

## PSYCHO-ANALYSIS AND CRIME

by

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### PART I. A SHORT OUTLINE OF PSYCHO-ANALYSIS

The term psycho-analysis has two different meanings. It comprises (1) a science of mind, having particular reference to the unconscious mental levels, and (2) a method of mental investigation, originally used for purely therapeutic ends and still mainly so employed in the treatment of a great variety of disturbances. These two aspects of psycho-analysis are to a large extent inter-dependent. The main body of psycho-analytic knowledge has been discovered empirically; i.e., by the application of the psycho-analytic method. Mental manifestations are of doubtful value in the eyes of the psycho-analyst until they can be submitted to further investigation by the application of this method to the individual concerned. Any form of psycho-analysis which does not or cannot fulfil this latter requirement is to some extent speculative and liable to various fallacies. On the other hand the body of psycho-analytic observations has, despite their surprising and often seemingly absurd nature, been proved over and over again to be correct and reliable by a multitude of qualified analysts all over the world, and by a very great number of investigators who are not adherents of the psycho-analytic school; hence their application in other than clinical fields of enquiry has been found legitimate, highly stimulating and fruitful. The discoveries of psycho-analysis have created an entirely new picture of the human mind, whether normal or abnormal; the discovery of the analytic method has furnished us for the first time with an instrument for the scientific exploration of the unconscious mind. Not that manifestations of this unconscious mind have ever been wanting. It found expression in the various religions and cults, myths and legends, from ancient times onwards, and lives in our midst in the form of fairy tales, creations of art, in the private worlds of the insane, and in the dreams, superstitions and other puzzling phenomena of the normal "well-balanced" mind. The unconscious lives in our midst in the truest sense of the term, namely in the midst of our own minds. It permeates the whole of our lives and relationships to our fellow beings and to the world in general, to a degree never realised hitherto, and in fact not realised even now, except by the few whose lot it is to deal professionally every day with the mani-

festations of this dark and powerful force. Modern science, however, in certain countries, particularly Germany and Austria, was from the first unwilling to recognise such forces, or at any rate denied them the dignity of mental phenomena, and relegated them to the category of physiological functions or dysfunctions of the brain. Hence it was, and often still is reluctant to make use of this new instrument of investigation, for which we are so greatly indebted to the genius of Sigmund Freud.

There are certain reasons for this: the powers which lie concealed in the depth of the mind are by no means pleasant ones to realise, and it is by no means easy either to let them unfold or to face them when unfolded. They severely threaten the confidence of man, individual and collective, in his ability to control them. Nowadays, however, the revolutionary changes taking place in society, including changes of attitude towards law, crime and punishment, with which we are particularly concerned here, compel us to face these hidden forces. Once it is understood that the analytic method of investigation and treatment (treatment in the widest sense) can serve as no other instrument can, to illumine what is in the dark, to explain what is chaotic, and in fact to increase man's control and mastery of his own mind, it will be recognised as one of the greatest benefits ever bestowed on humanity.

Psycho-analytical doctrine is fundamentally materialistic; it does not assume a soul or a mind to exist independently of the body, and is content to explain all mental phenomena on natural grounds without resorting to supernatural or divine influences as explanations. It is not always understood that even psycho-neuroses, which analysis itself has discovered to be the outcome of unconscious mental conflict and the expressions of unconscious phantasy, are in the last resort partly based on somatic alterations of function. Mental images are formed in close connection with our earliest and most important contacts with the objects of this world, our own bodies, our parents, brothers and sisters. Even from the earliest times, however, these experiences are tinged with inherited inclinations, racial memories, so to speak. Analysis regards emotions and instincts, in particular the ramifications of the sex instinct and instincts of destruction, as ultimate elements not further reducible from a psychological point of view. It is almost self-evident that in psycho-analysis the principle of determinism is applied. This means that nothing in the mind can occur arbitrarily, without reason or causal connection. Freud applied this principle radically and uncompromisingly, by way of

"a prejudice obstinately adhered to," as he expresses it. The discovery of the specific analytic method of investigation is in itself an outcome of using this principle of mental determination persistently as a working hypothesis.

### *The Exploration of the Unconscious Mind*

The position with which we are confronted is this: a person is troubled or puzzled by manifestations of the most varied kind, mental or apparently purely physical, for which he knows no reason and which he cannot control. We can tell him that these experiences are the outcome of processes going on in his own mind, although he knows nothing whatever about them. On the other hand, we ourselves can have no knowledge of them either, except such as is based on the information he is able to give us. We want him, therefore, to tell us something which he does not know himself. What if we could lull the vigilance and preoccupations of his conscious mind and establish a direct rapport with his unconscious? This has in fact been done by hypnosis; a technique which was actually the forerunner of the psycho-analytic method, and is still used to-day, side by side with semi-narcosis under sodium amythal or similar drugs. There are a number of other short-cuts to the unconscious. In certain mental states some individuals indeed reveal a number of buried incidents, experiences and phantasies under high emotional tension. Explorations of this kind, by the way, revealed for the first time the predominance of sexual themes and incidents, real or fantastic, sometimes of the long forgotten past, with which the individual has been unable to cope. They had affected the mind like a wound inflicted upon it, broken its continuity and continued to lead a separate existence within it like a foreign body. They were "traumatic" experiences, and when they were worked out under considerable emotional pressure, the curative effect was appreciable; the symptoms sometimes disappeared permanently. This was the old method of psycho-catharsis. At the same time it becomes clear that the patient had not simply forgotten these old experiences, but, in order to preserve what was left of his mental integrity, had had to maintain at the cost of heavy mental effort a permanent defence against their recognition. Of all of this effort he was as little aware, however, as of the experiences themselves. This elaborate defensive system was then still completely in the dark, but one outstanding fact had emerged: that there was a strong unconscious force at work which tended to keep unpleasant reminiscences permanently excluded from consciousness. This process was

called "repression." This is an important concept, because the unconscious in the psycho-analytic sense is principally thought of as being in a state of such repression. The reasons why Freud abandoned the method of psycho-catharsis in favour of the method known as "free association" do not concern us here. The immense gain in therapeutic range, the far greater reliability and permanency of the therapeutic success, would alone have amply justified this step. Of far greater importance, however, is the scientific gain for which the way was now open. It may be said that this was the genesis of the psycho-analytic technique, and paved the way for a science of the unconscious mind. It had been clearly established that active but unconscious parts existed in the mind; the existence and importance of repression had been discovered. It had, moreover, emerged that the symptoms of patients suffering from a psycho-neurosis could be understood as substitutes, symbolic expressions of the repressed. One thing, however, is clear: as long as the repressing part of the mind was only doped and temporarily eliminated, no light could be thrown on the conditions of its functioning, nor for that matter on the finer structure of the repressed part and the intricate interplay between them. All this became possible with the introduction of the method of free association.

*Free Association and the Development of the Modern  
Psycho-Analytic Situation*

The psycho-analytic method rests on an agreement between the analyst and the analysand, which the latter is asked to adhere to throughout to the best of his ability. Apart from attending regularly at an appointed time, the analysand has nothing to do but to reveal all the thoughts which come to his mind without any exception.

