

THE PSYCHOLOGY OF THE CRIMINAL

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The psychology of the criminal by M. Hamblin Smith

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OF THE CRIMINAL**

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PREFACE

THIS book is based upon twenty-three years experience in local and convict prisons, and more particularly upon the work which I have done, during the past three years, with offenders from Courts in Birmingham and the adjacent districts.

My main object has been to demonstrate how important is the thorough examination of the individual offender, especially in regard to his mentality. It is only by a great extension of this line of investigation that we can hope to solve the problems which criminality presents.

A considerable part of the book is devoted to that new development of psychology which is known as psycho-analysis, and to the possible applications thereof to the investigation and treatment of offenders. I have included a brief description of the theory and technique of psycho-analysis, so that the reader may not have to look elsewhere for an explanation of technical terms.

There is much in psycho-analysis which is still highly controversial. And it would be quite impossible to write a book on this subject with which all would agree. But I have endeavoured to state fairly and dispassionately the views which I hold. And I do not think that I have made any dogmatic statements which would not be accepted by some eminent exponents of psycho-analysis. To my old friend Dr. G. A. Auden, and to my friend and fellow worker Dr. W. A. Potts, I must express my most hearty thanks for their kindly criticisms of Chapters III and IV, which deal

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specially with the psycho-analytic part of my subject. I have made much use of their suggestions. But it is only right to say that they are in no way responsible for the views which I have expressed.

I shall be most pleased to hear from any worker who may see fit to give a trial to the scheme of mental tests described in Chapter II.

I am deeply indebted to my wife for much assistance in revising the proofs.

I have tried to indicate in the book the many sources from which I have derived information. Should I have failed to make proper acknowledgment in any instance, I must crave pardon for such inadvertence. I take this opportunity of expressing the debt which I owe to the work of Dr. William Healy, of Chicago. His great book, "The Individual Delinquent", treats the whole subject of the investigation of offenders as it has never been treated before, and will be found a store-house of information by all who take an interest in this subject.

My thanks are due to the Prison Commissioners, with whose consent this book is published, for permission to use the results of my prison experience in its compilation.

M. HAMBLIN SMITH

H.M. PRISON, BIRMINGHAM.

June, 1922.

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CHAPTER I

INTRODUCTORY: THE PROBLEM STATED

I. WHAT WE MEAN BY "CRIMES" AND "CRIMINALS"

THE proper subject of mankind's study is enshrined in an old and trite saying. And yet students of every science which bears in any way upon man have an apparently irresistible tendency to wander from this, their proper goal. It would be impossible to enumerate all the examples of this tendency. But nowhere is it more strongly marked than in the study of offenders. What should be done to offenders has been the subject of much consideration by the makers and administrators of laws from time immemorial. But the fact that they were dealing with individuals seems to have been practically overlooked, until comparatively recent times. Mediaeval theories on this subject are not much in point at the present day, for they were permeated by the predominance of the idea of "free-will" in its most extreme form. It has been well said that the old idea assumed the offender to be in the position of a fig tree which had wilfully and of malice aforethought decided to produce, not figs, but thistles, and that for this most outrageous conduct he naturally deserved condign "punishment". There is, however, even at the present time, so much

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diversity of opinion on the subject of the treatment of offenders that it is necessary to devote a short space to a consideration of what an offender is and of what we mean by "crime".

Halsbury defines a crime as "an unlawful act or default which is an offence against the public, and which renders the perpetrator of the act or default liable to legal punishment."¹ (Default is, of course, only defect of action or conduct.) The definition of crime in the legal systems of other countries is practically the same as that just given. Some countries have distinctions between different classes of offences. In this country we distinguish between felonies and misdemeanours, and the French code distinguishes between *crime* and *délit*. But with these legal distinctions we are not here concerned.

So crimes are, from the legal point of view, acts which, in the opinion of a particular society, at a particular time, are considered to deserve punishment by that society. Many authorities, Hamon² for example, have, of course, used the term in a sense which goes far beyond this. But we are using the term crime (or offence or delinquency) purely in this legal sense. And it follows that, in this sense, a crime is an act which is legally wrong, and which is, essentially, an infringement of the criminal law. The question as to whether the act is "morally" wrong does not come in. Much confusion has been caused by the use of the word "wrong" without explanation of the sense in which it is used. And the single point common to all criminals is that they have committed acts which are considered to deserve punishment by the society in which they live. This fact alone is enough to make us reject, once and for all, the idea that there is anything which can be called a "criminal type".

¹ "Laws of England," Vol. IX, p. 232.

² "The Illusion of Free Will."