

On the Treatment of Criminals and Lunatics

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[Page 3] IN considering this subject of the treatment of Criminals and Lunatics, we have thought it could best be dealt with under three heads, which naturally suggest themselves to the mind; these are (1) the object or objects in view supposed to be held in the treatment of criminals and lunatics; (2) the means adopted to secure those ends; and (3) the degree of success which has attended these methods. And first with regard to criminals.

1) Without entering into a comparison of the various offences termed "criminal", we may regard the treatment of all such cases as having respect to (a) the protection of Society, or (b) the cure of the evil. Both these objects commend themselves to the mind as being based upon a true conception of the social constitution, and the value of human life. While the condition of the human race is such that no system of Ethics can be uniformly conceived of and applied, it is clear that, in order to preserve the civic and social interests of any community, there is a necessity for an external law, applicable to the treatment of individuals in whom the sense of probity and justice is not sufficiently strong to prevent them from committing acts which endanger the common weal.

It is difficult to decide, at once, as to the respective merit of the two objects which the treatment of criminals is supposed to aim at. Looking at the question from the standpoint of Economics, one would suppose that the protection of Society (in the broadest sense of the word, of course) was the first and essential object; and it might be argued that the cure of the evil implied by the term "criminal offence", would be but the means to that end; yet in no case would the true Economist allow us to disregard the criminal unit. But then we are forced to admit that it is from the internal state of Society the offence proceeds in the first place, and that if such evil did not exist, there would be no need for protection, so that we are led to consider the cure of the evil as of primary importance; and the cause of it must be sought in the life of Society, as a disease having its root therein, and not as an evil of a foreign nature happening to it from without. Leaving this point, however, to individual decision, let us pass [Page 4] on to the consideration of the ways and means adopted to these ends. As we are dealing with the modern methods of criminal treatment, we may say they are of two kinds, *viz.* :— corrective and punitive; and of these the reformatories represent the one, while the prisons, treadmills, stone quarries and gallows of our country represent the other method.

Now the fitness of any treatment cannot be properly apprehended apart from a consideration of the case in hand; for on the "corrective" principle, the treatment would naturally depend on the diagnosis; while the punitive method would have regard to the measure of the offence, and thus entail a consideration of the causes which induced it, and the responsibility of the criminal in the act. Here we at once see how really different are the two objects proposed to be attained in the treatment of criminals, or rather, how

differently they are regarded by those who administer, or are supposed to administer, justice to the criminal, and to Society against which he offends. Is it possible to regard the two objects as distinct from one another, and at the same time to ensure the attainment of either? 'We think not; for clearly, unless the evil *is* cured, and the cause of the offence removed, the community is in no way secured against a repetition of its effects. Yet Society has all along held the criminal act, as an offence against its rights, to be of greater importance than the cause of crime, which exists as an evil within itself. It is the old tale of "the beam and the mote", beginning in the ignorance and ending in the selfishness and cruelty of the world. And yet, until the factors which operate in the production of crime are properly perceived and understood, we cannot hope that any means whatever will avail for either the cure of crime or the protection of Society. The constitutional defects observable in the confirmed criminal are to be traced very frequently to the social conditions bearing upon his heredity, such as unhealthy modes of living; lack of proper education, mental, moral and physical training, etc.; and these adverse conditions are frequently aggravated by direct injustice and dire necessity.

That such conditions should exist at all is a manifest injustice, and only serves to show how blind, even to self-advantage, a selfish world can be; but when absolutely no allowance is made, in the punitive method of criminal treatment, for such unequal conditions, the injustice of a severe punishment only tends to exasperate the convicted person, and destroys the very object which the punishment is supposed to subserve. In *Remedies for Perils of the Nation* it is said, "It is just because the reigning philosophy of the day has taught us that it was better worth our while to improve our steam engines than to nurture our population; it is because honours and rewards have been showered on those who taught how to cultivate capital for the few, while contempt was poured on [Page 5] those who contended for the greater necessity of cultivating the people's happiness. . . . From these fancies and fictions it has come to pass, at last, that the bloated wealth on the one hand, and the squalid poverty on the other, have gone on increasing, till all calm and considerate observers begin to ask themselves whether it is possible for a framework, the parts of which are so grievously disproportioned to each other, to hang together much longer".