After what has been said of the epoch-making importance of this rule, the reader may be puzzled and think "But what is new about that? It stands to reason that anyone who wants to have his mind explored must be frank and not hold anything back!" Some elaboration, therefore, seems necessary. This is not all that the analyst means by his demand. It is not simply introspection and a readiness to think aloud which he requires. It is taken for granted that the patient is willing to say what he thinks. But it does not by any means follow that he is always capable of doing it. On the contrary he will soon discover that he tends to exclude from his communication a number of thoughts on a variety of grounds: e.g., as being "so unimportant," or

"absolutely unconnected with the present situation," or "too personal," or otherwise awkward and embarrassing, "impossible to say," and so on. He is instructed that he must continue to reveal his thoughts with complete disregard of all these objections. In general he accepts this quite soon. Finer self-observation very soon teaches him that these objections have a silent forerunner inside his own mind: that he tends to rule out trends of thought when they are just about to become conscious—that is, before he himself is really aware of them. He is told that this is the very thing which he must watch and counteract. He thus becomes for the first time dimly aware that his mental apparatus does not fall in readily with this injunction, in other words that there is a resistance at work in him against it. This resistance is, of course, quite a normal occurrence, because it is part of a controlling system which tends to keep our thoughts to the point. It will accompany the analysis and throughout the whole course of his analysis; it will, in fact, invariably present itself to anyone who tries to follow the method of "free association"—"the fundamental rule of psycho-analysis." This resistance necessarily accompanies any reversal of the order of mental functioning. At the same time it functions under normal conditions automatically, without friction, and becomes conscious only under analytic conditions. Resistance is only the outpost of an elaborate and powerful defensive system, a girdle of fortresses defended by an immeasurably strong army, equipped with all imaginable arms and using every conceivable device to prevent the unconscious material from gaining articulate expression. Obviously, then, it would be a grave mistake to think that when once the patient has resolved to submit to an exploration of this kind and to obey the fundamental rules, it only remains for us to sit down comfortably with him and obtain all the information we want. Far from it! In fact, his consent and adherence to the rule only presents us with the opening gambit, without which we could do nothing, but with which we enter into a long-drawn out and complicated struggle. This struggle indeed would seem hopeless but for one fact. By our opening gambit we have forced the opposing army into a two-front war. Whereas it had formerly only to hold down the occupied countries and, if necessary, to quell revolt of the suppressed, it has now to guard against the powerful new front opened by us in its rear, so to speak. In fact, we can profitably carry this simile a step further. The defending force has to fight on foreign and unknown territory; its fortifications are to a great extent of no avail, as they face in the wrong direction. Moreover, though it has an enormous power at home, deriving

its force from the individual within whom it works, it cannot strike at us directly, but only through the intermediary of the analysand's personality. It makes use of this as best it can, it induces the patient at times to turn against us, makes him feel that his and our combined efforts are of no avail, and that we do him only harm; it disturbs the course of the cure, tends to make him apparently or really organically ill, induces him to create disturbing life situations and so on. However, we usually emerge victoriously from this struggle, much to the ultimate benefit of the patient. In fact, we achieve just as much as the essential nature of the patient allows. Meanwhile we are constantly gaining another considerable advantage. Being brought to battle, the enemy has to come out into the open. We gain insight into his strength and methods, into his vulnerable points, when at the same time, by his accumulated defence round certain positions, he reveals to us where lie the most guarded, and therefore the most important, secrets. After all, in spite of all its cunning, we are not dealing with an intelligent entity, but with a blindly working opponent. Here we must leave the comparison. We must not forget that what we have been describing as an enemy is not in itself an obnoxious force from the point of view of the patient; but contains necessary component parts of his personality, the smooth-working of which is essential for his balanced adjustment to life. Nor is the situation so simple as this. We find ourselves at times going over to the opposite extreme and allying ourselves with this controlling force. After all, even our preliminary agreement was concluded with an exponent of this power. This and nothing less is contained in effect in what was at first modestly called "free association."

### *Transference and its Analysis*

Soon quite a new aspect opens up. The analysand abandons, first unconsciously, gradually more consciously, the original position. As soon as the analytic situation is established, his original purpose becomes of secondary importance. He no longer remains a person who has consulted us as an expert to help in solving his problems; he develops violent emotional reactions towards the analyst. He reverts to a situation which existed in his infancy, and transfers to us his infantile loves and hatreds, feels frustrated when his desires are not fulfilled, turns to us for protection against his anxieties and wants, endows us with magical powers or mistrusts and fears us deeply, as he identifies us with his early images of father, mother, brother or

sister. This is what is meant by the widely used, and widely misunderstood, term of "transference". We allow him to do this, and in order to give his phantasy the freest possible play, we keep our own personality as far as possible in the background. Needless to say, we must not, even in an apparently very insignificant degree, fall in with any of his desires. What he does under the conditions of transference is to repeat the most fundamental patterns of reaction, established in early life, patterns which he could not in any other way remember and express. We study this display and gradually induce him to study it too. We show him how these same desires, fears and reactions hitherto moulded his life outside analysis: his married life, his relations to his children, friends or professional colleagues, etc. In short, we use this transference for purposes of his analysis and for this purpose alone; further, we not only observe it and make it conscious, but analyse its constituents. This is an important distinction between psycho-analysis and all other forms of psycho-therapy, even if conducted on analytic lines. Consciously or unconsciously, transference enters into all human relationships and consequently is made use of in all forms of psycho-therapy. In psycho-analysis alone it is itself made subject to analysis. This, then, is the "psycho-analytic situation":—a procedure devised to investigate the unconscious mind which leads up through a relationship of the strongest emotional character between two persons to the revelation of the most passionate, intimate and the most deeply unconscious attitudes of the individual. These archaic attitudes are then revealed, and, in so far as they unduly influenced the patient's relationship to actual life, are ultimately liquidated. We have treated this subject at some length for two reasons: first, to give an accurate idea of the conditions of psycho-analysis, and of its principal difference from many other methods widely but erroneously comprised under the same name; secondly, in order to correct the impression that the findings of psycho-analysis are based on mere speculation or vague assumptions of a hypothetical unconscious mind. This by way of introduction to the presentation of some of its results, which must necessarily be stated in a more dogmatic form.

### *Some of the Basic Concepts of Psycho-Analysis*

1. *The Unconscious.* Mental processes are in themselves not conscious. They can become so only under certain conditions. Underneath the logical, rational mind, the pre-logical, primitive mode of thinking is alive and strong. It is found at its most

characteristic in dream-life. The study of dreams is indeed of fundamental importance in psycho-analysis: dream-interpretation has linked the mind of the modern European with that of the primitive "savage", and bridged the gap between the normal and the insane. It has proved that there is no hard and fast boundary-line between them. In this unconscious system time does not exist; contradictions exist side by side; different things are readily associated through trivial or inessential similarities—e.g., of name; emotions are displaced from one object to another, interchanged, and reversed; one person represents, or is changed into, another; different thoughts are expressed simultaneously by "condensation"; attitudes towards other persons are "projected", i.e., regarded as being the attitudes of these other persons towards oneself: loved persons are killed, mourned and avenged; dead persons are alive, and so on: a whole textbook would be needed to expound these workings of the unconscious mind and to give an impression of the contrast between this strange world and that of the rational mind. A language of symbols is used, a kind of accepted code. These "constant" symbols, to the sexual meaning of which analysis has drawn particular attention, refer in the last resort to elementary, vital facts: body, person, sex, birth, death, parents, sisters and brothers. The common ground from which they spring consists of bodily experiences, functions and sensations, in particular at local points of libido, the so-called erotogenic zones. The analyst's understanding of and acquaintance with the unconscious enable him to see meaning in this apparent chaos, and to communicate this meaning to the person concerned, i.e., to interpret it. Constant symbols can be translated directly, but for the most part it is essential for the analyst to be guided by the individual's own associations. In short, without such consideration of the unconscious, any real understanding of human behaviour is not possible.

