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SEXUAL OFFENDERS

by

NORWOOD EAST

M.D., F.R.C.P.

With

Extracts from the

PSYCHOLOGICAL TREATMENT OF CRIME

by

EAST and HUBERT

A Postscript on

SEXUAL PERVERSIONS

by

DESMOND CURRAN

M.B., F.R.C.P., D.P.M.

and

An Epilogue

by

CLIFFORD ALLEN

M.D., M.R.C.P., D.P.M.

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Foreword

IF ANY justification were needed for the publication of this book it could be found in a statement by a former Chairman of the Prison Commission. In commending Sir Norwood East's work, Sir Alexander Maxwell said: '*The ultimate responsibility for our penal methods rests on the whole body of citizens*'. Such a responsibility demands knowledge and wisdom. This book exemplifies both.

The two extremes of indiscriminate condemnation and of sentimental condonation are themselves offences against society. The former is the more prevalent attitude towards sexual delinquency. We all know normal, intelligent, kindly men who cannot believe that sexual deviations are often due to complex causes, and that sometimes the offender is not fully responsible for his actions. Sir Norwood says: 'Sexual offenders are more liable to be misjudged by prejudice and ignorance, perhaps, than the majority of criminals, and bias is almost inevitable if their conduct is reviewed solely in the light of narrow personal experience and the tastes and distastes of the assessor . . . Sexually anaesthetic men and women who are incompetent to pass judgment upon the inter-relationships of the sexes may be called upon as members of a jury to assess the guilt of a sexual offender; and sexual behaviour is often gauged by persons who regard any sexual activity as perverse unless it conforms to their accustomed and restricted pattern of behaviour'.

This book by a specialist in psychological medicine who was also an authority on prison administration should help towards a more balanced and informed judgment. Sir Norwood makes no attempt to deal adequately with analytical data; but his work provides a sound basis for further investigation. It should also prove a corrective to the false sentiment

which condones every form of sexual indulgence and absolves the offender from all personal responsibility. As Sir Norwood says: 'Although the strength of the sexual urge is sometimes sufficient to cause the sexual offender to defy the penalty he may incur, the same choice is made by many thieves and fraudulent persons, and by many aggressive offenders who are rightly held to be responsible'. It is at least arguable that some forms of antisocial conduct, perhaps especially certain non-sexual offences, should be dealt with more drastically than the law allows; although it may be doubted whether prisons as at present constituted are always the most effective or civilised means of protecting society against its enemies.

By courtesy of Her Majesty's Stationery Office we are able to reproduce from 'Society and the Criminal' Sir Norwood East's study on 'Sexual Offenders' which was prepared in its present form as a contribution to the treatise 'Scientific Proof and Relations of Law and Medicine' and is included by the courtesy of the Editor, Dr. Hubert Winston Smith, Professor of Law and of Legal Medicine, The Law-Science Institute, University of Texas. We are also privileged to reprint, by permission of Her Majesty's Stationery Office, the 'Summary; Conclusions and Recommendations' from the 'Report on the Psychological Treatment of Crime' by East and Hubert (which was published by H.M.S.O. in 1939 and has long been out of print). The value of this book is also enhanced by a Postscript on 'Sexual Perversions' by Dr. Desmond Curran. Dr. Curran makes no portentous claims for psychotherapy and some other authorities will feel he is unduly cautious. In order, therefore, to represent every responsible point of view we have added an Epilogue by Dr. Clifford Allen, who claims more for psychotherapy than some other specialists will at present allow. We would express our gratitude to Dr. Desmond Curran and Dr. Clifford Allen and to the Editors of 'The Practitioner' and the Oxford Medical Press, for these contributions.

Finally, I would record my personal indebtedness to Sir Norwood for his kindness on many occasions and for his encouragement in the preparation of this book. As a Consulting Editor of *Delisle*, and as President of the Alliance, he was gratified to know in the last few months of his life that his work was to be made available to a wider public.

VINCENT LONG,

General Editor.

I

Discussion

AMONG the flotsam of modern society sexual offenders require special consideration. At the same time anyone who approaches the subject of sexual crime from the scientific aspect is confronted with some difficulty. For criminology has hardly reached the dignity of a science, and psychiatry has scarcely attained the high estate of maturity. Moreover, the subject impinges upon social morality and religious doctrine, and the ordinary citizen is tempted to appraise sexual misconduct in accordance with the manner in which it personally affronts him, rather than by the measure of its social importance, or its significance as an individual shortcoming.

Further, although the ethics of the Christian religion are beyond reproach and the scientific quest for truth must be disciplined as well as sincere, the exponents of religion on the one hand and of science on the other sometimes fall short of the standards required to illuminate their particular points of view.

So it comes about that the ordinary man occasionally ignores the opinions proclaimed by religion and science and establishes his own standard of sexual behaviour. This is frequently based upon ignorance and unreliable premises, and in this matter ordinary men or women may be incompetent to assess accurately the activities of others.

This much is certain, in regard to sexual as well as to acquisitive and aggressive activities, we must either live on a higher level than the rest of the animal world or fall to a

lower. We cannot live on the same level, for apart from other considerations, our activities have numerous impacts and may adversely affect social security unless the potentialities of the higher levels of behaviour are exploited. It is also important to bear in mind that, particularly in matters concerning sex, emotion is often uninfluenced by reason and may obey chance circumstances.

Although monogamy is today the most favoured solution of the sexual relationship between men and women it is clear that not inconsiderable forces constantly operate to disrupt it. The daily press frequently presents us with examples of what amounts to polygamy when men and women repeatedly remarry after successive divorces. Society has not so far introduced alternatives to the promiscuity associated with professional prostitution or non-professional libertinism.

It is not my purpose here to consider ordinary sexual relationships, but since some foolish moderns occasionally suggest to women that marriage has been imposed upon them as a form of serfdom in order to gratify the desires of men, it is well to remind ourselves from time to time that it protects women from themselves, as well as from men, and raises the status of both sexes in their intimate relations with each other.

Ideas change with the times. The Mosaic Law imposed the penalty of death on both parties when a married woman committed adultery. The old Roman Law punished adultery on the part of the wife, but not on the part of the husband; and although a father had the right to kill both his married daughter and her accomplice if she was taken in adultery either in his house or her husband's, a husband had no such right as to his wife in any case, and no such right as to her accomplice unless he was an infamous person or a slave taken in his own home. By a law of Cnut's a woman was to forfeit both nose and ears for adultery, and in the seventeenth century the ecclesiastical law punished both adulterous accomplices with extreme severity. Stephen called attention to the

fact that when the Divorce Act of 1858 was under discussion in England the suggestion that adultery should be treated as a criminal offence was decisively rejected.

The Swiss Federal Code of 1937 includes adultery among Offences Against The Family. Article 214 states: "A married person committing adultery and the partner guilty with him (or her) shall, on petition of the injured lawful spouse, be confined in prison for not over one year or shall be fined if a divorce or legal separation ensued as a result of this offence."

