to egg him on, in a boy's gang in which there was a chance hobo or a homosexual, in a high school where status depended upon flasks and jests, or in a pool room in which stick-ups and gamblers loafed—but somewhere, the associations and meanings of crime were more vividly, more frequently and in other ways more effectively impressed than

those of virtue. So that, when he meets a situation in which there is a possibility for criminal action, he thinks in criminal terms and the claims of virtue are crowded from the attention altogether or overbalanced by the anti-social tendencies.

The remedy for the problem of crime, then, lies *only in part in the addition of penalties to the data of his consciousness*. The more effective remedy lies in adequate moral education, a task which the schools have too long shirked in their desire not to tread upon the toes of religion. The effective remedy lies in making the associations of virtue more vivid, more frequent, and in other ways more effective than those leading to crime. And this is a task for education in the large sense, in school, home, and community. Such a statement is made, not as a communication made to free moral agents who have been lax in their duties and who should repent and change their ways of doing. But, if we are to be consistent with the argument thus far, the statement is made so that it may become an additional conditioning factor in the memory mechanisms of those who read it and thus influence the future behavior of society on this matter. For, if the argument thus far is sound, there is no place for moral responsibility *anywhere* in mankind, either in the individual product of the social milieu that brings him forth or in the members of the general body of society who so effectively shape and mould each other. None the less, progress is attained as experience impresses its lessons upon us and we communicate our findings to each other and profit by them. For in this view, we are all products of one another.

We have overstepped ourselves, however, in arriving at a conclusion thus hastily, for there is a loop hole in the above argument through which we may perhaps still find a modicum of moral responsibility. One of the determining factors of both attention and association is congruity with the present contents of consciousness, the sensations and perceptions already in the mind, and, more significant for our purpose, the desires of the moment or the interests which are more or less permanent in the lifetime. Thus if I have an interest in criminology or desire to obtain a good grade in a course in the subject, I can in a measure *direct* my attention to books and articles available; I will more readily remember the items they present; and noises, conversations of nearby people, and other stimuli that would otherwise compel my attention are less likely to interrupt my train of thought because they have no *significance* with relation to my main objective. It is the appraisal which we make of things in accordance with our needs, interests, desires, or purposes that gives them significance.

Without such a "weighting" of the different items as desirable or undesirable, fearsome, repulsive, lovable, etc., there would be no significance whatever in the thought process and no motive to deliberately chosen action however crowded with data consciousness might be. Sheer reflex actions might still obtain but there would be no motive to deliberation or to action in accordance with the judgment reached.

If, then, we are unfettered in the formation of our emotional appraisals and the feelings, there is still room for a modicum of moral responsibility. The limitations outlined above, imposed by the laws of association and attention and the numerous other uniformities in the operation of the human mind, would still obtain, not as strictly determining factors, however, but as conditioning factors, as limitations within whose restrictions a certain freedom is exercised. Thus, although surrounded by cheating and profligate living and by those on every hand who do not share his views, one is still able, within limits, to overcome the frequency of presentation of these associations by keeping the associations of uprightness clearly defined in his own mind because of a *purpose* to live a life in conformity with his own ideals. And, though the more intense stimulus tends to claim our attention, one may still ignore the roar of the cheering squad and listen to the whispered communication from the young lady at his side simply because that is what he wants to hear. Though if the grandstand collapses his attention is claimed in spite of himself. We may, then, profitably turn our attention next to the question of how we come by our feeling attitudes and emotional appraisals, and a little later to the question of the nature and role of personality and the will.

The feelings, in the psychological use of the term, reduce to pain and pleasure. And it is evident that we do not choose the feeling tone which accompanies a particular stimulation but that the situation carries its own definition of painfulness or pleasurable-ness. One puts his finger against a red hot iron and feels pain. He does not cogitate and say, "Last time I chose pain when I did this. This time I command that the feeling be one of great pleasure," and achieve such a result. *The feeling tone of any stimulus is determined by the specific nature of the stimulus and of the organism stimulated.* We experience pain when a painful stimulation is presented, just as we see red when a red object is presented, as Woodworth puts it, simply because we are built that way. *We depart from rationality if we endeavor to alter the definition which the situation itself imposes.* It is utterly out of control of our wills. The data is defined as presented; reason can only work with the data as defined. Its highest work is

to let the total situation, inner and outer, nearer and in its remote ramifications, superficially apparent and profoundly subtle, present its integrated definition.