2. *Instincts and Infantile Sexuality.* The contents and conflicts of the unconscious mind go back to the infancy of the human species as well as to that of the individual. Just as the embryo repeats the development of the species in the organic sphere, so does the infant and young child in the development of its libido and mind. The outstanding discovery here is the existence and importance of infantile sexuality. Love and passion in later life have their forerunner in the child's relationship to the parents. The source and aim of these libidinal impulses are not from the outset bound up with the genital, but with the so-called pre-genital zones. There is a more or less typical order of "primacies", the most outstanding of which can be discerned



as the oral and the phallic stages. Typical conflicts, as between gratification and frustration with their concomitant anxieties, are brought into play by the demands of education, through which the parents impart to the child the requirements of the social environment. The gradual, mainly unconscious, internalisation of these claims forms the nucleus of the so-called super-ego which functions, accordingly, in later life unconsciously and automatically, and on a primitive level too. The demands of education are not merely accepted in the abstract, nor do they work simply as the formation of habits, as is often supposed; they remain internally for ever bound up with the parents themselves in the form of immensely powerful, if unconscious, images. Love, or its withdrawal, and punishment are the main means of education. Representing as it does such extremely important and powerful persons as the parents are for the small child, it can be readily understood that this inner court of justice constitutes a power far more formidable than anything which can be set up by ordinary human beings in later life. This the more so as their images are equipped with the full strength of the child's own untamed impulses. This is very important for our purposes, because a crime is originally an act or thought (thoughts are unconsciously equivalent to acts) for which one is in danger of losing love or being punished by the parents. Only a pale shadow of all this comes into consciousness and is commonly known as conscience. Disturbances of development can be caused by fixation to these early stages. All the so-called perversions, for instance, (which as sexual offences have also a special importance for us) are rooted there, e.g., sadism, masochism, exhibitionism, and to a certain degree homosexuality, and others. Disappointments at later stages in adolescence and in adult life lead to a regression of the libido to these fixation-levels, and to return to a more primitive mode of behaviour. The development of the sexual and generative side is closely interwoven with the development of the ego-instincts: the individual and self-preservative side to which special attention has been paid in recent years. A potent group of instincts, not in themselves now considered sexual, are the aggressive impulses—the instincts of destruction. All the instinctual side of life was originally thought to be grouped round these two poles: the ego interests or self-preservative instincts, and the love or sexual instincts, and any conflict within the human being to be due in the last resort to a clash between these two centres. Popularly speaking, we have here the old concept of hunger and love ruling the world; according to this scheme the aggressive instincts might have a source in both. Of

late another concept has been competing with this: the whole of life is seen as a struggle between constructive, life and destructive, death-instincts. In the living organism itself these two fundamental forces are always intermingled. This is in itself merely of theoretical importance and is mentioned here only to indicate the increasing significance attributed to aggressive tendencies.

3. *Oedipus Conflict, Incest Barrier, Castration Fear, Talion Principle.* We must keep in mind that all these instincts are directed towards incestuous objects. They are, therefore bound to be up against a tremendously strong barrier. This gives rise to a conflict of a universal pattern, known as the Oedipus complex. Although analysis has shown that disinclination to incestuous relations is not inherited but, that on the contrary, such gratifications are strongly desired, it is nevertheless true that in practice the final outcome is always a complete rejection of them, so that the whole pattern seems to unfold itself on the basis of inherited instincts. This repudiation is thought to be the outcome of racial history, which has become gradually internalised. Naturally the Oedipus drama comes to its climax when the genital level of infantile sexuality is reached. The strongest guilt feelings remain attached to this phase and are reactivated in later life whenever a situation arises which is unconsciously emotionally linked up with one or other of its original elements. This is particularly likely to happen in psycho-neurotics, because they have, broadly speaking, not outgrown their childhood. It was, therefore, at first thought that the so-called Oedipus complex was a peculiarity of neurotics. It is now, however, established that the Oedipus conflict is universal and inevitable; a fact which has increased its importance for normal psychology but decreased its specific significance for the psycho-neuroses. It is further recognized nowadays that the Oedipus complex is not so much the starting point and foundation of later libidinal development, but rather the final outcome of the earlier libidinal history of the infant, a "pre-Oedipus" stage, which gains more and more importance. The Oedipus phase has, nevertheless, remained a phase of crucial importance in the life of the individual and it would be no exaggeration to say that all the deeper conflicts which arise in later life can be traced back to it. It is of particular importance in understanding the criminal whose hidden motives for his acts, anxieties and guilt-feelings lie inevitably in and before this stage of infantile development. Inner threats of punishment have the peculiar ferocity of infantile phantasies i.e., very strong sadistic instincts projected as for instance fears of being torn to pieces, being eaten up from inside and outside, or,

at the genital level, being deprived of the sexual organ, "castration fear", etc. At the unconscious level, the punishment and crime tend to be identical or equivalent: that is, they follow the Lex Talionis. The earliest known laws, the Babylonian and Semitic Codes were manifestly conceived in the same way.

4. *Id, Ego and Super-ego.* Gradually a kind of mental topography has been evolved. At first the relationship of mental phenomena to consciousness was taken as a guiding principle; any mental phenomenon could be said to be either conscious, preconscious or unconscious. (In popular psychology, by the way, the very important distinction between the preconscious and the dynamic unconscious, i.e., repressed, is often neglected, and the two taken together are vaguely spoken of as the sub-conscious mind). Taking the human mind as a whole, another sub-division has become necessary. Three main organizations are now discerned, the more detailed structure of which do not concern us here; the *super-ego*, the *ego* and the *id*. Roughly speaking, the *id* is the source of all the instincts and is a borderline district between organic and mental life. We have spoken about the *super-ego* above. It derives its energy from the *id*, but its standards, at least in parts, from the parents who in the form of parental "images" represent past history and as actual persons the claims of contemporary society. We may add now that the inner relationship of the *ego* to the *super-ego* reflects the individual Oedipus history. In fact, the gradual development of a *super-ego* is the direct result of the renunciation of incestuous desires towards the parents; the *super-ego* has therefore been said to be the heir to the Oedipus conflict. The *super-ego* is mainly a restricting and punishing agent, charged with sadistic energies. The *ego*, in the analytic sense, stands between the *id*, the *super-ego* and the outside world (to which latter in a sense the body itself belongs) and tries to reconcile, synchronise and harmonise their different, and often contradictory, claims. It is important to note that it is in itself largely unconscious. It is, however, no mere passive instrument but has a first claim on powerful discharging apparatus in particular musculature; in other words, it regulates action—using that term in the widest sense, individual and social.

## PART II. PSYCHO-ANALYSIS AND DELINQUENCY

### *Some Results of Casuistic Analytical Observations on Delinquency*

The analyst's approach to criminal impulses is twofold: first he is confronted every day with anti-social impulses and

"criminal" tendencies in the course of his ordinary practice as a psycho-therapist. Indeed, the psycho-neuroses are essentially reaction-formations against impulses, which if they were overt, would be described as perverted and criminal. Secondly, what seems to be the crime of crimes, the violation of the incest taboo and murder of the parental rival, at least in phantasy, forms the crucial conflict of childhood. It was, therefore, inevitable that analytic interest should turn towards the investigation of overt criminals, and in fact direct such analytical investigation has been made in various countries. Owing to external conditions these investigations could not be carried out in the same way as is the case with psycho-neurotics. In most cases the time-limit was inadequate; sometimes it was reduced to a few individual sessions. In a sense, therefore, analysts could claim that psycho-analysis proper of legal offenders has not yet had a fair trial. Nevertheless these occasional studies reveal most interesting material, which is, of course, as varied as the different types of offences and the different individualities of the offenders. We cannot here go into all the details, which even if they could be given in full, would sound convincing only to persons familiar with the method from their own experience. We shall rather try to summarise the nature of their results and conclusions. In every single case the actual manifestations of delinquency were found to be the outcome of a long-range disturbance, having its origins in childhood; they could be understood only in the context of the whole of the delinquent's life and development. The criminal act is a symbol to be interpreted: like the manifestation of a neurosis, these symbolic deeds were expressions of primal conflicts, centered round the persons of early environment, as a rule parents and siblings. At the same time, the attitude towards punishment of any sort and its effects, was found to be correspondingly remote from expectations based on the psychology of the conscious, rational mind. Far from being devoid of conscience, the delinquent often turned out to be in fact, the victim of an over-strict, if unbalanced super-ego. Indeed, in one type of criminal and to a certain extent in many, a pre-existing inner guilt-feeling and need for punishment actually drives the person to commit offences in order to find relief in the milder punishment provided by external reality. We find a corresponding train of events when a patient of the hypochondriacal type desires to be, and insists upon being, physically ill. Sometimes he succeeds in freeing himself from unbearable inner anxiety by escaping, as it were, into physical illness. In connection with this "criminal out of guilt-feeling," as Freud termed him, the name of Theodore Reik

