

Moral Defectives.

BY A. F. TREGOLD, M.D., F.R.S.ED.

MORAL Defectives are those persons who repeatedly commit acts of vice or crime in consequence of a defect of their minds. In other words they are persons whose misconduct is not due to what is generally known as "badness," but to what, in the broad sense, may be comprehended within the term "madness." It is obvious that such a condition is one of extreme importance, and experience has shewn that it is also attended with very great difficulties. Indeed it is not too much to say that moral defectives present diagnostic, administrative and social problems of far greater magnitude than do any other class coming within the purview of the worker in Mental Deficiency. This being the case it is hoped that the following account may be of service, although it is impossible in the compass of a short article to give more than a brief outline of the subject.*

Moral Defectives are persons in whom there is a defect of moral sense. But a defect of moral sense need not, of necessity, give rise to misconduct. For this to happen there must be a defect of something else as well, and in order to make this clear it is necessary to allude to the chief mental factors which are concerned in misconduct.

It is now generally recognised that the mainspring of most, if not all, human conduct (using the word conduct to denote, not isolated acts, but a series of connected acts directed towards the accomplishment of definite ends) is to be found in certain instincts or impulses. These instincts are numerous, and many of them date from early human origins, and are therefore deeply ingrained. There is, for instance, the sexual instinct, which is obviously essential to the perpetuation of the species. There is the self-preservative instinct, which makes for the same end by safeguarding the life of the individual. There is the acquisitive instinct, which indirectly operates in a similar direction by increasing the possessions and thereby the power and safety of the individual. Originally, these instincts were no sooner aroused than immediate action resulted. The sexual instinct led to rape and promiscuous sexual intercourse; the self preservative to assault and homicide; the acquisitive to theft and robbery. Even to-day in many barbarous races we find these primitive instincts still manifesting themselves in their original primitive way, that is, in immediate action regardless of any secondary consideration. As the race evolved, however, it began to be appreciated that immediate action of this kind, instead of being to the advantage, might be to the detriment of the individual and the tribe. It might be more advantageous in certain circumstances to postpone action, and hence *wisdom* began to play a part in the ruling of conduct; its chief effect being to produce

* A fuller account will be found in the Author's book on Mental Deficiency, 3rd Edition, now in the Press.

a present self denial for the sake of a future increased advantage. The recognition of this advantage gradually led to the feeling that it was the duty of the individual to check certain of these primitive instincts to action, in other words to the conception of family and tribal obligation, and out of this there was gradually evolved what we now know as *moral* or *social* sense.

We may therefore regard moral sense as that faculty of mind by which a person appreciates the current standards of right and wrong, by which he realizes the conception of social obligation, of honour and honesty, of chivalry and forbearance, by which, in short, he appreciates that the individual is no longer paramount, but that the rights of others must be considered. It has thus come about that, although mankind is still impelled to definite ends as formerly (for these ends are fundamental to the perpetuation of the race), the mode by which these ends are now attained has undergone a profound modification.

Among civilized peoples the sexual instinct is no longer manifested in rape and promiscuous intercourse, but within the bonds of wedlock. The self preservative instinct no longer expresses itself in assault and the slaying of our opponent, but in forbearance, or if this is impossible, in legal process. The acquisitive instinct, whilst still operative, is restrained within the rules of the game and the law of the land.

There can be no doubt that the growth of civilisation is chiefly, if not entirely due to this development of moral sense; for its effect is not merely to check the crude manifestations of these primitive instincts, but, by furnishing man with moral and social ideals, itself to act as an impulse to moral conduct. In other words it is not merely passive and prohibitive, it is an incentive to action. The faculty of wisdom also, by checking immediate action and developing deliberation, has similarly conduced to the evolution of our present day civilisation.