The same is true of the emotions. If one receives a telegram telling of the death of his mother, he does not cogitate and say, "I hereby choose that the emotion I shall feel to accompany this news be one of great joy." Though he may restrain the *expression* of his emotion because of *other* considerations, the emotion itself is determined by the nature of the stimulus. Disgust follows a disgusting object, fear a fearful one, etc., simply because we are built that way, as do our sensations, perceptions and feelings. And it is here beside the point that our red-seeing and pain-experiencing build is a permanent build and that our significance-cognizing build, with its emotional substratum, is the product of a continuous moulding of hereditary make-up at the hands of experience. At any *particular moment* situations define their own significance and any analytical alteration of that significance is only at the hands of analysis or integration of wider significances which similarly define themselves. These emotional attitudes are accompanied by tendencies to action, so that we try to make ourselves safe from the fearful object, we repulse the disgusting object, overcome the object which stands in the way of our desires, seek food when hungry, seek the relationship of love and affection, avoid pain, etc. While psychologists differ as to just what the mechanisms are which are involved and just how they work themselves out, they are agreed that we perceive a particular sensation, experience a particular feeling tone, make a certain emotional appraisal, and carry out a more or less specific type of action upon the presentation of the proper stimulus principally "because we are built that way." Hereditary makeup as determined by the germ-plasm, plus the impingement of environmental forces upon that hereditary constitution from the moment of conception to the present—in these two factors (both thrust upon us) lies the explanation of all behavior and no uncaused cause, which an entity would have to be to be morally responsible, enters at any point.

Where then is the place for reason and what is its function in such a scheme of things? We will remember that the ability to take absent factors into consideration, to keep voluminous and complicated material in the attention and to analyze, compare, and make fine discriminations therein, all of these differ hereditarily along with general intelligence by imperceptible differences through the population. But when the ability to reason is fully present, how does it operate? First

it is apparent that it acts as the handmaiden or servant of, more strictly in a functional integration with, the innate desires, drives, objectives, or evaluations of the organism. Thus if I am hungry, "intelligence" may be extremely useful in devising some means of getting food, but in so doing it does not replace the drive of hunger but serves it. For this or that alternative of action is accepted or rejected in my thinking in accordance with its bearing on the objective of food. So that the innate drive or desire "weights" the factors in the reasoning process, furnishes it the points of orientation upon which the whole process depends, gives it the motive for both deliberation and for action after a judgment has been reached, or gives to reason its emotional appraisals, whichever expression of the case best suits you.

But it is upon these emotional appraisals and feeling attitudes toward the data in consciousness that alternatives of action really hinge. Thus if the purely intellectual factors in reason enable one to figure it out that by placing wires, batteries, and explosives in certain positions he can touch a button and blow to atoms a distant bridge and all the people that are on it, this data is of no significance whatsoever and leads to no deliberative action unless feeling attitudes and emotional appraisals are present in regard to factors in the situation. Thus there will be a different response in accordance with whether the emotional and feeling attitudes toward the people on the bridge are those of a patriot toward an invading army or those of a gold star mother toward the returning boys.

So that our loop hole, instead of destroying our argument, has clinched it. For if we waive all the points made in the earlier part of our consideration and admit this defining of the feeling attitude and emotional tone by the stimulating situation itself there is still no place for moral responsibility. If Freud and his followers are all wrong so that in the "normal" man there is no trace of mental aberration, no repressions, and no sub-conscious urges attaining their distorted expression independent of his will in the matter, in a word if this man is thoroughly cognizant of his every impulse and desire and thoroughly able to control his actions in accordance with his judgments; if Binet and his followers are all wrong and this same man has a limitless memory span, an infinite range of attention, and no limitations on his powers of analysis, comparison and discrimination so that the products of his reason shall be intellectually infallible; and if Wundt and his followers are wrong and the laws of association and attention do not hold and this man can call to his consciousness every isolated fragment of his past experience as well as the experiences of other men

and of future generations so that he knows every possible experience bearing upon a particular action down to its effect upon John Doe in the center of the African Congo in the year 3050, A. D.; and if Watson and Pavlov are also wrong and nerve currents have nothing to do with thought and thought has everything to do with action—if all this were true and if we were still forced to admit that he felt pain when a painful stimulus was presented simply because he was built that way and that his emotional appraisals were *defined by the stimulating situation* and not commanded and tacked onto his experiences by himself, we would still have to admit that, although reason was used to the greatest degree and infallibly, yet the materials with which reason dealt were defined and weighted for her by laws outside her control and in such a way as to have the final voice in her judgment.