deserves special mention. His monograph "The Compulsion to Confess and Need for Punishment" is outstanding. The same author has based on this and similar observations one of the earliest attempts yet made to lay the foundations of a psycho-analytical theory of criminal law. It seems, however, that his experience has been for the most part gained from neurotic cases, hence that his conclusions in delinquent cases are theoretical constructions. The social boycott under which the ex-convict finds himself and the fact that prison has frequently a strong, if unconscious attraction for him, account to a great extent for one of the most difficult problems of criminology—the chronic recidivist. Revenge too has been shown to be a powerful factor in the criminal—and also, incidentally in the very foundation of justice: (see for example the analysis of a farmer judge who developed a depression; Wittels "Rache und Richter.") It was shown to have played a main part in the development of a vagabond (Kalischer). There are many other observations of this sort which certainly deserve the attention of all criminologists. The above are only a more or less haphazard selection, just to show their nature. These studies have not only greatly enriched our understanding of the individual delinquent and of the motives for his actions, they have raised a number of relevant problems: Why, for example, should the same conflict lead at one time to a neurosis, at another to anti-social behaviour? If analysis in the future could be applied in a comprehensive and systematic way, it should certainly prove the best instrument to furnish an answer to this salient question: even a negative result would be of considerable importance, because it would confirm the impression, now prevailing, that there is no such thing as a criminal personality as distinct from other human types, and that delinquency results when certain constitutional factors and certain environmental conditions combine. Such individual factors need not be pathological or even quantitatively abnormal, nor specific. However, only further research can give the answer. Abraham, who made one of the first, and still perhaps the best of existing contributions to the subject in his "History of an Impostor" (*Geschichte eines Hochstaplers*), observes that lack of love and care in childhood, an under-nourishment in love, seems to be a specific aetiological factor in delinquency; compare the frequency of "spoiling" in neurotic case-histories. He warns us not to overrate the constitutional factor. His case was cured through skilful and happy handling of transference. All the investigations which we have had so far in mind were, by the way, not in the first instance carried out with any therapeutical intention.

We shall now deal a little more elaborately with the results of a more systematic investigation carried out in recent years in America by Alexander and Healy. This—as far as the present writer is aware—is the most systematic approach yet undertaken and published, the method also approaching most closely to that of a proper psycho-analytic investigation (Alexander and Healy “*Roots of Crime*”, Alfred A. Knopf, New York and London, 1935). This is a study of the essential causes of delinquency and crime, and the therapeutic intention was limited. The analysis was comparatively short; in individual cases, up to nine months. Especially obstinate cases were selected, offenders who had failed to improve by any other means such as probation and correctional institutions,<sup>1</sup> and copious notes were taken. Mental defectives, mildly psychotic individuals or those classifiable in the ordinary categories of neuroses and psychoses, were excluded. The offenders selected were those in whom mental conflict rather than bad environmental factors seemed to play a large part. The authors stress the complexity of the causes leading to criminality, and the irrationality of the essential motives. They found surprisingly good co-operation in the psycho-analytic work. The offenders (who had no external advantage to expect from treatment) showed great interest in finding relief. One of them said “By God! if anyone could tell me why I do what I do, I would be willing to be called insane and go to a state institution to be studied, or anywhere else.” This young man, in fact, gave himself up to serve an extra sentence of two years in order to obtain an analysis. Characteristically, he was only half-hearted in his attempts to face the true facts underlying his difficulties, in spite of his great zeal on a conscious level. In direct contradiction to the attitude taken by the law in judging all men alike, the authors find a very great variety of motives and reactions to similar experiences. They find that a number of offenders are not classified in the usual psychiatric pigeon-holes, and to such cases their study is particularly devoted.<sup>2</sup> Neither of the analysts at the time of the analyses was fully acquainted with the previous case histories, so that a good opportunity arose to compare the results of investigation by the ordinary and by the analytic method. Not only was the material elucidated by analysis found to be in full agreement with the case histories; it included many additional facts. This in itself is not astonishing, seeing that in

<sup>1</sup> Removal to good foster homes, by the way, seems the most promising of these methods.

<sup>2</sup> All the cases has been well known to and carefully studied by the Judge Baker Guidance Centre, which had also financially contributed to the other grants to enable the two analysts to carry out their research.

analysis so much more time could be spent on each individual. Moreover, the essentially new factors which it brought out proved frequently to be the most important for a thorough understanding of the case. Altogether, it may be said that, while ordinary investigation had produced a number of data, analysis enabled one to understand their meaning for the individual and to bring into the open the hidden motives of the actions and reactions of the offender. What is more, it enabled the individual himself to understand them and brought about considerable changes within him. The therapeutic results were encouraging, although the authors felt that they would have been better still if the social conditions afterwards had been favourable. As it was, the termination of treatment coincided with the worst phase of the trade depression, which prevented most of the persons concerned from finding work, in spite of their goodwill and of the greatest efforts on their part and on that of the different institutions. The authors stress the paramount importance of social circumstances, and nowhere claim that the problem of delinquency is merely a psychological one or that the individual offender could be cured by psycho-analysis alone. They stress, on the other hand, that in the cases they had occasion to study, no social measures of any kind could have been of any essential value without the changed reaction and attitude brought about by analysts, which alone enabled the former delinquent to avail himself of the social opportunities offered him.

The presentation of short extracts from analytical case-material is not, as we have already remarked, a very useful procedure; we will therefore confine ourselves mainly to general results and conclusions. Alexander and Healy's more elaborate case histories bear out in full the general impressions one receives from the numerous incidental observations published by other authors. In all cases the criminality of the adult was the direct continuation of the delinquency of the child. This places the delinquent child in the centre of the problem of criminality. Given certain social situations a great range of quite different types of personality drift towards a criminal career. Intimate insight into individual criminal personalities may also give the best understanding of such environmental conditions. Although one may talk of a selective principle, one cannot speak of a criminal personality. The individual needs a certain amount of substitute gratification to be able to accept the restrictions of erotic and destructive impulses imposed on him, with a view to his developing desirable social tendencies during early life. Stealing, for instance, often expresses revenge for frustration or offers a symbolic com-

pensation for emotional deprivations. Violence or robbery can be reactions to questions of emotional prestige. Such factors combine in a secondary way with the motive of material gain. The overt behaviour was often found to be a reaction to a diametrically opposed unconscious attitude, and to serve for its denial. The urge to reckless stealing and robbery can be an over-compensation for an internally felt weakness and was frequently met with in individuals who had a strong but repressed need for dependence, the infantile wish to be supported by others. In one case criminal behaviour was replaced by a depression. In two others it was found to afford relief from anxiety and libidinal tension. Individuals often lacked confidence in their own ability to support themselves. The authors found three factors more pronounced than usual:

1. Early intimidations for instinctive life, leading to fear and a strong sense of guilt.
2. Spoiling.
3. Early deprivations.