Kenny pointed out that the English law regarding sexual offences does not inflict criminal penalties upon all those acts which ecclesiastical law prohibits and used to punish, and which the law of contract still visits with the sanction of Nullity, but it selects for criminal prohibition only those in which there is also present some further element—whether of abnormality or violence or fraud or widespread combination—that provokes such a general popular disgust as will make it certain that prosecutors and witnesses and jurymen will be content to see the prohibition actually enforced.

The criminal law is intended to maintain the standards of behaviour which are considered to be necessary for the welfare of the community, but which cannot be enforced by the operations of the civil courts; this is particularly noticeable in the case of sexual offences. It is concerned with the grosser breaches of sexual misconduct which, on account of their abnormal character, associated violence, or other circumstance, or the immaturity or mental disability of the victim, can only be repressed by criminal sanctions.

Jeremy Bentham (1748-1832) in his classification of offences referred to "imaginary offences" which he defined as "acts which produce no real evil, but which prejudice, mistake or the ascetic principle have caused to be regarded as offences. They vary with time and place. They originate and end, they rise and they decay with the false opinions which serve as their foundation." He instanced the vestal

virgins who were buried alive for unchastity and he considered, so far as the public are concerned, that sexual offences in which there is neither violence, fraud, nor interference with the rights of others could be arranged under the head of "imaginary offences".

Sexual offenders are more liable to be misjudged by prejudice and ignorance, perhaps, than the majority of criminals, and bias is almost inevitable if their conduct is reviewed solely in the light of narrow personal experience and the tastes and distastes of the assessor. Many persons of both sexes are grossly ignorant on sexual matters in spite of the modern tendency to discuss the subject with a considerable amount of freedom. Some husbands, in effect, commit rape upon their wives because they do not understand the art of married life, and do not realize that a woman is at a disadvantage unless a psychological approach precedes each physical contact. Sexually anaesthetic men and women who are incompetent to pass judgment upon the inter-relationships of the sexes may be called upon as members of a jury to assess the guilt of a sexual offender; and sexual behaviour is often gauged by persons who regard any sexual activity as perverse unless it conforms to their accustomed and restricted pattern of behaviour.

Sexual activity is essentially a physical response to a mental stimulus which may affect different persons in different ways, and one person may be attracted by a feature or quality to which his neighbour is indifferent. Most discussions on crime take place on common ground, and the disputants address themselves to facts related to similar experiences of life as their fellows. In sexual offences this may be impossible, for no one can be sure that he approaches the problem from the same angle as his fellows whose sexual experiences, and the direction of whose innermost thoughts on such matters, are usually undeclared.

This is particularly the case where women are concerned. A man may have some reason to believe that his manner of

approach to sexual conduct or misconduct corresponds with that of other men, but few may learn the innermost thoughts of women on the subject. The matters which are most significant to them in connection with the physical and mental aspects of sex are usually concealed, and often unsuspected by others.

Further, although we may generally pass sound judgments upon the ordinary affairs and manner of life of our friends and acquaintances, a few of whom may for a moment unlock the cupboard which contains a skeleton and expose it to our view, fewer still in affairs of sex open to others the double-locked sanctuary which retains the highest and noblest memories of a deep affection. For these are often too sacred to be lightly uncovered even to oneself. They may, perchance, be secretly taken from their wrappings in hours of difficulty or despair to serve as an inspiration or an encouragement, but they rarely reach the light of day save in the delirium of illness or in the low mutterings of impending death.

The importance of viewing sexual offenders broadly is obvious when one considers the evil of prostitution, for it is tolerated in some cultures and not in others, and Bentham pointed out that the kept mistress may be regarded as almost as infamous as the prostitute. Nevertheless, some may agree that when the former remains under the same protection continuously she may compare favourably with the woman who rapidly indulges in one or many marriages for a short period. Here as so often elsewhere, it is more instructive and equitable to ascertain the purpose of behaviour than to consider the manner of its presentation.

Moreover, as Putnam observed: "It is true, however those who have not looked into the matter may think otherwise that, in the eye of science, perverted instincts such, for example, as an excessive passion for a person of the same sex carried from the realm of thought into act, finds its analogue in many overdone or even quasi-normal relationships of

daily life. It is a question of degree that is at stake, and although for purposes of punishment, prevention, public self-protection and social standards we must draw sharp lines yet knowledge should make us prudent in passing scientific judgments."

The foregoing is not intended to belittle the gravity of sexual crime. Indeed, the Pentateuch code of social hygiene forbade homosexuality, bestiality, incest and other sexual irregularities. But in order to attain a true perspective of this complex group of offenders it is necessary to recognize the fact that sexual crime may be the result of depraved brutality, selfish indulgence or sublime emotion. Moreover, von Hentig has reminded us that in sexual offences the element of seduction may emanate from the victim who then proceeds to the rank of an accomplice.

When we consider the state of flux which exists today concerning sex morality, and the fact that we cannot yet see clearly its future direction, it is surely both elementary and fundamental steadfastly to insist that the matter be connected with morality in general?

Sexual offenders are generally regarded as individuals who engage in certain illegal sexual activities. The medical conception is wider and includes cases of theft, housebreaking, burglary, common assault and murder if the offence has for its purpose the immediate or delayed gratification of normal or abnormal sexuality. As when a man steals or breaks into a house to obtain possession of a woman's underclothing in order to satisfy a fetishistic activity, or knocks a woman down in the street to possess her shoe for the same reason, or murders her under the influence of jealousy, or when she attempts to save herself from being raped. So too, when a well-to-do woman steals from a shop in order that the tense feeling aroused by the danger of detection may act as a sexual excitant.

2

Classification of Sexual Offences

A STUDY of the literature shows that sexual offences are considered under different headings by different authorities. In England and Wales they are officially classified as follows:

Unnatural offences—that is, carnal knowledge of any animal and carnal knowledge by a man of a man, or a woman per anum. Any person above the age of fourteen years who permits himself or herself to be so carnally known is a principal in the first degree.

Attempts to commit unnatural offences—including assaults with intent to commit unnatural offences, indecent assaults upon male persons, and male persons soliciting for immoral purposes.

Indecency with males.

Rape—that is the offence of having carnal knowledge of a woman against her will by force, fear or fraud.

Carnal knowledge of a female idiot, imbecile, defective or idiotic.

Indecent assaults on females.

Defilement of girls under thirteen, and of girls aged thirteen and under sixteen years.

Incest.

Procuration—including living on the earnings of prostitution, detaining women in brothels, etc.

Abduction.**Bigamy.****Prostitution.****Indecent Exposure.**

Editorial Note: Norwood East's next section dealt with 'Static Findings'. The 1938 figures were the latest available when this study originally published, and these have been included in an appendix with the comparative figures for 1952.