It is hoped that the writer will not be thought facetious in building his case on illustrations of such simplicity. For it is quite apparent that impulses and definitions of the situation conflict and that we sometimes refrain from a desired line of action because of fear or scruples. The fire may carry its own definition of painfulness but one sometimes ignores the pain and dashes into a flaming building to rescue an inmate. So too we may refrain from the tempting dish because of memories of indigestion or refuse the proffered bribe because we have come to value self-respect and honesty in the fulfillment of duty. But, however subtly complicated these cases are upon analysis, it is always found that one impulse or emotional appraisal is inhibited only by some other one (or many) which other one, at one time or another, experience itself *has defined for* the individual and which conflicts with the first one. The laws of association, in a word, obtain among the emotions and these tendencies become associated together into sentiments, rules of conduct, moral codes and the like and as we run across them in adult life they have little of their pristine simplicity. So that while a slapped hand and the memory of it may be the most effective inhibiting influence at one period, later, love of parents, regard for one's fellows, or identification of the self with an abstract principle or ideal may be the offsetting factor for tremendous pressures toward wrong-doing. But in their genesis and growth these powerful interests and dominating principles were conflicts of divergent impulses whose resolution, through frequency, intensity, self-validating meaning, etc., became so integrated with associated impulses that the whole complex has attained more or less of a dominant position in determining the behavior of the individual. Indeed, they may now have become warp and woof of his personality.



For it must by now begin to be apparent that personality itself is a synthetic as well as a dynamic thing. Into it enter certain hereditary factors, things that mark us as different from the dog or cat, and things that mark us as different from one another, differences in native intelligence, temperament, etc. Into it also enter all the previous experiences of the individual which have further moulded and shaped him into what he now is, his whole reactional biography. For also a man is what he is because of his training. The man in the street recognizes this when he tells you how much he owes it to his mother that he is what he is today and the father of a criminal boy is more apt to see it than the boy himself when he sees that boy drift off into delinquency under the influence of evil companions. All the divergent innate impulses of the organism, all the experiences of the individual, and all the remolding which these experiences have effected on the hereditary make-up, all these things are integrated into a more or less unitary and articulate whole which is the personality. In the mentally aberrant there are often impulses which are not thus integrated into the general unity but remain split off and secure their own expression completely out of control of the conscious personality. But in the rational man there are few such impulses insulated from the general plexus of motives and associations, but all alike are interrelated by associative connections with the more compact central integration, consisting of the main interests and attitudes of life and of the most important cognitive content, which together constitute the personality in the psychological definition of the term and whose reaction tendencies, dominant as they are in shaping the behavior of the individual, constitute the "will."

Under the limitations we have portrayed, the laws of association and attention, the "weighting" of the items made use of in reason, etc., this personality certainly exists and directs the major activities of the organism in accordance with its own needs. It certainly exists with a greater or lesser degree of self-sufficiency and we all feel, subjectively, that we are separate entities with the power to reason, however limited its use, and the power to control our conduct in accordance with the decisions reached. Now a careful consideration of the thesis of this paper will show that it in no way conflicts with this judgment of the common sense man. It accepts personality as a cause in the future behavior of the person, accepts that the individual can reach decisions rationally, and that the reaction tendencies of the personality hold a dominant place in the behavior of the organism and may, for convenience, be termed the will; accepts that he feels effort in carrying out

the "willed" activity. It merely adds that, although a cause, personality is not an uncaused cause, but first is itself an end-result of causes which antedated its own formation in time and which it therefore could not possibly have chosen—e. g., the constitution of the germ plasm from which it derives its heredity, and the meaning-defining experiences of infancy, early childhood, and adolescence. So that, while a person of poor heredity but excellent training may turn out better sometimes than one of fine heredity upon whom the associations of criminality have been impressed, still it is always in the interaction of these two factors, heredity and environment, that the explanation is to be found. So that: if you or I had exactly the same heredity as a noted criminal and had been subjected to exactly the same experience from infancy up as has he, we would have committed the same crime as he did also. For, to put it facetiously, we would then not merely be *like* him, but we would *be* him, and there he is to prove it!