With regard to the *corrective* method of treating criminals, it is wholly just and beneficent if properly conducted, and the only method which should find a place in the government of a civilised country. It should, however, apply uniformly, and as much to the adult as to the juvenile criminal; and in every case the *cause* of offence should concern us more immediately than the offence itself. On this point the *Irish Quarterly Review* has said: — "The time has arrived when the Government of this country must adopt those admirable rules of other nations, by which the health, the morality, and the education of the people can be secured. The preacher has implored, the economist has complained, the patriot has urged, the physician has warned. We punish those who are criminal, but we never try to shield them from the blasting contamination of vice. The Churchman thunders forth God's curse on sin, and we suffer the grasping house-owner to cram his wretched rooms with human beings — age and sex unnoticed. Our manufactories are the seminaries of sin; the cottages of our labourers are the schools of vice; our coal mines are only the working-places of biped brutes. Drunkenness is the common luxury of our poor; murder, incest and infanticide are common entries in our assize calendars". These and such as these are the crimes which stand to our charge — I say "our charge" with intention, for it is that "mote" in our poor brother's eye which warns us of the "beam" within our own. The welfare of the community is, after all, made up of the individual welfare of its members, not forgetting the least of them; for the head cannot say to the foot "I have no need of thee". Yes, these are the evils which lie at our doors, — and in our very houses. What is the remedy we have applied, and are still applying? A system of punitive revenge, as disastrous to ourselves as it is ineffectual to erase the red stain of crime which mars our records year by year. A system which neither repairs the evil effects of crime, nor seeks to correct the incentive cause;

and which considers corporeal punishment, hard labour, solitary confinement, and the forfeiture of money, to be sufficient compensation to Society for the evil done by any of its members. Of course in many cases it is impossible for anyone to repair the evil effects of crime, as, for instance, in the case of murder. And this brings us to the question of Capital punishment, "the extreme measure of the law". [Page 6]

The old laws of absolute barbarism, when men were hanged for such offences as sheep-stealing, etc., have given place to milder forms of punishment, and a modification of most of the laws bearing upon the treatment of crime. A far higher and more rational conception of freedom, than entered into the minds of people in those days, is gradually spreading itself, and is changing the whole attitude of society with regard to this and other questions of equity.

Equality, before the law, is becoming more and more a fact. The real worth of a human being is better understood; *i.e.*, his worth as an individual, on his own account, and not merely as a useful tool for others. In these days, there is not a single case of the sentence of capital punishment being passed, but efforts are made in all directions for a commutation of the penalty to some milder form. This is not from any condonation of the sin, on the part of Society, but partly from condolence with the wretched being whose crime is most frequently the result of an extremity of suffering, and partly from a sense of the inefficacy of any further blood-shedding. Let us for a moment consider our position in this matter. Why does Society continue to recognize this form of punishment? Why do we who have the making and repealing of the laws in our hands, permit this worse than useless and inhuman law to continue? What is the end in view? Is it to revenge our dead, to protect our own lives, or to cure crime by intimidation? If any of these be our object, the method adopted is *an unqualified failure*. Surely, if the taking of human life be a crime, it is as criminal in us to kill the murderer, as it is criminal in him to have killed another. The balance of justice is not restored by a *repetition* of the crime! Nor do we *protect* ourselves by such an act. We may learn a great truth concerning this matter from the teaching of Lord Buddha, as set forth in the 8th Book of the "Light of Asia", where, speaking of the law of Karma, it says: "Fresh issues on the universe that sum which is the lattermost of lives" — and, "also it issues forth to help or hurt. When death the *bitter murderer* doth smite, red roams the *unpurged* fragment of him, driven on winds of plague and blight". You would cure crime by intimidation? The occult law is against you; you cannot do it. You cannot prevent this "red and unpurged fragment" of the murdered murderer, from fastening on the mind of man wherever it finds congenial soil, as "the feathered reed-seed flies, o'er rock and loam and sand, until it finds its marsh and multiplies"! You cannot cure by intimidation, as each new case will prove. Does the criminal stay in his deadly work to count the cost of his crime? Facts seem to say otherwise. What then shall we do to compass the double evil? Something of an answer is contained in the words of Lord Palmerston: — "There is *one* power which knowledge gives us, which is more important than all others; it is the power of man over himself. It is by knowledge that men are [Page 7] enabled to control their passions, regulate their conduct, and devote their energies and exertions to the welfare of their country". While men are in ignorance of the inviolable laws which hedge them in as offenders on every side like walls, and which become to the truth-seeking lover of justice, wings of beauty and of strength; what can we hope for but a continuance of those evils for which we have no better remedy than evil itself! Knowledge of the laws which govern our existence as responsible agents, and education of the right sort, applied physically, mentally and morally, after the best methods, can alone solve the problem of our great social evils, and comprehend at once their cause and cure. "When", asks Dr. Channing, "will statesmen learn that there are higher powers than political motives, interest, and intrigue? When will they learn *the might which dwells in truth*? When will they learn that the past and present are not the future; but that the changes already wrought in Society are only forerunners, signs, and springs of mighty revolutions?"