3

Causal Factors

Social

BONGER stated that sexual criminality is committed to a large extent by unmarried people. In his anthropological study of the American Criminal, Hooton found a great excess of unmarried men among criminals in general, but he also found that rapists and other sex offenders tend to marry in excess of the total criminals although the differences were not statistically significant when due allowance had been made for state sampling. Goring found from a comparison of quinquennial marriage rates of first offenders convicted of different crimes that crimes of fraud, which included forgery, coining and embezzlement, as well as every kind of fraudulent pretence, distinguish particularly a class which, at the same time, has a larger proportion of married persons than have other classes of criminals and has also a different age distribution, i.e., crimes of fraudulence are committed at a later age than other crimes. The age distribution of offenders convicted of incendiarism and other forms of wilful damage to property, stealing, sexual offences and crimes of violence against the person "are fairly similar to each other; their respective marriage rates, allowing for expected variations due to random sampling are in close accord."

Bonger pointed out that numerous persons in present-day society grow up in an environment in which there is no possible sublimation of sex-life. Inadequate housing accommodation, which brings children into close contact with sex-life when they should be kept away from it, bad example, and the low mental standing of parents are mentioned by him as important factors.

Biological

The importance of biological factors in connection with sexual crime does not always receive the attention it deserves. But striking illustrations are sometimes observed in the lower animals as well as among ourselves which indicate the significance of the mental as opposed to the physical aspects of sexual attraction, and interest in the psychological and sociological aspects of sexual crime should not obscure the importance of the biological associations.

Human society, like other animal societies, is sustained by the fundamental urge of the sex instinct. Although the desire for offspring may be often present and the predominant factor in human mating, it is clearly not always so.

There seems to be little doubt that parental emotion is usually the result and not the cause of sexual union in the lower animals. But if we consider the elaborate courtship of the Great Crested Grebe, and the aphrodisiac advances of the male warbler in "ecstatic mood", holding a leaf or piece of stick in his beak before his prospective mate, as if suggesting, as Pycraft observed, the work of nest building and its delightful sequence, we are led to believe that an association between courtship and the idea of future offspring may be an occasional and necessary antecedent to the mating of some of the lower animals.

The monogamous habits of the higher apes and some birds appear to be the result of physical and environmental as well as mental factors. But when I observed a thoroughbred stallion who was serving two mares on alternate days, in the act of uniting with one of them immediately dismount before penetration had taken place on hearing the other, whom he could see across the stable-yard, neigh to him, it seemed clear that his mental associations with her were more important than his physical contact with her rival.

When, too, I think of the bull sea-lion who asserts his ownership of a cow, wandering from his harem towards a

rival bull, by seizing her so that she is torn to pieces in the tug-of-war between the two, and of the female baboon in the London Zoological Gardens who was torn in pieces when her mate died and the unmated males fought to possess her, I am reminded of the men I have examined who murdered the woman of their choice, determined that if they could not possess her no one else should have that privilege. Again, there is a strong likeness between the activities of the flagellant sadist and that of a male Painted Terrapin, who was observed by Pycraft to swim around and oppose the path of the female. Having done this he closed up, and with his long whip-like fingernails beat her about the head so rapidly that nothing more than their blurred image was visible.

For the most part union between the two sexes is more easily accomplished among civilized men and domestic animals who are able to obtain an abundance of food and better chances of maintaining a high standard of health than often appears to be the case in the natural state. The love antics and exhibitionism of birds show us the mental stimuli which are intended by the males to attract the females and serve as preludes to physical union. The remarkable display by the Argus pheasant of his wing and erected tail feathers to the female, described by Darwin and others, is well known.

Pycraft suggested that an amorous dalliance was, perhaps, the invariable rule among animals, although it takes many and strange forms. He described, for example, the undignified caperings of the ardent male crocodile which are accompanied by roars and bellows only emitted during the mating season, and by an overpowering odour of musk discharged from glands in his tail and lower jaw which at length overcome the apathy of his chosen mate. Indeed, in some cases of exhibitionism as I pointed out some years ago, one is reminded of the courtships of the farmyard and the love antics and "showing off" indulged in by certain animals to arouse sexual desire in the females of their species.

Among animals attempts at sexuality between members of the same sex are often seen on our home farms as substitute reliefs to sexual tension, and would be regarded as sexual deviations if they occurred between men or between women. Normal sexual activity in man is expressed through biological channels and the preliminaries connected therewith. Abnormally action may go no further than the preliminary overture, or it may be expressed in directions which appear to have little biological significance. For example, bestiality is a not uncommon offence in some districts and under certain circumstances, but Crew points out that it is uncertain whether unwillingness to mate with an individual of another species is a widespread phenomenon.

Some light is thrown upon the biological associations of sexual perversions in men by recent observations of Roheim who studied the Central Australian native in his home. He finds it hardly possible to understand their psychosexual life without taking into account the importance of homoeroticism. Discussing the cruel practice of infibulation on Somali women and their defibulation on the wedding night Roheim states that sadism among Somali men, who always have a whip at hand, cannot develop into a special perversion because it is simply the normal condition.

The forensic psychiatrist giving evidence in a criminal court in a sexual case, and the lawyer who examines him are, I believe, likely to be sometimes more intelligible to a jury if they have the biological approach to sexual offences in mind than if they only concern themselves with abstruse psychological theories which may not stand the test of time.

Physical

The personal attributes and attractions of the woman who is the victim of a sexual offender do not usually seem to be considered in any detail by the attacker. In a recent case with which I was concerned an edentulous virgin of unprepossessing appearance was raped in her seventieth year and mur-

dered by a man of twenty-six who was not drunk, mentally defective or suffering from mental disease.

In some cases of homosexuality the attractive appearance and physique of the accomplice may be an important causal factor. The physique of the offender may be a factor when physical development is precocious and much in advance of mental growth if desire is uncontrolled by the reason and judgment which will restrain it in later years.

Apart from alcohol the ingestion of aphrodisiacs in England is rarely associated with sexual crime. There is little doubt that some persons occasionally drink alcoholic liquor because of its action as a sexual excitant, and that a sexual crime results. Some who take alcohol solitarily or convivially almost accidentally commit similar offences. In this connection it may be noted that Kratzmann, referring to the impudicity of many alcoholists, finds the reason in the fact that alcohol strengthens their life instinct and consequently also the sexual instinct.

Scharffenberg has pointed out the difficulty there may be in determining when the offender is an alcoholic, or under the influence of alcohol at the time of the offence, whether alcohol is really the cause of his behaviour. He considers that to prove such was the case one must be able to affirm that had the offender been sober he would not have committed the offence. He agrees, however, that alcohol is often a concomitant cause in certain categories of sexual offences.

Ernits, in 1922, showed the association of alcohol and assaults on women. He pointed out that the temperance movement in Esthonia received an impetus from the Finnish temperance movement during the last quarter of last century, and that the first World War brought about in Esthonia the prohibition law of 1914. This at first produced good results, but owing to the prolongation of the war, the Russian Revolution, the German occupation, the Esthonian War of Independence and other causes, alcoholic liquors were again legally on sale from 30th June, 1920. His figures

show that assaults on women increased from the first half of 1920, being then 13 as against 34 in the first half of 1921, as well as in the second half of that year.