Internal conflict in connection with the Oedipus situation and regression to the pre-Oedipal stage showed up clearly. Sometimes criminal acts and tendencies seemed a direct continuation of an external conflict situation at this early stage. The authors are aware that all these psychological factors, which they found active in their criminal cases, are constantly present also in psychoneurotics. They found the main difference to be the existence in criminals of a greater emphasis on conscious and rational motives, a greater need for justification inside the social situation.

They come to a number of practical conclusions. In spite of the considerable expense, it seems certainly worth while to carry out psycho-analytic treatment in a number of selected cases. The principle of selection would become clearer with the accumulation of experience. Not only would the individual be benefited: rational measures for prevention of crime would be made possible by the scientific exploration of the causation of crime. The same applies to the problems of appropriate punishment, its deterrent effect and the like. The authors find certain conditions essential in addition to psycho-analytic treatment, or necessary in support of it:

1. The sentence should be indeterminate.
2. The offender should be allowed to live, on parole, under normal social conditions.
3. A period of reconstruction is needed during the convalescent period after treatment.



In certain cases it appears possible to shorten treatment and to lay the main emphasis on environmental measures, but for many offenders, external help can only be effective when the inner conflicts have first been dealt with. What can be stated with certainty is that in all cases described there was a need for the modification of mental as well as environmental conditions, and that in at least seven of the cases, prolonged work with the individuals and their families upon the basis of psycho-analytic understanding might possibly have averted extremely difficult and costly years of misconduct.

Whereas Alexander and Healy's study is as good a representative of the results of analytic investigation as any, it can certainly not be said to have exhausted the possibilities inherent in the psycho-analytic method for the investigation and treatment of crime. We will take at random some of the factors mentioned in their own case-material which certainly must be expected to have had a considerable bearing on mental development, to which they have not penetrated in their investigation: Richard was one of two criminal brothers, the other, Wilber, having an extraordinarily strong influence over Richard. The father was always drunk, was irresponsible, and was killed in an accident when Richard was six. He used to accuse his wife of immorality in the hearing of the children. The mother was very unhappy when pregnant with Richard. He was never breast-fed: his adored brother, Wilber, was the only child who was. Richard had great nutritional difficulties during infancy. There was a marked phimosis. His tendency to extraversion and to "act out" appeared very early. He was unmanageable, had temper tantrums, played truant from school and stayed away once all night from home. There was a story of a boarder, a friend of the mother, whom he would have killed but for his affection for his mother. It is interesting to observe that in the neurotic version of this situation the mother would be supposed to save the son from castration by the father, of which he is afraid in his phantasy. Here the mother saves the father from the son! Therefore, whereas the Oedipus complex comes out plainly and so far we are struck by no essential difference from the neurotic, certain distinctive and suggestive features can be discerned quite clearly. The authors draw no attention to this.

To take another case, Sigrid's father had been immoral and alcoholic, and had developed into a chronic thief. He failed to support his family and was abusive when drunk, and home conditions altogether were very bad. When he was very young, he

served a long sentence for larceny. The mother, whom he had infected with gonorrhœa, started divorce proceedings while he was in prison. There was dire poverty and the children had to be sent to foster homes. The father had punished Sigrid severely for stealing and she thought she was born to be a thief, just like him. In this case, by the way, the sexual significance of stealing was quite manifest. She had also traumatic experiences with men when about eight. An orgy of stealing occurred after frustration in a love affair. In all of Alexander and Healy's cases there are a number of facts of this sort, which would appear to contain clues to specific factors. Strikingly often one finds reference to a very unhappy state of affairs accompanying the mother's pregnancies, particularly in connection with the father; also to absence of breast-feeding or to other feeding difficulties. In one case the mother died when the patient was an infant. The factor of vagabondage and "acting out" in all sorts of ways is also very outstanding and general. I do not suggest that Alexander and Healy overlooked these factors; and they could rightly claim that the comparatively limited time of their analyses did not enable them to penetrate to those early levels. It is, however, remarkable, that they should overlook the significance of points which their own work so frequently and so strikingly brings before us; concentrating on what links the criminal with normal or neurotic types rather than on what sets him apart.

My own investigations also, although they had to be confined in most cases to a few short interviews—at most a few hours—have made me familiar with these same distinguishing factors. Only from a full psycho-analytical investigation can we be expected to learn the real, dynamic significance of such factors or to discover how far a real cure can or cannot be effected in the case of any individual offender. In my opinion, individual results are of far less importance in themselves than in their bearing on the prevention of crime. We shall come back to this point later.

I can say nothing of such psycho-analytical investigations as have been carried out in recent years in this country through the medium of the Institute for the Scientific Treatment of Delinquency, London, for, so far as I am aware, no publications have yet appeared. The only publication from this Institute at present at hand is by David Forsyth: "The Case of a Middle-aged Embezzler." In this case analytical technique was followed for a couple of months and then replaced by hypnosis. The result was very good, in respect both of the missing memories it brought to light and of the therapeutic success. Revenge was a strong

factor here, and the crimes were a direct outcome of unjust treatment following war experiences. Here again the unhappiness of the patient's early years, largely caused by the father's intemperance, stands out. The author can rightly claim that he has shown that the anti-social behaviour was only a part of the patient's mental illness and developed directly out of this. The case, as he says, illustrates very well the comparative value of judicial trial and imprisonment on the one hand, and of psychological investigation and treatment on the other, in getting at the causes of a crime and straightening out a criminal tendency. Glover, in his recent book on Psycho-Analysis, sums up the provisional results of these investigations as follows: "Whereas the obsessional neurotic turns his unconscious sadism against himself, the compulsive delinquent courts or receives punishment from external objects. He differs unconsciously from the paranoid type, who acts as a judge of society and attacks (punishes) it for its delinquency. The unconscious sexual organisation is of a pre-genital type, and there is usually a strong oral-sadistic constitution with a violent sensitiveness to hurt. Guilt reactions are concealed by this system which externalises aggressiveness. Hence the analysis of delinquency is more difficult than that of a corresponding type of psycho-neurosis. Although the analysis of delinquent states is only in its infancy, already many characteristic clinical syndromes have been isolated. A typical example is that compulsive form of pilfering common amongst adolescents of a narcissistic type. They have a strong latent or unconscious homosexual disposition and consort with, or are taken up by, people of a superior social position. The delinquency usually begins after this intimacy is strongly established; it is rationalised on the score of having to keep up appearances. It is a favourable sign when, in the course of treatment, previously concealed neurotic reactions come to the surface." He thinks that, as in the case of character difficulties, the aetiology of different groups of delinquents is the same as that of the corresponding neurosis or psychosis. This must be regarded as a first-hand account of the most recent state of research in this country.

We see that these investigations have led already to a more specific approach in the isolation of certain types of delinquents. In so far as one can conclude from Glover's summary presentation of the subject, the fundamental problem seems to be not yet quite adequately focussed. The delinquent is approached, apparently, on the same lines as if he were, for instance, a psycho-neurotic. This, of course, brings the psychoneurotic element into prominence, and it was, therefore, inevitable that the psycho-

neurotic sub-divisions should be used in distinguishing delinquent types. (Similarly with psychotic symptoms.) But the question still remains open: why a particular individual turns his energies into criminal acts, in contradistinction to neurotic type. In other words, the investigation is directed towards, and therefore tends to reveal, what the individual delinquent has in common with non-delinquent people, rather than that in which he specifically differs from them. I venture to suggest three points of principle which should in the future be specially taken into consideration:

1. *Technique.* It seems very likely that this would have to be modified, not only for practical but also for essential (psychological) reasons. The delinquent's life situation and social situation are different from the neurotic's and so consequently must be his psychological relation towards cure and the analyst. The analytic situation is bound to be different, just as is the inner psychological situation between the different component parts of the personality.