This brings us to questions of individual differences. Both heredity and experience are different for different people and we all differ a great deal in our opinions and beliefs and in our feeling attitudes and emotional appraisals of other people, of institutions, moral codes, and the like. In our point of view we see how natural, how inevitable, these differences are, even when their resulting actions are criminal. And sometimes there are differences within the single individual. So that in less effectively integrated personalities we sometimes find the person knows full well that society defines a certain act as wrong, even accepts the definition himself so far as his conscious thought can be ascertained, but goes on to do the stigmatized thing none the less because the real attitudes and appraisals which experience has impressed upon him are neither those of society nor those which his own tongue has been taught to confess. And sometimes also, as in the professional criminal, there is very little of conflict in his own mind. Rather, his experience and earlier associations have simply defined things in frankly different terms than those of society and its laws. But in all these cases we should now be able to trace somewhat the causes for the maladjustment; in one case poor heredity such as feeble-mindedness or emotional instability and in another bad environment, such as traumatic emotional experiences in childhood or vicious companions in youth. For we now see what a stop-gap explanation it is to say that a man is a criminal simply because he is wicked or perverse. We see the necessity of explaining the factors that have made the criminal what he is today and which therefore make him act as he does.

And we see also the importance of arriving at this conception of human personality in terms of cause and effect. For if at last we come to a knowledge of our own natures we can expect eventually to control our behavior and our social relations just as a knowledge of the laws of physics and chemistry has greatly extended our control over physical things. That is, results can be controlled by controlling the causes and undesirable results already present can be gotten rid of by introducing offsetting factors. None of this would be true if man were really a free moral agent. For instance, in that event, however much you tried to mold one's personality and influence his future conduct by careful training from the cradle up, it would have absolutely no effect if man were really free. But these are real conditioning factors as everyone knows, and by a greater and greater knowledge of the laws which govern our own natures we may hope ultimately to achieve harmonious adjustment within the social order. The drawback is one of lack of knowledge and lack of its dissemination.

To the positive school of criminology, then, the criminal presents no case for vindictive revenge and punishment because he "deserves" it. Rather, his is a case for diagnosis first of all. After that may come habit training and supervision if sub-normal mentally, may come treatment for his malady if mentally sick, or there may be necessary a very difficult task of segregation and re-education if experience has impressed the wrong moral codes and associations upon a normal person. Best of all, however, would be a program of prevention which would re-align causative factors before maladjustment occurred at all, which would impress the meanings of virtue more effectively than those of viciousness.

We have now closed our case against moral responsibility and find that, in the strict use of the term, there is no such thing existent among men. The personality exists it is true, and it reasons and controls its behavior to meet its needs. But the personality itself is a result of formative influences which it could not possibly have chosen, not yet having itself taken form. The data of reason with which the personality reaches a judgment, are determined by the laws of association and of attention and by our affective and emotional attitudes and appraisals. The former are as truly natural laws, though more complex and not so concisely measurable, as the laws of physics and chemistry; and the attitudes and appraisals, like the sensations, are defined by the hereditary nature of the organism, plus the moulding influence of the past experience and the stimulating situation itself. So that there is an "outer determination" for all the factors in reason-

ing and therefore a determination of the decision of the reasoning process. *That reasoning is highest which simply best enables us to know reality. The only legitimate way we can influence our judgments and beliefs is to make sure we have considered all the relevant data. For in the last analysis it is the data which decides.* And even so, there are varying degrees of limitations to the intelligence and varying degrees of mental mal-functioning in all of us. So that nowhere is there room for an uncaused cause, an absolutely free entity, who could be held morally responsible. And this is our final decision.

This does not mean, however, that we are to loll back in our chairs and let the entirely predetermined world take its course. Our interpretation has, instead, reached a synthesis of libertarianism and determinism which we believe to be valuable. As a more or less self-sufficient integration of forces, the personality is a dynamic thing. So that we are thinking, feeling, reasoning human beings with needs, desires, and interests, with *the potentiality and the desire to control our environment and shape our future development and behavior in accordance with our needs and desires.* Collectively, society can do likewise. This is the legitimate part of the inducements held out by the libertarians. And it is because they fear belief in this will be denied them that they fear and fight against accepting determinism. But when it is added that, although all this is true, the personality of which we have spoken is first itself an end-result of formative influences, we reduce the significance of our first statement not one bit, but add the consistency of a strictly deterministic interpretation together with the possibility of a complete knowledge of human nature and human behavior in terms of causes and effects, the better, positively, to realize its potentialities and, negatively, to control it.