An enlarged prostate gland is sometimes alleged to be a common cause of sexual crime in elderly men but there is reason to believe that the connection has been exaggerated. At the same time it may be noted that a sexual offence sometimes seems to be related to climacteric changes in men and women, although the majority of those presenting sexual abnormalities do not show any demonstrable abnormality of their endocrine glandular systems. It is to be remembered that castration in adult men does not necessarily abolish sexual desire or phantasy. Forel stated that men castrated in adult age may cohabit with their wives, and Havelock Ellis and other observers have arrived at the same conclusion. These opinions are significant in connection with the proposal which is sometimes put forward, and has been practised in Germany, that castration should be adopted as a method of preventing sexual crime. Even if potency is destroyed, castration of the body does not enforce castration of the mind, desire may continue and result in indecent assaults.

Psychological

The various psychological impacts which affect sexual behaviour are frequently insufficiently appreciated, but become apparent when it is remembered that auto-suggestion may be a cause of impotency. That is to say, a man may be impotent if he believes that he is so. On the other hand sexual pleasure may be mental as when sexual phantasies are unaccompanied by sexual activity.

A chance occurrence in which sexual pleasure is experienced for the first time with emotional intensity may, by its associations, permanently affect the sexual life of the individual. A sadistic murder was traceable to a sexual experience in childhood. The personal taste of a shoe-fetishist was

due to an experience at puberty when the shoe of an attractive girl played an important part. The pollution of a girl's underclothes by a youth, and her resulting dismay, served to condition his future activities as a sadistic dress-defiler.

The view that sexual crime is usually an expression of mental abnormality is often incorrect. The strength of the sexual urge, whether the activity is normal or perverted, varies in different persons. This is important medico-legally, for we do not acquit a rapist because he is over-sexed and may have more difficulty in restraining himself than many others, and it may be inexpedient to accept the psychological difficulties of the pervert when deciding the appropriate award for his offence, if he is not mentally defective or suffering from some form of mental abnormality other than his perversion. And although the strength of the sexual urge is sometimes sufficient to cause the sexual offender to defy the penalty he may incur, the same choice is made by many thieves and fraudulent persons, and by many aggressive offenders who are rightly held to be responsible.

A recent medical declaration alleges that on no account should the sexual instinct be thwarted and that continence is definitely harmful. To this a medical critic justly replied: "Presumably a state of cultural stagnation is well worth while if premarital promiscuity and complete sexual licence are the recompense." Indeed, if so, why should not the aggressive and acquisitive criminal also be allowed to exercise his instincts as he wills, and hasten the social chaos which must inevitably follow on unrestrained licentiousness.

Our social and ethical customs are based upon the cumulative experience and wisdom of our predecessors as well as of our contemporaries, and if it be true that every dream represents the fulfilment of an unconscious wish and that our phantasies cover the full range of criminal activity, it would seem that we are all potential criminals. Discussing the so-called "insufficiently dressed" dreams Putnam observed: "Such dreams show, what we ought in the interests of human

sympathy to recognize, that between ourselves and those whom we stigmatize as 'exhibitionists' and therefore criminals the difference important as it is, is one of degree alone."

It is convenient to regard the earliest form of sexual interest as that in which the individual discovers that he can obtain sexual pleasure from self-stimulation. This may commence in infancy or early childhood, and is probably at first a purely mechanical activity. In the second, or homosexual, stage of development the object of the sexual instinct becomes another individual and of the same sex. In the third, or heterosexual stage, the sexual object is an individual of the opposite sex. This appears to be the normal manner of development. The stages may overlap, or be arrested at any point in the process and the development is then said to be "fixated". Through propinquity or more specific environmental stimulus phantasies tend to develop round the autoerotic form of pleasure and as development proceeds become associated with persons of the same or opposite sex, or other animate or inanimate objects.* For many years the normal sexual goal may not be realized or understood and the phantasies may be associated with the individual himself and with all possible relations and emotions that arise between human beings. So it comes about that in phantasy sexual feeling may become associated with the infliction and bearing of cruelty, or may interest itself in activities such as excretion, exhibitionism and the like, the exact form depending upon the experience of the individual, his treatment by adults, the stories he is told or the books that he reads.

Moreover, free sexual development or sexual development along abnormal lines is opposed by ordinary social standards. There is the general disapproval and condemnation of overt sexual behaviour, and the general pressure applied to make the individual conform in development and behaviour with what is considered to be in a particular society ethically

* I have made full use in much that follows of the views put forward by W. H. de B. Hubert and myself in our *Report on the Psychological Treatment of Crime*. London, H.M. Stationery Office, 1939.

correct and socially acceptable. The first type of opposition will tend to drive out of the forefront of the mind all sexual preoccupations and interests particularly those which are tabooed. The second type of obstructive factor will tend to shape the individual into leading, or attempting to lead, a monogamous heterosexual life. But, as this is highly complicated in form and to some extent variable in different peoples, it may often become associated with other sexual patterns which are less socially acceptable among some peoples and illegal among others. Our social system is only one of many alternatives and it is far from perfect. Formerly homosexuality was encouraged in Grecian states to strengthen educative influences for cultural purposes, or to make a special military system more cohesive and effective. Incest was common among the Ptolemies.

A true sexual perversion may be regarded as sexual activity, in which complete satisfaction is obtained without the necessity of heterosexual intercourse. It must be persistently indulged in, preferably in reality, at any rate in phantasy, and not merely be a substitute for a preferred heterosexual activity which is unobtainable for some reason. Both sexes indulge from time to time in perverse activities but these seldom lead to criminal proceedings against women.

Perverse activity which is a preliminary to ordinary sexual relations is excluded from the above definition. Sexual perversion may mean an interest in an abnormal sexual object, or abnormal sexual activity, in a combination or in a synthesis of the two. Examples are met with in a case of bestiality, an exhibitionist, a sadistic homosexual and a type of transvestite.† Usually in addition to the main perversion

† The term *exhibitionist* is confined in this article to those who purposely and indecently expose their genital organs or adjacent parts to others, and is not used for the large group of persons who adopt means to publicly call attention to themselves on various occasions for gain or to satisfy their vanity. *Transvestite*, or *eonist*, is the term used for those who derive pleasure from cross-dressing; that is in wearing the clothing of the opposite sex, or behaving as a member of that sex.

there is an interest in and frequently a performance of other perversions, and it may therefore be difficult to classify the offender unless the predominance of a particular activity is clear. I have recorded a case in which exhibitionism, masochism, flagellation, frottage and bestiality were combined in the same man, and the combination of homosexuality with sadism or masochism is extremely common.

In some persons, therefore, we find a tendency towards a general sexual perversion, whilst other factors determine the particular interest involved on a special occasion. It would appear that in such cases one is dealing with a personality factor since environmental factors alone would be unlikely to determine such variations of behaviour. Further, many sexual perverts are quite normal in ordinary heterosexual relationships, but have a strong bias towards one, and sometimes more than one form of perversion. Moreover, cases of sexual perversion occur in families of sexual perverts under circumstances in which common environmental factors can be excluded with some degree of certainty.