2. The respective relevancy of the sociological and psychological approach. With this important point we shall deal more fully later.

3. On the psychological territory itself, what seems to me most remarkable is not so much that the delinquent's acts are caused by their unconscious phantasies, as that these phantasies are "acted out". Clinically I have found sleep-walking, impulsive wandering, fugue states and bed-wetting in a striking proportion of the cases of delinquency which I have been able to investigate. This points in the direction which I have in mind. One might say: *THE NEUROTIC ACTS IN HIS DREAMS, THE CRIMINAL DREAMS IN HIS ACTIONS.* Analytically speaking, the relationship between the ego and the id has changed in a peculiar way so far as the original act or character is concerned. The ego is permeated by the id and in its service carries impulses right through to the motor end, or, what is not quite the same thing, the ego has permanently or temporarily resigned part of its mastery of the motor function in favour of the id. These remarks indicate the type of problem that should and could be resolved by the application of analytic methods to delinquents.

*General Observations on Criminality from a Psycho-Analytic Point of View*

There is no such thing as the "criminal" or "delinquent" type. To think in these terms is to have made the first and

fundamental mistake. Criminal impulses, or impulses tending to violation of the law, are in everyone. Crime is not a problem concerning some exceptional individuals; it concerns society as a whole. One might broadly speaking, put it in this way, the manifest trio—criminal—society—judge—are personifications of three elements present in everyone, and accordingly in each member of our trio—the id, the ego, and the super-ego. They enact on an external stage what takes place internally in the mind of everyone. If one considers that, as we have shown above, individual crimes go back unconsciously to the primal crime, and that this unconscious, instinctive mental level is common to all mankind, one understands at the same time that, to the analyst, the psychological implication of crime and punishment involve every human being—juror, criminal or judge—in the same degree. It becomes also clear that there is a strong tendency for punishment to follow instinctive, primitive laws, only reluctantly and insufficiently checked by the desired rational approach. The main impression of the analyst is that these inner factors are really far more potent in the concept of crime and punishment, and indeed in the concept of the law itself, than rational considerations of the true interests of society and the offender, which they in fact counteract. In the criminal's own mind there exists a judge far stricter than Mr. Justice X, meting out punishments according to the talion principle for deeds not committed, so that the actual punishment in reality often comes as a relief. The judge has, or has had, to overcome and to hold down his own patent, potential criminality and might have to be the more strict the less he has succeeded in doing so, or the more he has had to combat. That is, of course, not so much a reference to the individual holder of the judge's office, but rather to the impersonal, primitive principle which he represents, a glimpse of which idea is manifested in the symbolism of the wig and robe of office. The ordinary citizen—say the juror—stands between the two, and tends to react towards both "the criminal" and "the judge" in the same way as towards "the criminal" and "the judge" within himself.

Punishment in itself is of doubtful value, the mode of punishment certainly irrational, a compromise in symbolic style. There is general agreement that it does not serve its purpose, or at least not in the best way. Punishment has a double face. It is directed towards the individual offender, but at the same time towards the non-criminal member of society, to threaten and deter him and also to satisfy his demand for revenge. This function, the treatment of the delinquent inside the ordinary

member of society, is by far the more important from a practical as well as from a psychological point of view. Fortunately, too, analysis can say more to that because, whereas analytic investigations of delinquents are exceptional, the analyst is confronted daily with the anti-social powers inside his patient. The analyst would be inclined to look at the criminal rather as a symptom of a disease or malfunction of society. It follows that society and not the criminal has to be treated in the first instance.

The person who becomes a delinquent can be one whose inner make-up would bring him into conflict with society around him, whatever it would be. That is, he can be anti-social, a person suffering from social disease. Even in this case, he need not be a "born criminal"; the trouble may be due rather to inherent unmanageable tendencies of abnormal strength of character, or to unfavourable environmental influence, which acted as mental traumata. Members of this group might with some justification be called delinquents, and might be found to have certain characteristics in common; all the other groups, which fall into a great variety of categories, should be considered as being in the nature of an admonition to society to look into itself for what is wrong. If studied in this light, a genuine preventive treatment and cure of delinquency could be undertaken, the question as to what to do with the individual delinquent falling into its proper perspective. Now the individual against whom a crime is committed naturally reacts by taking revenge for it and demanding to be compensated. If some body broke into my house and took something valuable to me or, worse still, if somebody killed a person dear to me, I should not in the least care to understand his motives, but should probably want to hurt or to kill him outright. The law, however, forbids the offended person to do so. It claims a monopoly of physical power and cannot, or perhaps even should not, avoid being shaped by the tendency to avenge. The analysis is not, or should not be, concerned about this. What he usually attacks, however, is the pretence that the law is guided solely by rational motives, people and judge being unconscious of the real motive at work—revenge. In this the analyst is right, because we do not want to work blindly if we want to have control over what we are doing. It is remarkable that the inner law unconsciously follows the *Lex Talionis*, just as the earliest known law did consciously. (See "*The World's Earliest Laws*" by Chilperic Edwards. *The Thinker's Library*, No. 43). In this, however, as in all other respects, ample use is made of symbolic expression, unconscious equations, displacement, etc. Whereas the problem of crime is a social problem and cannot be solved

by psychology alone, it is obvious that it cannot be solved without psychology either. The special contribution of the psychoanalyst consists of exploration of the unconscious mind. Psychoanalysis enables us to understand not only the inner hidden motives and the concealed, yet really effective meaning of criminal behaviour, but also the criminal's reactions to any form of punishment, of which he himself is as much unconscious as are his fellow citizens or the judge.

As to the question of responsibility and similar problems, the analytic view can be at present of theoretical importance only, since even the cruder differentiations which psychiatry can make are at present far from acceptable from the point of view of the categories as recognised by the law. Here the constantly increasing permeation of psychiatry by psycho-analysis will tell in time. In a strictly logical application of the principle of absolute determinism, it would seem that, from the psycho-analytic point of view, nobody could be responsible at all, because nobody could act in a different way from that in which he does act. In this there is a fallacy, however, which seems important enough to be mentioned. Firstly, as has been pointed out, the principle of determinism is a working hypothesis and not a philosophical axiom. Secondly, because we adhere in the natural sciences to the idea of determinism, it does not follow that society has not the right to treat the individual as if he were responsible and to set up a standard of valuation of his actions. And, thirdly, the introduction of this valuation, punishment and stigmatisation for anti-social acts, in itself introduces new determinants which in turn are bound to influence the ultimate result.

By way of illustration as to how these problems present themselves in the every day practice of the mental specialist, I cannot refrain from citing the following recent example. A middle-aged gentleman, himself a member of one of the learned professions, appears in a consulting room. His features, manner, mode of thought, way of expressing himself and answering questions, unmistakeably reveal a man of intelligence and culture. He shows complete frankness and hard-won insight into his condition and its implications. It turns out that he had served a term of imprisonment for sexual offences (it amounted to acts of mutual masturbation). "It did not seem to have any helpful effect upon me as to my condition" he remarks to that. He was then treated for quite a while by a psycho-therapist. He gave up the treatment, disappointed because the expected and ardently desired change had not occurred. He had several