Now certain persons exist in whom moral sense is defective. In some this may be of the nature of a temporary disturbance. Strictly speaking these are examples of insanity and not true defect. In others moral sense may never have developed owing to a pernicious environment and the absence of proper training; in these moral sense may be developed under suitable training. In other instances moral sense is defective because the individuals are fundamentally lacking in the capacity for its development, there is a true innate defect of a portion of mind, and such cases are incurable. But, although such an individual may have no real appreciation of the rights of others and no real sense of honour or honesty, his wisdom may nevertheless cause him to realize that "honesty is the best policy," that punishment and personal disadvantage will follow transgression; hence, although he may not be a force for good, he is restrained by his intellect within the moral and legal codes, and he is not *persistently* immoral or criminal. Should it happen, however, that along with defect of moral sense there is a defect of wisdom, then he is deprived of all restraining influence. He not only has no conception of wrong, but he does not

realize the disadvantages of wrong doing; his primitive instincts will be entirely unchecked, he will be incapable of conforming to the moral and legal standards of the community, and he will be a persistent and incorrigible criminal.

This combined defect of moral sense and of wisdom occurs in two types of persons: firstly, in those who are mentally defective as this term is ordinarily understood; secondly, in those who are not mentally deficient within the ordinary conception of the term. Both these classes come within the term "moral defectives," and both of them, as I shall show, come within the scope of the Mental Deficiency Act. I will deal with each class separately.

The first class calls for but little notice. It consists of individuals, who, in addition to being defective in moral sense and wisdom, are also defective in ordinary intelligence. In other words they are imbeciles or feeble-minded persons, who are persistently vicious or criminal. They conform to, and can readily be certified under, one of the definitions of the Mental Deficiency Act, that is, as imbeciles, or feeble-minded.

The second class calls for more consideration. It consists of those persons who are defective in moral sense and wisdom, but not defective in ordinary intelligence. It is the class known as *Moral Imbeciles* and officially defined as those "persons who from an early age display some permanent mental defect coupled with strong vicious or criminal propensities on which punishment has had little or no deterrent effect."

Now experience has shewn me that there is no class coming within the scope of the Mental Deficiency Act, which presents greater difficulty to the social worker, the medical man and the lawyer, than does this one. Again and again I have been consulted with regard to persons who have shewn evidence of mental defect from an early age, whose conduct has been persistently vicious and criminal and undeterred by punishment, whom I regarded as undoubtedly certifiable under the Act, and yet whom physicians and magistrates had found themselves unable to certify. I believe the reason of this lies in a faulty appreciation of the definition, and more particularly, in a misconception as to what is meant by "mental defect," I will therefore endeavour to make these points clear.

At the outset I wish to emphasize the point that if the mental defect of the moral imbecile were similar to that of the ordinary imbecile or feeble-minded person, there would have been no need of a separate definition, for they could have been certified as imbecile or feeble-minded under the Act.

The fact that a new definition was introduced clearly shews that the intention was to legislate for a different type altogether, that is for persons who would not ordinarily be regarded as certifiable under the other definitions in the Act. This intention has been made quite clear by Dr. Mercier, who framed the definition, and it is obviously of great importance. Nevertheless I find it is hardly ever appreciated.

Moral Imbeciles are certainly neither "imbecile" nor "feeble-minded" in the ordinary acceptation of these terms, nor are they lacking in ordinary intel-

ligence. They learn readily at school, they may even be brilliant in some subjects. They have a good store of ideas, a good knowledge of ordinary topics and can often talk plausibly and well about current events. They can even argue upon abstruse subjects. They are not lacking in wit and they are often apt and quick at repartee. As measured by Binet-Simon tests they are usually by no means backward. Wherein, then, lies the defect?

It may not be unnecessary to point out that the definition does not say defect of intelligence, but *mental defect*, and this is of very great importance. For Mind includes much more than mere intelligence, it includes moral sense, it also includes that higher controlling faculty which we call wisdom, and defect of these faculties is a true mental defect within the meaning of the definition. I believe that it is the failure to realize this which is the chief stumbling block in the diagnosis and certification of these cases.