The environmental factor associated with a sexual perversion may be an early experience of perverse activity arising before the ordinary sexual pattern of activity has been established, or from a more recent happening which actively repels the normal heterosexual expression. Occasionally a more general environmental factor may favour the development of the perversion in persons who are so disposed. For example, discussing the environmental factors leading to the development of homosexual tendencies East and Hubert refer to "influences which destroy the acquired cultural standards erected against homosexuality". Again, J. C. Mackwood, as a result of his psychotherapeutic work at Wormwood Scrubs prison has been much impressed by the family constellation in the psychogenesis of homosexuality. He finds the atmosphere of the "broken home" is extremely common, and that if the father does not play his part and take a proper interest in his son the latter is left

skirt-bound and in increasing dependency and thralldom to his mother: "When the father is weak and gives in for the sake of peace, or spends most of his leisure outside the home, he lets down his son and betrays his scope for suitable development."

The unconscious psychological factors elucidated by deep mental analysis are too involved for presentation here, and are not acceptable to all observers. Wertham states: "The extremists who see in psychiatry the sole and ultimate solution of sex crimes claim that most, if not all, of these offenders suffer from some individual mental disorder which should be treated by psychological individual methods. They want the psychiatrists to decide once and for all which individuals are treatable and determine how long their treatment should last. They want the doctors to decide definitely that they are cured or else pronounce them definitely incurable, as if it could be predicted that every sexual offender would fit into one of two cubby-holes for the rest of his life."

Psychiatric

Sexual offences are occasionally directly attributable to mental defectiveness, some forms of psychopathic personality, psychoneurosis and insanity. The responsibility of the accused may require special consideration at his trial but it is unnecessary to consider here the various medico-legal problems which may arise in connection therewith since, generally, the principles involved in sexual cases are applicable to other forms of criminal behaviour.*

* *Mental defectiveness* signifies an arrested or incomplete development of mind—in English law existing before the age of eighteen, whether arising from inherent causes or induced by disease or injury. A *psychopathic personality* is an individual who presents certain forms of mental abnormality otherwise unclassified. The term *psychoneurosis* is used for some minor mental disorders which involve only a partial change of personality. *Insanity* is used in this article for convenience, and refers to those psychotics in whom certifiability and irresponsibility are legal consequences. *Psychosis* is the term generally used for major forms of mental disorder which involve a widespread change of personality and often necessitate certification.

Broadly speaking, in the ordinary affairs of life the behaviour of ordinary men is largely controlled by the fact that penalties are liable to be inflicted if antisocial tendencies are indulged. In mental defectiveness the penalty is either not envisaged or is too remote to counterbalance a present advantage. In the majority of psychopathic personalities and psychoneurotics the penalty may be clearly appraised, but is outweighed or obscured by the urgency of the desire to commit the illegal act. A tendency towards self-punishment is sometimes apparent in the psychoneurotic. In the insane the penalty may be ignored, unrecognized or welcomed.

Among mentally defective persons received into prison, sexual offences in England and Wales come second in frequency. Acquisitive offences take priority. Usually the sexual crime is of a minor character, but murder and rape occur. Occasionally two mentally defective persons commit a sexual offence on each other and disprove the view that grossly mentally abnormal persons do not conspire together to commit a crime. The importance of sexual offences committed by mentally defective persons lies in the fact that they are almost inevitably repeated unless the offender is placed under care and supervision.

Psychopathic personalities often commit sexual offences. The sexual perverts are included in this group of mentally abnormal persons here and in many classifications, and this is convenient in our present state of knowledge. But some sexual offenders appear to belong to the constitutional psychic inferior group of psychopathic personalities and are not necessarily sexual perverts in the narrow sense.

Psychoneurotic persons sometimes show their sexual inferiority and striving for superiority by committing a sexual murder or other sexual crime. The hysterical sexual offender of this group is, however, usually a nuisance to society rather than a menace, as for example, when he sends indecent letters through the post, and in mild cases of exhibitionism. The

sexual life of the hysteric has usually a complicated pattern: precocity, repression, extreme flirtatiousness and provocativeness, combined with frigidity and the gradual development with a married partner of an intricate and abnormal emotional relationship is a rather common sequence. In general, sexual crime like other crimes committed by hysterical persons has a histrionic element often associated with it.

It is frequently extremely difficult to assess the amount of psychoneurotic compulsiveness in sexual crime, as the normal sexual urge has in many men and women a strong element of compulsion as well as of periodicity. The known circumstances of the crime must be considered in detail and compared with normal sexual activity, together with the intention of the accused, before an accurate assessment can be made as to the part which psychoneurotic disorder has played in bringing about the illegal behaviour. I believe, as a result of personal experience, that sexual crime is seldom due to true obsessional disorder and that clear-cut obsessional states are less frequently a cause of crime than is sometimes supposed. Aubrey Lewis has put the matter clearly. He states: "Sexual offences or perversions are sometimes referred to as though they were obsessional; they are really no more so than gluttony. The patient enters into the act and willingly entertains the anticipation of it; he has none of the true obsessional experience even though afterwards he recognizes the unwisdom of his act and may say that he had a preliminary repugnance which had been more of the intellect than of the will, if one may so express it. There are of course rare instances in which sexual offences have been of an obsessional nature."

An anxiety state may be a causal factor of a sexual offence.

On the other hand a crime may be committed in order that
of detection may increase emotional excitement
to enable a release of sexual tension, as in the case
man to whom I have already referred, who stole

articles from a shop finding that fear of arrest produced in her a condition of sexual erethism.

Psychotic persons, who suffer from a major mental disorder, are frequently associated with criminal behaviour. The usual forms met with in sexual offenders are schizophrenia, manic-depressive disorder, general paresis, the alcoholic psychoses, epilepsy and dementia.

Schizophrenia is rather frequently associated with sexual crime and with homicidal crimes which are sexual in origin. Morbid impulsive sexual conduct is sometimes an early manifestation of a schizophrenic illness and the phantasies, delusions and hallucinations which may be present are often frankly heterosexual or homosexual in character. The offender may have some insight into his condition and be willing to discuss the events connected with the crime.

Manic-depressive disease may be associated with sexual crime in either the elated or depressed phase. In the elated the crime is often impulsive. In the depressed phase a sexual crime may also be unplusive but may be the result of delusions and deliberation. At times a homicidal sexual crime may be of an altruistic nature. In some cases of mental depression a sexual crime may be the result of an attempt to temporarily replace gloom by a pleasurable experience.

In general paresis sexual offences are less frequent than some earlier writers declared. When they occur they are usually, in my experience, of the minor sort and are carried out in a particularly shameless manner.

The alcoholic psychoses are rather frequently related to sexual crime. The aphrodisiac action of alcohol together with the blunting of conscience and reason which accompany alcoholic excesses often cause major and minor form sexual crime apart from declared mental disease, mental and moral deterioration which gradually many alcoholists is also occasionally associated with sexuality.