relapses, in consequence of which he is now on bail. The last of these offences is more than a year past, and they have come to the notice of the police only through a number of accidental circumstances in connection with the outbreak of the war, circumstances over which he could have had no control. "If my offences had been of a different kind, for instance, if they had concerned women or even children, no action could be taken in law against me after this lapse of time. Only to this particular type of offence this does not apply, for some reason or other" the patient remarks to that. Meanwhile, however, since his last offence was committed, the patient has totally changed. He is very happily married, including the sexual side of his marriage. He has no more inclination whatever towards his own sex. "It seems just childish to me, although of course I can still understand it" is his remark. Without being able to go into details, I might perhaps to say that I have in this case every reason to believe that the patient's description is correct, that his change is genuine and reliable and can be trusted to be a permanent one. A talk with his wife also fully confirms this impression; their attitude towards each other, generally as well as in the face of the pending conviction, is exceptional and admirable, in spite of the tragedy which has come over their lives. He is under no illusion as to this: "the law does not work reasonably in this country" he observes, with a shrug of his shoulders. Just a word as to an important factor which was certainly influential and probably essential in bringing about this change. The patient was the only child of a strict father and a mother on whom a fixation of unusual strength existed, persisting in later life and right up to her death. The mother was a cripple and the son, amongst other things, her nurse, even giving her enemas. During the previous year, his mother had died, which event preceded his change. He met his wife shortly after his mother's death and in the same hotel in which she died. This connection being pointed out, its significance was readily recognised, and was further confirmed by associative material produced. This short story needs no comment. One can easily imagine the rest of the situation. The question clearly arises as to what sense imprisonment can have in such a case. Nobody is to be protected by it, nobody improved; as to the punishing value, the only suspicion left in my mind was whether his philosophical attitude towards the situation was not an expression of an unconscious masochistic gratification from imprisonment. I am afraid one feels inclined to agree with the patient, in particular because his case is only one of too many: "the law does not always work



reasonably". . . . Meanwhile the patient has been convicted and sentenced to five years penal servitude.

### PART III. LAW, DELINQUENCY AND THEIR PSYCHOLOGY AS SOCIAL PHENOMENA

When we study communities, ancient and modern, intelligently, we become aware of the fact that they can only be understood as a working whole. None of their individual manifestations, their economics, rituals, religions, arts, diseases, mental or physical, cures and so on, can be taken out of the total context. The same is true, of course, of law and justice and their counterpart, the law-breaker. They have no absolute and unalterable validity, but form part of the whole social system to which they belong. When the whole social system, through changing circumstances, ceases to function adequately, problems arise in all these individual fields of observation. In our own society the ever-increasing differentiation of functions has two main consequences: it brings the individual into sharper relief, and forces him to an ever-increasing differentiation within himself, at the same time restricting (while intensifying) his manifest and conscious contact with his fellow beings to a narrow channel in which he acts; for instance his professional life, as an "expert." For the lawyer, therefore, shortcomings in the law itself or its application, seem to be the central problem. He may shift the problem and ask how one could better handle the delinquent, whether and how one should punish him, and similar questions. Or he may ask the psychologist what sort of being this delinquent is, who refuses to obey the rules laid down by the law or to react to punishment in the way he is supposed to do. The inadequacy of the functioning of the legal apparatus, the inefficiency of our modes of punishment, are common knowledge. It is, for instance, quite recognized that the severity of punishment has far less deterrent effect than the certainty that the offence will be brought to justice. Why, then, is it so long before this insight is acted upon? The answer lies in the fact, mentioned above, that these problems cannot be understood nor cured in isolation. In spite of its obvious shortcomings, the law as well as, by the way, the delinquent, fulfil a necessary social function. They can only change in conjunction with the changes of the whole social structure of which they form a part. To the analyst the problems seem mainly of a psychological nature. He tends to see their common source in the common "unconscious" of judge, delinquent and public, which he also blames for the reluctance to alter conditions of which he has

exposed the underlying irrationality. He is, in turn, for the most part unaware of the social factors behind the institutions which he criticises (and at the back of his own psychology). One wonders how far some analysts would go in support of the radical, revolutionary changes of society which they implicitly advocate with their criticisms. All this, however, is not to say that we are concerned with pseudo-problems, or have to offer pseudo-solutions only. After all, social changes do not come about by themselves and it is a step in the right direction when lawyers become aware of the problems inside their own domain and ask psycho-analysts for views and experiences. But it must be realised that the immediate effects are of necessity limited and that the main result of such investigations is in the nature of preparation. The first stage is to become aware of impending changes, the second to prepare and plan for them, and to lay the foundation for a more appropriate functioning in the future.

Sociological and individual psychological approach are not contradictory, nor simply complementary, as seems to be the view of nearly all psycho-analysts, or at least of all those who have voiced any opinion in this matter (exceptions are Erich Fromm, Karl Landauer and, according to her general attitude, Karen Horney). It is not a question of:—so far sociology, concerned with unfavourable environmental influences, social hardships, etc.; so far biology, as expressed in heredity and constitution, organic inferiority or disease, and the like; and for the rest, psychology, in particular the influence of an “unconscious mind” which is taken as absolute. It may be that the individual observer can deal only or mainly with one or other of these aspects, because he is not equipped to deal with all of them. But he should be consistently aware that in actual life he is dealing with human beings who are at no stage separable from their physical existence, nor ever isolated from the community of communities in which they live. The contents of their minds, conscious or unconscious, are conditioned by this. In fact, the real field of incomparable service which psycho-analysis can render in the future lies in all questions of this and similar kinds affecting human beings. Psycho-analysis has the pre-conditions and the tools to make intelligible just this intimate blend of pre-historic, historic, social and individual environmental factors with the individual's inborn physical and mental abilities and disabilities, which condition his reactions throughout life. It has been shown that what happens early inside the family setting lays the foundations for all later reactions and contains all the essential driving forces, including the great factor of sexual love, in concentrated form,

and that the individual carries on from there without being in the least aware of it.

The question as to whether certain undesirable states of affairs should or must be tackled socially, through alterations of the law, or by a change of approach to the individual delinquent, is entirely a practical one. The matter is not so difficult as it might seem. Let me illustrate it by a comparatively simple example. At certain times, through the invention first of the bicycle, later of the internal combustion engine, traffic on the roads changes and increases rapidly. Roads must be planned and constructed to accommodate such traffic, which without such roads would be impossible. Their quantity as well as quality is not only an indispensable pre-condition for such traffic, but at the same time, a result of it. Where formerly everyone could move freely as he liked, rules of conduct are now obviously indispensable. First introduced by custom, they have soon to be imposed by law, and a whole new set of offences springs into being. Some of the rules are readily absorbed and internalised, each individual driver being aware that it is in his own interest, as well as in that of others, to keep them. In fact, he follows them automatically, without thinking, as if they were "natural laws." Other regulations have to be reinforced and maintained by authority; the policeman appears in his double role, as the watchman of the law as well as the helper in traffic. In his absence the individual driver might be tempted to infringe the rules, because he would put his own interest of the moment above the safety of the community. He is in a state of conflict. He might, for instance, "take the law into his own hands" and rush past crossroads because he 'was in a hurry and saw that nobody was approaching from the other side.' He is allowed to do this where there are no traffic signals, but commits an offence as soon as they are any. Soon a whole system of complicated legislation governs road traffic. Signals of all sorts are established, speed limits introduced, etc., etc., a licence and a test are required before anyone is even allowed to join the traffic. In addition to this, a whole new language, new gadgets, secret signs and signals come into being and a new code is developed, which if not yet made legally obligatory, is officially sanctioned and accepted. Correspondingly a whole branch of law arises, of increasing complexity; the body of offences as well as the legal apparatus dealing with them increases enormously. We need not go into further details; this example sufficiently shows how the law develops, in what spirit it should be approached, and how closely it is bound up with the realities of life. Has it had a beginning?