Absorbed in near objects, they are prophets only on a small scale. They may foretell the issues of our next election, but the breaking out of a *deep moral conviction* in the mass of men, is a mystery which they have little skill to interpret. In all the grandest epochs of history, what was it won the victory? What were the mighty all-prevailing powers? Not political management, not self-interest, not the lower principles of human nature, but the principles of freedom, of justice, of moral power, moral enthusiasm, and the divine aspiration of the human soul". But whatever may be the objects, and whatever the means which control this matter of the treatment of Criminals, let us glance at the *results* before leaving the subject. The statistics for London alone, of crime and dissipation, are as follows: —

16,000 children trained to crime.

5,000 receivers of stolen goods.

15,000 gamblers by profession.

25,000 beggars.

183,000 habitual drunkards.

150,000 persons subsisting on profligacy.

50,000 thieves.

These figures are made up from cases under notice. Those that escape notice may be as many more; but these alone give a total of 784,000 souls! And this is what the nation suffers for neglecting to make efficient provision for the education and physical welfare of the masses; and all through *selfishness*! It costs us over two million pounds sterling, per year. How long we shall suffer the double stress of this moral and physical burden, we alone can decide. The cause and cure is within and from ourselves I

II) — It may not be immediately apparent why we have elected to deal [Page 8] with the subject of lunacy and its treatment, in connection with that relating to criminals. Before tracing the connection which we find to exist between the two subjects, it may be best to consider the nature of lunacy, and the provision that is made for its treatment. Of course the only complete method of dealing with the diseases of the brain and their effects upon individuals, would be to gain a proper knowledge and understanding of the normal conditions and proper functions of the various parts of the brain. This of course we cannot attempt. We must therefore content ourselves with a summary view of its functions in their normal and abnormal conditions. The normal brain has three chief and distinct functions, viz. —

1. To be affected by impressions.
2. To express consciousness.
3. To affect other bodies within its-sphere of action.

The complete interaction of these three functions is held to constitute *sanity*. Any departure from the perfect manifestation of these qualities is attended with more or less danger of an eventual loss of certain healthy conditions of thought and action. This deterioration of the physical condition of the brain is not always to be discerned during life time, nor is there always an indication of cerebral disorganization to be found in the post mortem examination of certified maniacs. This is an *important fact* and one which

should concern the occultist very greatly in his consideration of the treatment of lunatics.

Dr. Winchcomb, of the Warwickshire County Lunatic Asylum, testifies to this fact in the following words: — "I have long come to the conclusion that, the outward appearance of the brain being normal, is no proof that the mind is sound". From this, and other evidence to the same effect, we may conclude that the border line between sanity and insanity, from the purely physical standpoint, is not as yet determined. Professor Windle, of the Queen's College, says: — "It is only with the greatest possible care that even the most experienced are able to detect between a common illness and the most advanced conditions of insanity; between nervous affections and brain disorganization".

However, not to lengthen this subject indefinitely, we may state that there are three primary affections arising out of the disorders of the brain. They are: —

1. Illusions.
2. Delusions.
3. Hallucinations.

The first of these disorders is said to lie in a defective condition of the sensorium whereby wrong impressions are received, and thus the individual becomes the dupe of his senses.

The second of these unhealthy conditions of brain function, delusion, consists in a misshapen impression being conveyed to the mind and received by it as real and consistent, being uncorrected by the application of logical thought. In the first case the false impression begins and ends in the sensorium — but here it extends to the mind; and just at that point where sensation is translated into consciousness, illusion becomes delusion. Hallucination is unlike either of these; for whereas they are objective, and proceed from without, hallucination, on the other hand, has its origin in the mind itself. In its expression lie almost all the symptoms and conditions of morbid insanity. In this state, the mind receives not only imperfect impressions as in cases of illusion, but *absolutely false* and unreal ones; and not only believes them to be true, as in the cases of *delusion*, but cannot be reasoned out of them. Perception, memory, and imagination, each runs its own *mad race*. Neither faculty corroborates the others. Impressions are false, memory imperfect, imagination contorted, reason nil.

These are the three chief disorders of brain functions, and those in whom these conditions *persist* are held to be insane.

The statistics show that out of every 100 cases of insanity 20 are due to hereditary disease, 14 to bad marriages, 10 to intemperance, and 6 to epilepsy, the remaining 50 being from distinct causes of a diversified nature.

So far we have considered the nature and cause of insanity ; we must now determine how far its treatment is provided for, and how far the cure of this evil is effected. Until a very recent date the number

of *private asylums*, for the treatment and safe keeping of lunatics, in this country, was comparatively very large, and the system adopted in most cases was of the nature which characterizes the average "baby-farming" establishment.