Idiopathic epilepsy is only rarely related to sexual crime. In elderly men sexual crime is often due to the fact that phantasy and desire have outlived potency and may be an indication of senile degeneration. Senile sexuality, deprived of an adult victim or accomplice sometimes expresses itself by indecent assaults upon willing and unwilling children. Homosexual crimes of a minor character sometimes occur early in the course of the disease. Murder due to sexual delusions concerning the married partner arises in persons of both sexes. Senile sexuality sometimes expresses itself by sending indecent letters through the post to persons who may be strangers. In one case a septuagenarian wrote obscene matter on strips of paper which he dropped on the floor of a well-known shop in London hoping women customers would read what he had written.

4

The Sexual Offence

IT may be reasonably argued that the victim of a crime is sometimes an accomplice, as when unguarded articles are temptingly displayed to the view of the customers passing through the various departments of a shop and are stolen.

In sexual crime, for example, homosexuality, the passive agent is often an accomplice and just as culpable as the active partner. In heterosexual offences the position may not be so clear, but sometimes there is reason to believe that the woman or girl was consenting and to that extent an accomplice. But usually she has no complicity in the crime and will suffer an injustice if the contrary is assumed.

There seems to be little doubt that young children may be harmfully affected if a sexual assault is made upon them, but they sometimes show an absence of fear or sense of guilt which is notable. Von Hentig records the case of a child who actively debauched her father, and of a girl who did so when her father was gravely ill. Many years ago I had under observation a boy aged sixteen who repeatedly attempted to have incestuous relations with his mother after his father had left for work early in the morning.

On the other hand sexual fixation may be encouraged by the parent. I have recorded the case of an insane youth, aged twenty-two, who came under observation charged with assaulting the police. His father was many years older than his mother and they soon separated. She took accused, their only child, with her and they lived a rather solitary life

together. During the remand he wrote passionate love letters to her, and she described to me various sexual activities which took place between them with her assent.

When young children are sexually assaulted by their elders the act may have a different interpretation to them. Eliasberg has reminded us that in the child "the psychosexual background, the eroticism, is either missing or different and the whole drawing changes with the perspective. If one can show that the narrative of the child has too much grown-up perspective, that there is too much psychosexual eroticism and apprehension, this may shatter the credibility of the whole testimony."

One of the weaknesses of modern methods of punishment lies in the fact that no restitution is usually made to the victim of a crime for the injury he has suffered. When rape is followed by pregnancy an additional hardship is inflicted on the woman. *

In this connection the case of *Rex v. Bourne*, which came before a jury at the Central Criminal Court in July 1938, is of interest. The defendant, Mr. A. W. Bourne, obstetric surgeon to St. Mary's Hospital, London, and consulting surgeon to Queen Charlotte's Hospital, was called upon to answer a charge of unlawfully using an instrument with the intent to procure the miscarriage of a girl under the age of fifteen, who had been raped by soldiers on 27th April. After the assault the police surgeon found evidence of rape and physical injury, and later a woman doctor formed the opinion that the girl was pregnant. Mr. Bourne consented to take her into St. Mary's Hospital for observation and curettage. After tests for pregnancy and venereal disease, the former having proved positive, the operation was performed. Giving evidence Mr. Bourne, whose integrity was never impeached, said that he had operated in a similar case in 1935, and in that

**Editorial Note* · This consideration is of major importance. It would be in the interests of the offender himself if his penalty were to include, whenever possible, restitution to his victim and to society.

instance his house surgeon refused to assist him. That fact had decided him on the next opportunity to obtain a ruling in court. In the present case after observation he formed the opinion that the shock to the girl had been very great, far greater than she was willing to admit. He had carried out the operation on these grounds, i.e. the danger to the health of the patient. He added that he could not draw a line between danger of life and danger to health; if one waited for danger to life the woman would be past assistance. He attributed great importance to the element of fear in cases in which conception occurred as the result of rape and violent assault; he also considered this danger to be much greater for a child than an adult. He considered it dangerous in the present case for the girl to bear a full term child. This view was supported by other eminent medical witnesses. Summing up, Mr. Justice MacNaghten said that the word "unlawfully" implied the exception which was expressed by Parliament in the proviso to the Infant Life Preservation Act, 1929, s.1. That Act prohibits the killing of an infant before it has attained an independent existence, but after it has become capable of being born alive:

"Provided that no person shall be found guilty of an offence under this section unless it is proved that the act which caused the death of the child was not done in good faith for the purpose only of preserving the life of the mother."

His Lordship added that, in his opinion, to preserve life meant more than to save from immediate death, and that no hard-and-fast line could be drawn between preserving life and preserving health. If in the present case the Crown had satisfied them that Mr. Bourne had not operated in good faith for the preserving of her life, then he was guilty of the offence with which he was charged; but if the Crown had failed to satisfy them on this point, then the law entitled Mr. Bourne to a verdict of acquittal. After deliberation the jury found Mr. Bourne not guilty, and he was acquitted.

5

The Sexual Offender

Heterosexuality

THIS term is restricted to the normal sexual activity which is directed towards a member of the opposite sex, and under the heading of heterosexual offences are included rape, carnal knowledge, incest, indecent assaults on unwilling women, and sexual interference with girls under the age of consent.

It is sometimes alleged that it is impossible for a man of ordinary physique to overcome a woman of ordinary strength and have carnal knowledge of her by force and against her will. It would almost seem that those who hold this view persuade themselves that the rapist treats his victim with the consideration that men usually adopt towards the women they meet socially. But what are the facts? During the ten-year period 1929-38 258 men were convicted of rape in England and Wales and it is difficult to believe that in this matter the arm-chair critic is right and 3,096 jurymen and women were wrong, or that his opinion is of more value than that of the experienced High Court Judges who presided at the trials. Moreover, medical men dealing with these cases are sometimes revolted by the brutality inflicted upon the victim. In a recent case of murder, with which I was concerned, the homicide stated that he took a journey of some hours determined to have sexual intercourse with the girl of his fancy by force if she resisted. She did so and was killed. In another case a woman was murdered whilst struggling with her attacker. She received three fractures of the jaw, thirteen ribs were broken, the liver was ruptured and there were numerous bruises about the chest, abdomen, arms and legs as well as the local injuries due to penetration. It is un-

necessary to refer to other examples since lawyers, pathologists, police surgeons, and prison psychiatrists are aware of the injuries which are sometimes inflicted on women when forcibly raped.

Reference has already been made to the fact that incest was practised by the Ptolemies. It may be added that in Babylonian Law it was punished by death or exile according to its heinousness, and that formerly it was not generally treated as a crime in England, although with other offences against morals it was made punishable by death in 1650. Herbert quotes Blackstone that since the Restoration it had been left to "the feeble coercion of the spiritual courts". Writing in 1883, Stephen stated "the only reason I can assign why incest in its very worst forms is not a crime by the laws of England is that it is an ecclesiastical offence and is even now occasionally punished as such".