Neither can this all mean that, because he is not morally responsible, society is not to hold a man in any way accountable for his actions, but is to let everybody run helter skelter as they will. In spite of the lack of moral responsibility, the merchant gives a man goods on credit and holds him accountable for the bill, and a municipal government sets a certain speed for automobiles and fines those who exceed it. On close analysis all these cases will be seen to be based upon a belief in the *rationality* of the individual and the normal character of his emotional attitudes. The municipality, for instance, takes it that the possibility of a fine will act as an additional factor in the thinking of a rational driver and restrain him from excessive speed. And the merchant expects that the good will of his customer, the loss of caste which falls upon a dead-beat, and, in the last resort, legal suit will

prompt the man to pay his bill. This social accountability can be explained in terms of a deterministic psychology and in no way refutes it. The positive school of criminology draws a sharp line between moral responsibility and social accountability. The first is non-existent; the second, however, is apparent all about us. All people, however, are not accountable, even, and infants and lunatics would come in this class. A man's accountability would diminish with relation to the increase in his subnormal or abnormal mental condition, hereditary or acquired; but moral responsibility in the strict sense of that term, is not present at any time. But infant, subnormal, insane, and normal alike must be effectively dealt with. We do not "blame" fire, but we have therefore no compunctions at quenching it quite if it become destructive.

And again, all this as we have said before, does not mean that we cannot have ideals, teach them, and live up to them. The incentives to ethical action, in this view, lie in regret for the consequences of past action, in sympathy and the building up through education of the sympathetic emotions into firmly knit associations or sentiments in regard to ethical situations, and in apprehension of results to himself and to others to whom the sympathetic emotions and identifications of the self have thus been extended; which in the highest ideal is to Mankind as a whole. Regret is the legitimate part in the feeling of guilt; and in regret, the extension of the sympathetic emotions and the identification of the self to a larger and larger group, and in apprehension of the results of action on all concerned is found the incentive for ethical judgment. Blame, in the old sense, whether of self or of others, does not enter. Clinicians welcome such an interpretation, for self-accusation is a disturbing rather than a simplifying factor in readjusting the mental hygiene of the individual patient, and the blaming of the patient by others is equally so in securing social readjustment.

This absence of blame is well in conformity with "Father, forgive them for they know not what they do," though it does not comport so well with "There shall be weeping and wailing and gnashing of teeth." But in the practical achievement of the Christian command to forgive, our view is of tremendous value. If man were really free, he deserves his blame and punishment, deserves our hate; and forgiveness runs counter to reason. But if he acts as he does because of adequate causes determining that action, forgiveness is granted beforehand. We do not need to forgive, we *understand!* Hate, in the old personal sense is inconsistent with our basic philosophy of life and there only re-

mains the ethical obligation toward fellow beings whom we know to be as susceptible to joy and sorrow, pain and grief and happiness, as we are. If hate and blame and desire for vindictive revenge are eliminated from personal conflicts the atmosphere is wonderfully cleared for objective consideration as a simple problem of natural maladjustment. This goes a long ways toward harmonious solution. This is equally true in the petty annoyances of one's relations to mother-in-law, obstreperous employee, or friends, in the clashes of capital with labor, race with race, and nation with nation, and in society's treatment of the criminal. Assumption of the validity of causative forces in human behavior wonderfully clears the atmosphere for objective analysis and dispassionate realignment of bad situations in the light of the only items that can effectively count—the reality and nature of the forces at play in the situation. It is a workable philosophy of life.

Neither does our view mean that the feeble-minded boy who poisons the milk is to be left unmolested because not even accountable. He must still be effectively dealt with, as also must a professional criminal who may be normal in every way. In our deterministic view of things, however, both are cases for dispassionate solution and not for vengeful punishment and blame. But segregation, supervision, treatment of their maladies, re-education, punishment, or whatever means is most effective may be used by society in dealing with the problem of the criminal. Neither roses nor cells are "merited" by the offenders, but the treatment selected should be determined in every case by the two factors of its human cost and its effectiveness. The question of moral responsibility thus strictly has nothing to do with the question of punishment, except to dispute the logic of its *vindictive* application as "merited." *If punishment is effective*, let society use plenty of it. If it is not, its application is pointless and truly effective measures must be found. The necessity for dealing with the situation and for finding effective measures remains unchanged by whichever decision society reaches as to moral responsibility. Castor oil is as disagreeable as punishment to children, and they are not conceived as "deserving" it; but until something more effective is found we continue to administer it, forcefully if necessary, but *objectively* and as *an impersonal problem-solution*. In every case the offending situation and person must be *carefully analyzed and effectively dealt with*. It is because some pseudo-psychiatrists and pseudo-philosophers have commercialized their ability in medical and legal jurisprudence and, having proved offenders free of moral blame, have then pressed the

point to make it the excuse for freeing them from being effectively dealt with at all by society that some of the difficulties have arisen against changing our criminal law from the antiquated and fallacious doctrines of neo-classicism to the firmer foundations afforded by modern science. When that change is accomplished, we may find ourselves really curing our criminals and really preventing crime in its incipency.