We believe it is a well-known fact that many a well-conditioned and perfectly sane child, whose prospects from all points were bright and hopeful, but whose presence in the world was particularly unfortunate for certain "interested" relatives, has been secretly incarcerated in one of these private asylums, and left there to be treated indefinitely for "aggravated symptoms of insanity". All that was required was the doctor's certificate. This could be obtained for a consideration; and forthwith the victim of this diabolical scheme was committed to the hands of the "keeper", under whose treatment he rapidly developed symptoms which rendered the position of the conspirators a comparatively secure one. However, since the Government of this country has undertaken the supervision of asylums, and in the case of lunatic asylums is responsible for the appointment of duly qualified resident physicians, the case is very different. Those who, under medical certificates, are received into these [Page 10] places, are cared for and attended in a manner in no way inconsistent with our ideas of true philanthropy. The greatest possible freedom, consistent with the circumstances of each case, is allowed to them. They are provided with various means of amusement, and are encouraged to take part in physical exercises of different kinds conducted by one or more of the overseers. In some places they have a theatre attached to the institution, where plays and spectacles of an amusing and instructive nature are presented. Their food is ample and wholesome; and only in the most rabid cases of mania or frenzy is there the least evidence of any restraint or harshness; but even this is mostly assumed by the overseers for the safer keeping of the maniac, and for self-protection. The tax upon the energies and watchfulness of these overseers is enormous; almost every case requires separate and special attention, but as often as possible the inmates of the asylums are grouped together according to the nature of their affections.

Such is the plan usually carried out in our lunatic asylums today. The method of treatment is generally that of *counter irritation* in the case of monomaniacs, of *stimulation* in that of hypochondriacs, and of *palliation* in that of demoniacs; applied on the physical or mental principle as the diagnosis of the case suggests. We have not been able to get at the figures which represent the cures effected under this method, but there can be little doubt that, wherever the disease is not deep-rooted and chronic, it would readily yield to such a course of treatment; and in mere functional disorder of the brain I know that several cures are effected every week, within the walls of one asylum in this country alone.

Now, regarding this subject in connection with that already treated, the point of connection lies in the fact that thousands of persons, including our highest medical authorities, are convinced that the cause of crime is *insanity*, *i.e.*, not only an imperfection existing in certain undeveloped faculties of the mind; but actual physical disorganisation of part or parts of the brain; and thus of consequent functional disability. Take only one case, that of drunkenness, responsible for the production of half the crime in our land. It is held that the *immediate* cause of this failing is in a diseased condition of certain physical functions; the *secondary* cause being the insufficiency of moral strength to resist the gratification of the abnormal appetite caused thereby. Now drunkenness is not held to be a crime, but a disease; and yet, if, in a state of intoxication, a man were to do harm to another, the effects of this disease would be held as *criminal*, and the culprit subject to punishment which may affect his pocket or his physical comfort, quite as much as does his particular failing, but which does not in any way aim at a redress of the injury inflicted by him, or the cure of the disease, of which his culpable action is only one symptom.[Page 11]

In the case of the suicide also, we see the same inconsistency of judgment maintained by the law. If, from one cause or another, one puts an end to his life, the invariable verdict returned by the coroner is: — "Suicide while in an unsound state of mind". But if, on the other hand, the attempt at suicide were unsuccessful, or partially so, the law would regard the act as criminal, and deal with the unfortunate being accordingly.

In a satirical novel entitled *Erehwon*, a play upon the word "nowhere", the fallacy of our methods of criminal treatment is thus portrayed: — In a remote and hypothetical part of this world, there is said to exist a nation, whose laws with regard to disease and crime are as follows: If a man be found guilty of stealing, lying, defrauding, or other action which indicates a lack of moral rectitude, he is taken to a hospital, where his friends go to visit him and offer their sympathy and condolences. But if one falls sick, is stricken with the fever, or becomes insane, he is taken to a public prison, and severely punished by flogging and other harsh treatment, etc.; and to carry out the satire, it is said that the cures effected by these means are enormous, and, in most cases, immediate. Nothing could be more pointed and justly critical than this parody on our modern methods.

In conclusion, we venture to say that the application of Theosophic teachings to this subject of the treatment of criminals and lunatics, would result in the conclusion that impartial justice, — which is no respecter of persons, and values life, as such, in one man as much as in another, — demands that similar measures of humane treatment should extend to the criminal as to the lunatic. Theosophy would teach us that action begun on the physical plane, ends there; and that no reform which is to be permanently good can begin with the world of effects, to which the transitory veil of the flesh belongs. Therefore, it is the *cause* of crime, rather than crime itself, which concerns us as immortal Egos, bound to be born and reborn, never except as parts of that One Humanity, whose degradation is our suffering, and whose freedom is our Rest.