These matters are mentioned because experience leaves one in no doubt that although incest has been a criminal offence in England since 1908 (The Punishment of Incest Act), and in 1922 the proviso that the proceedings were to be heard in camera was repealed (Criminal Law Amendment Act), there is still much public ignorance of the fact that it is a misdemeanour and is probably more frequent than is sometimes supposed.

During the years 1929-38, inclusive, 471 males and 49 females were convicted of incest. The majority of the women were over twenty-one years of age. The fact that among men incest was much more prevalent in the age-group forty to fifty years than at any other age suggests that many were widowers with daughters living at home.

In regard to other heterosexual offences it is hardly necessary to add that indecent assaults on unwilling women, and interference with girls under age may not be evidence of mental or sexual abnormality.

Fewer sexual offences occur in women than in men, and the law has been more occupied with protecting women and girls from men than men and boys from women.

Sexual offences among women are usually heterosexual and those connected with prostitution are the commonest. The prostitutes who are received into prison form a collection of very different individuals. Some are depraved and alcoholic; others are mentally defective or psychotic, some are constitutional psychic inferiors; many are temperamentally unstable, hysterical and suggestible; others are idle, vicious, deceitful and unscrupulous. It is significant that when answering the questionnaire of Katherine B. Davis, of 1,006 replies, 30 women viewed prostitution as a necessary evil and 24 favoured regulation.

Homosexuality or Sexual Inversion

As already inferred this term is applied to cases in which the sexual impulse is directed towards a member of the same sex, and it is well to remember that acceptable standards of conduct in many directions change with the times.

At the present time sexual behaviour reaches extremes which are condoned by some and decried by others. The position is fluid; so much so that some observers see little objection to restricting homosexual crimes to acts which cause bodily injury, or contaminate young people, or offend against public decency. There is reason to believe, however, that ethical considerations and religious observances enable some, perhaps many, homosexuals to lead chaste lives, and that to amend the law and permit homosexuality would make their self-denying efforts still more difficult. *

The fact that the social attitude adopted towards homosexuality has varied considerably in different people at different periods suggests that it has often been regarded as a normal method of sexual expression. If the usual definition of a sexual perversion is accepted many homosexual offenders are not sexual perverts. For example, those who

**Editorial Note.* This does not, of course, justify the present severe penalties for homosexuality between consenting adults. There are many other temptations—socially even more serious—which would be resisted if the punishment for indulgence were a prison sentence.

occasionally indulge in homosexuality as an adventure, as a substitute when long deprived by circumstances of ordinary sexual relationships, as a temporary convenience and as the result of a surfeit of experience in heterosexual relationships or fear of venereal disease. It is found in persons who show no other marked mental or physical abnormality; they may be of superior intelligence, prominent and successful in creative work and in occupations of social importance. It is well to remember that the proportion of homosexuals in the general population is probably large and that antisocial conduct appears to be less certainly attributable to mental abnormality in proportion to the frequency with which the corresponding antisocial tendencies are found in the ordinary population.

There is perhaps even more uncertainty in regard to the amount of homosexuality among women than among men. Katherine Davis states: "My own observation in both educational and penological institutions leads me to believe that the phenomena . . . are much more widespread than is generally suspected." She found among married women selected from ordinary civil life, women's clubs and colleges, and unmarried women college graduates, that over half (605 of 1,200) who answered a questionnaire had at some time or other experienced intense emotional relationships with other women, and that over a quarter admitted that the relationship was carried to the point of overt homosexual expression. Sofie Lazarsfeld considers homosexuality in women is far less frequent than frigidity which she puts down as varying between 60 and 90 per cent. Forel satisfied himself with the statement that the condition is not rare in women. *

Homosexuality may be constitutional or acquired, and in many acquired cases a constitutional factor seems to be also present. Generally, a clearer view of the condition is obtained if it is regarded as the result of a combination of various causes.

**Editorial Note* : See also *Sexual Behavior in the Human Female* by Alfred C. Kinsey and his associates. Compare *Sexual Behavior in the Human Male*.

The importance of the constitutional factor was emphasized by Havelock Ellis who found family or hereditary inversion in 35 per cent of the cases, and he referred to the findings of Romer which were similar. In a recent study Lang came to the conclusion that many cases of homosexuality are hereditarily determined. In a series of seventy-nine cases of homosexuality in males coming before the courts investigated by East and Hubert it appeared fairly certain that a factor related to the physical type concerned might play an important part; attractive and good-looking boys and young men would be predisposed to the development of homosexuality because they would be likely to attract homosexuals and be seduced by them. A constitutional element is occasionally suggested by the fact that some male homosexuals have undoubted feminine physical characteristics. But as a rule the active homosexual partner does not show any gross exaggeration in his own person of the physical attributes of the opposite sex. The condition is often associated with more than one other perversion, and it would seem probable that a significant number, particularly among the well educated, adopt a career in the artistic pursuits in which women excel.

East and Hubert found seduction in early youth or childhood was the commonest single environmental factor found in the series investigated, and it seemed that this was probably far more likely an explanation of homosexuality than one which depends upon the assumption that there is commonly some specific glandular influence acting in a feminine direction in these cases. Apart from seduction homosexuality appears to be sometimes acquired as the result of conditioning, when an early sexual experience is associated with an older person of the same sex. It is sometimes connected with parental warnings regarding the dangers of venereal disease which repress heterosexual and stimulate homosexual interests. In certain families the general parental attitude has much the same effect. For example, those who desiring a

daughter bring up the son in as girlish a manner as possible. Or the widowed mother who indirectly in her desire to keep her son to herself and away from other women, produces in him a homosexual outlook by fostering tendencies, perhaps already present, thereby increasing the chances of homosexual seduction. Briefly, we considered the factors which predispose towards homosexuality are first, a general tendency towards a varied and primitive kind of sexual outlet; second, in some cases at any rate, a specific inherited tendency towards homosexuality; third, a physical type which predisposes towards early seduction by homosexuals which may be regarded as the fourth factor, and the most important of the environmental causes.*

The tendency towards homosexual interest may be realized for the first time at any age. In the series referred to above the earliest homosexual activity remembered occurred at the age of four. In some cases the patient will not discover his tendency until he reaches middle age. If the activity is released by organic brain disease the offender may be over sixty years of age. In cases where the individual may not have recognized their implication he will be able to remember dreams or phantasies in early life which have had a homosexual significance. Occasionally it appears to be true that an offender did not realize his homosexual tendency until it was expressed in a criminal action on a sudden impulse, and sometimes it may be first declared during a state of alcoholic intoxication.

According to the usual view homosexuality is unrelated to other forms of sexual perversion, and is due to environmental influences combined with a constitutional factor predisposing towards femininity which may be glandular in origin. There is, however, no reason to regard heterosexuality and homosexuality as being necessarily antagonistic, and many homosexuals are bisexual.

In bisexuality, as Havelock Ellis pointed out, although there is pleasure and satisfaction in relationships with both

*Editorial Note: See also studies by Hadfield, Allen, and others, listed in Editorial Note, p.65.

sexes there is usually a greater degree of satisfaction in connection with one sex. Moreover, we often find among our own friends and acquaintances estimable men and women who possess, in a more or less marked degree, traits of character usually associated with the opposite sex, without there being the slightest reason to suspect their sexual behaviour is perverse or unusual.