Could it ever cease from further development? But now let us go on to our special application of this example. Supposing we are concerned with such offenders against traffic laws: would we expect them to be a special category of human beings? Not likely; we would find on investigation that some of them are too stupid to understand the meaning of such laws; others are habitually or occasionally drunk; others suffering from fits; others unconscious suicidals or running amok; others insufficiently trained to handle their cars or too poor to have them put into proper order, and so on. Even so, we might expect from detailed examination of all individual offenders valuable information as to how to deal with them, as well as with potential offenders. We should, however, not for a moment neglect to enquire whether some of the laws have not become obsolete or whether the reason for certain accidents may not lie in the faulty planning of the road. Such investigation might, for instance, reveal that, whereas at one crossroads fifty accidents occurred during the year, only one occurred at another, with similar traffic, in the last decade. Would it not be obvious that some factor besides those within the individuals concerned is at work? No doubt such a factor could and would be found, and if it were eliminated, the number of accidents would decrease. It is precisely at a stage corresponding to this that analysts, as for instance, Alexander and Healy, allow for the social factor, but in our opinion not radically enough, in that they still consider the psychological determinant as the essential one. They would argue somewhat as follows: "it is quite clear that this street-crossing is not well planned, and in order to stop offences there, should be altered. This cannot explain the individual offences, however, because after all, 65,000 vehicles crossed that corner during the past year and only fifty of them had accidents. It is quite clear, therefore, that individual factors must be at work here to account for the offences. In fact, out of the three cases we have been able to examine, one was under the influence of alcohol, another had the unconscious intention to kill his mother-in-law, for which he punished himself, and a third was in a state of hysterical fugue, . . ." On the other hand, the road engineer, who discovered that faulty cambering of the road caused the accidents and disregarded the condition of the individual offender, would obviously be equally wrong. By way of this very simple example, I hope to have made it clear what the real approach should be. Never can the individual offender be considered apart from the traffic of his time, the conditions of the road or the nature of the traffic laws, nor does traffic exist apart from the individual; traffic laws cannot be devised or

administered without a thorough consideration of the individuals concerned. It is throughout a question of adjusting the mind of the individual to the law and the law to the mind of the individual, and both of them to social reality. The results of depth-psychology are relevant in handling these problems, collectively and individually. Analysis can be compared with the invention of the microscope. It plays a part in relation to microscopical sociological research analogous to that played by microscopical anatomy and pathology in relation to the investigation of the body. It shows in the microcosmos of the individual the results of the problems concerning the whole of society around them. The analytical investigation of individual delinquents should be considered in the same spirit as the cultivation of the tubercle-bacillus. Society at present is so little interested in the individual that it would be absurd to expect it to make great efforts and sacrifices on the chance of helping some delinquents. Apart from humanitarian considerations, the only possible motive for such exertions must be that at least some of the criminals are capable of becoming particularly valuable members of society which is not at all impossible. But even in a society which was interested in the welfare of the individual, practical measures would be directed mainly to the problem of mental hygiene in upbringing, a question of prevention rather than cure. Again, for the treatment of offenders, the most important step forward would be that all persons dealing with them, such as judges, lawyers, social workers, people in charge of education or re-education, or of approved schools, etc., etc., should be made thoroughly familiar with the mental complexities of the offenders as well as with those existing in their own minds. That is, ideally, the most thorough analysis possible should be made part of their curriculum. Meanwhile society is greatly interested in how best to handle the criminal inside the ordinary citizen; how best, from the point of view of that ordinary citizen, to devise laws and enforce them. For this problem the investigation of individual delinquents becomes highly desirable and if, as a by-result some of these should benefit personally, so much the better.

Delinquents, as far as can be stated to-day, do not constitute a particular human species, and seem not to have anything specific in common with one another, beyond the very fact that their acts are against the law. There are no criminal impulses or else all impulses in themselves are criminal.

Analysis can help to investigate a number of questions such as the following: Why are certain actions condemned in a given

society? What motives are at work in the community, in the judge or in the criminal himself? Why are people punished? Why do people act lawfully or unlawfully? What factors in constitution and education favour one course or the other? To these questions, which have been selected at random, analysis can give its specific answers.

#### PART IV. SUMMARY AND PROPOSALS

On the basis of what has been said, we can now take a broader view and say that for all practical purposes the pre-conditions for a psycho-analytical investigation and treatment of a delinquent are the following:

1. The therapist must be reasonably free from personal conscious or unconscious bias as regards the patient's personality and actions.

2. He must be thoroughly acquainted with psycho-analysis and the technique of its application. The salient point about the latter is that he should be not only capable of understanding transference and handling it, but also of analysing it.

3. If these two conditions are to be fulfilled it seems essential in all but exceptional cases that the therapist himself should have been thoroughly analysed, and even in exceptional cases this is much to be preferred. It follows that an analytic investigation should, if possible, be carried out by fully trained psycho-analysts. This does not necessarily mean that the analyst must be a member of the Psycho-Analytical Association, as there are no doubt people outside this group in whom these pre-conditions are fulfilled to a degree sufficient for practical purposes. On the other hand, the International Psycho-Analytical Association, the constituent branch of which in this country is the British Psycho-Analytical Society in London, is the only body which guarantees these conditions to be fulfilled in its members. Other so-called psycho-analytical schools, as for instance those of Adler or Jung, cannot for our purpose be considered as equivalent, because their approach is basically and radically different. This statement does not deny the value of the contributions they might have to make on their own terms.

4. The time must be sufficient for a proper "psycho-analytical situation" to be established and carried through, in particular the positive and negative transference must be sufficiently analysed. This is of particular importance if lasting changes are to be effected. It is obvious that the time-factor must greatly

vary according to the individual concerned. From a practical point of view, a trial period of some weeks' or months' duration should enable the analyst to select those cases for whom a complete analysis would be worth while. A number of cases could no doubt be ruled out after one or two sessions, which might, however, prove valuable from a diagnostic and prognostic point of view. The more emphasis is laid on the scientific result, the more essential it seems to become that the treatment should approach as closely as possible the conditions of a classical psycho-analysis.

5. As to the pre-conditions on the side of the patient, we refer to the proposals by Alexander and Healy as mentioned above.

I may mention here that we are carrying out at present here in Exeter group treatment of psycho-neurotics on analytic lines, so far as I know the first such experiment undertaken in this country. The results so far seem very encouraging and should recommend the adoption of similar treatment for delinquent cases in prisons, approved schools and similar institutions. The amount of valuable information about the individual as well as the social background of crime thus obtained would probably be much greater than many people might be inclined to expect. In the writer's personal opinion, such group investigations hold, in certain respects, therapeutic as well as scientific possibilities greater than those of individual analyses. Much valuable work might be done by clergymen visiting prisons, prison doctors, and probation officers. For these, in turn, discussions in small groups, conducted on analytic lines, should prove extraordinarily useful.

From this short outline, the nature of such measures, at once desirable and practicable, is sufficiently clear. Some of the most valuable ways in which grants could be applied appear to be the following:—

(a) Surveys of analytic investigations, focussed on points of particular interest, supplemented, for example by questionnaires.

(b) Individual research, planned to investigate particular problems.

(c) Individual and group treatment and investigation on the lines set forth in this paper.

(d) Encouragement and facilities for all persons concerned with the problem of crime, and in particular with the individual criminal, to become thoroughly acquainted with psycho-analysis. In specially important cases the undergoing of a course of psycho-analysis as part of their training should be encouraged and

financially supported. Group treatment might prove itself a most valuable compromise where full individual analysis seems impracticable as regards time. It should, in any case, deserve to be tried out as soon as possible, for should it succeed as it seems likely to do if conducted in a competent way, it might very well prove to be the most practicable large-scale therapeutic measure.

(e) Analysts might profitably be consulted in individual cases when a short investigation might throw valuable light on the nature of the measures which could best be adopted in the handling of individual delinquents, as well as on such questions as, for example, what effect a particular mode of punishment or other procedure might be expected to have on the individual in question.

Financial and other expenses involved in investigations such as these should prove infinitesimal if seen in proportion to the inestimable value they are bound to have for criminology and society as a whole. Sooner or later, they will have to be carried out, and surely the sooner the better.