The moral imbecile is one who is defective in these two faculties of mind. In the first place, he has no conception of any social or moral obligation. He lies, pilfers, steals, commits fraud or forgery, and is guilty of sexual offences, because these are his primitive instincts and because he is lacking in the faculty to appreciate that they are wrong. He has, in fact, no conception of right or wrong, and he is undeterred by punishment because he cannot conceive why he should be punished. Indeed, his defective moral sense usually causes him to be surprised and indignant when punishment follows his misdeeds.

In the second place, although he is not devoid of ordinary intelligence, and of the ability to adapt his acts to the requirements of the moment, he is lacking in the higher faculty of control and wisdom. He cannot take long views, he cannot check the gratification of his immediate desires for the sake of greater advantage in the future, he cannot even see that it would be to his advantage to so check them.

He is, in fact, as Mercier said, "a clever fool." And often enough he is not so clever as would appear on the surface, for in the commission of his crimes he will neglect some perfectly simple precaution, or be guilty of some gross oversight and bungling which inevitably lead to his speedy detection. The result is that, although he is perpetually committing crimes, he is usually perpetually being caught, he derives only the most fleeting advantage from his misdeeds, and his life is one long record of failure.

If it be borne in mind that the characteristic of the moral imbecile is not a defect of ordinary intelligence, but a defect of moral sense and of wisdom, I am convinced that the difficulty hitherto experienced in diagnosing and dealing with these cases will be greatly reduced. There are, however, some other terms of the definition and to these I may briefly allude.

The mental defect must be *permanent*. As I have already remarked, the faculties of moral sense and wisdom may become disordered, and this condition is often temporary and curable. Further, the development of these faculties may be delayed, either in consequence of natural causes or as a result of unsatisfactory upbringing, and this again may be remedied by suitable training. The use of

the word "permanent" is to ensure that only those cases in which there is a genuine innate and incurable defect should come within the Statute.

The defect must have *existed from an early age*. This again is introduced for the purpose of excluding an acquired perversion or moral insanity. This term must, however, be construed with discretion, for although in most moral imbeciles there will be evidence of mental defect or misconduct from the time when it is first possible to observe conduct, that is from the earliest years of life, it is to be remembered that the primitive impulses to conduct of which we have spoken may not manifest themselves until the person is brought under the stimulus of a wider environment, that is until he is called upon to face the world on his own responsibility, so that in some true moral imbeciles misconduct sufficient to attract attention may not occur until after school years. I have seen several cases of this kind which I should certainly diagnose as moral imbecility. Finally, the criminal propensities must be *undeterred by punishment*. This is not a mere legal distinction, but a qualification of considerable importance, for punishment is undoubtedly a potent factor in differentiating misconduct due to mere badness from that which is the result of mental defect. The person who is deficient in wisdom is undeterred, the one who is not so deficient realizes, by punishment, that his crimes "do not pay." Until we are satisfied, therefore, that the misdeeds of the individual have been met by adequate punishment, we cannot with certainty diagnose defect of mind, and we should certainly not certify. The punishment, however, in my opinion need not be judicial punishment. I consider that adequate punishment inflicted in the orthodox way by a parent or guardian would suffice to satisfy this term of the definition.

It is thus seen that although the Statutory definition of a moral imbecile contains several terms, all of which must be complied with before a person can be certified, these terms are nevertheless complementary to one another, and they combine to define the class with very considerable accuracy. They exclude criminality due to mere badness, for it must be accompanied by mental defect; they exclude criminality due to an acquired derangement of mind, for the mental defect must be permanent and from an early age; they denote a condition which is persistent and incurable, and one which obviously constitutes an exceedingly grave menace to Society.

It is in the highest degree necessary that the condition should be diagnosed, that the Act should be made use of, and that, in the interests of the sufferers themselves, as well as of the community, these unfortunate individuals should be placed under adequate care and control.

It is obvious that there are many other aspects of this important subject which might be discussed. The limited space at my disposal, however, prevents this, and hence I have felt it desirable to confine myself to a brief account of what may be termed the psychology of moral defect. If this results in giving the worker amongst mental defectives a clearer conception of the type my end will have been gained. For once we appreciate what moral imbecility really is, our difficulty in dealing with these persons cannot fail to be greatly lessened.