The forensic recognition of bisexuality is important in cases of latent homosexuality. A man who had been married for some years and consummated the marriage from time to time, although his real interests were homosexual, murdered his male paramour.

It is sometimes suggested that the association of other sexual perversions, and of general asocial and antisocial activities, with homosexuality is simply due to the fact that they are a persecuted class, and therefore tend to become associated with those who are condemned for other reasons. This is only relatively true. There can be little doubt that the majority of homosexuals escape arrest and many who are imprisoned are shunned by their fellow prisoners. Further, an investigation carried out by Hubert on an unselected group of women homosexuals as well as other studies upon female offenders, prostitutes and others showed that women homosexuals, as a group, have many characteristics which may be regarded as perverse and asocial in considerable excess of those shown in a heterosexual group. The writings of Havelock Ellis support this view to some extent. He referred to women homosexuals as showing a considerable proportion of individuals who were somewhat abnormal in other respects, and he believed that they were more inclined to commit crimes of violence than other women.

It is sometimes said that alcoholists, as a class, are essentially homosexual. A latent homosexuality may be exposed by the aphrodisiac effect of alcohol, together with the fact that the alcoholist for the most part drinks in the company of his own sex. But many are strongly heterosexual and

personal experience leaves me in no doubt that more heterosexual than homosexual crimes are due to alcohol.

As far as criminal cases are concerned I believe also that the causal association of homosexuality and paranoia has been exaggerated. Discussing non-criminal cases Henderson and Gillespie consider "the importance of homosexuality in the etiology of paranoia is not so widespread as the psycho-analytical school would have it."

A homosexual experience causing a persistent feeling of guilt may be a precipitating factor of a schizophrenic illness, or of a reactive depression. I have recorded the case of a restaurant cook, approaching middle age, who attempted to murder the man who shared his private lodgings. Investigation showed that sexual relations had existed between them, the prisoner being the passive agent. When he discovered that his companion was going to marry their landlady he became anxious, depressed and irritable, and was under medical treatment for these symptoms when he committed the crime in a passion of jealousy and revenge. It is, of course, generally recognized that suicide pacts in members of the same sex are sometimes the result of mental depression due to a homosexual entanglement.

It should be remembered that in the above presentation the term homosexuality is restricted to cases in which the sexual impulse is concerned. To include in this term occasions when for social or convivial purposes men like to get together with other men, and women with other women, on a non-genital level, is an extension of its meaning which to many seems unwarranted and in the present context would be worse than useless.

Exhibitionism

In criminal cases this term is used to denote indecent exposure of the genitals and more rarely the gluteal region, and stresses the motivation of the act. It is not used for the

large number of persons who endeavour by some means or other to obtain the spotlight of publicity.

Social prohibitions relating to exposure vary with the times, and a visit to many bathing beaches will show how much our ideas on the matter have been modified in recent years. Briefly, the motive behind exposing part of the body on social occasions in a conventional manner differs from that of the pervert, inasmuch as it is an adult method of attracting the opposite sex in order to bring about a closer relationship with an admirer on a future occasion. The pervert adopts a childish method of attracting attention to himself in order to experience sexual gratification at the time of the exhibition, without physical contact or long-term objective.

The sexual object of the typical heterosexual exhibitionist is fairly well fixed. She must be a stranger, sometimes more than one person must be present, and her age must be fairly constant, girls of a particular age are sometimes essential. In the ordinary heterosexual relationships exhibitionists show no tendency to enjoy exhibitionism on the part of their partner, nor do they tend to exhibit themselves. In homosexual exhibitionism the act may be a commercial solicitation, but examples of true homosexual exhibitionism occur.

Exhibitionists form a very varied group. The true exhibitionist pervert prefers this method of sexual gratification to any other, and many deliberately seek opportunities for exhibitionistic adventures. Others fight against the desire and wish to have it removed. Some, who are not true perverts, expose themselves as a means of inviting sexual intercourse with a stranger, and in cases of mental subnormality this primitive method of approach to a woman who has aroused sexual desire is easily understood. There appears to be no tendency for exhibitionism to be associated particularly with hypersexuality and hyposexuality, and in many cases the exhibitionist who wishes to overcome his perversion will find he is able to restrain himself from criminal behaviour if he never goes out alone.

Offenders who show this form of sexual behaviour usually have a history of autoerotic behaviour from the age of puberty or before. The step from this to indecent exposure to passing women in a relatively unfrequented place may not be a great one in some men. I believe that in the majority of the cases the importance of phantasy cannot be overlooked, and that in some the excitement and element of anxiety associated with the possibility of arrest stimulates phantasy and becomes a desirable addition to autoerotic satisfaction. The act soon becomes a habit which is indulged in conditions of increased sexual tension, and physical satisfaction becomes so closely associated with it that it often persists where other women are concerned after marriage, although normal sexual relations are established with the married partner.

Additional precipitating factors are the presence of a general tendency towards sexual perversion, a disposition which leads to careless behaviour, lack of moral control and imperfect emotional development in social relationships. Some exhibitionists carry out their perversion for several years, and in many cases the stereotyped character of the act is shown by the fact that it is often repeated in the same place, at the same time of day and to the same person. In many cases a history of heterosexual play in childhood is common and may remove at an early age the barrier between the sexes and predispose to exhibitionism.

Occasionally some local physical abnormality may predispose towards the act, but usually any such explanation should be regarded with suspicion. Fear of ordinary sexual relations or of venereal disease, or an inability to obtain normal heterosexual relations may be precipitating factors. It may be an isolated act in connection with a chance opportunity. It may be the result of the loss of control which follows alcoholic indulgence, and the desire to urinate may suggest the activity. It may be the result of mental defective-

ness, psychoneurosis or psychosis as well as states of psychopathic personality.

The impulsive quality of exhibitionism is usually clearer than in other types of perversion, or in any other, except very rare types of crime. The exhibitionist often becomes seized with an ever-increasing urge to carry out his desire and it may overwhelm him. There may be no anxiety, but in men who are constitutionally predisposed to become anxious in situations of tension it may be present. The pleasurable aspect of the act may be obscured until tension is relieved at the time of the exposure. In many cases the urge is complex and other objectives in carrying out the performance may become apparent. The universal obsessional characteristics appearing in comparable situations where one thing is anxiously balanced against another as in "doubting mania" is usually absent, and there is no suggestion of a separation off of a morbid part of the mind, such as is found in the obsessional patient against which the healthy part can be opposed. The obsessional subject usually shows evidence of a long-standing obsessional personality before asocial or anti-social conduct is declared, and this is exceptional among exhibitionists. Nor were occasional obsessional symptoms at all common in the series investigated by Hubert and myself.

Sadism and Masochism

The term sadism is used here for activities which enable sexual satisfaction to be obtained by inflicting pain, and masochism for activities which provide sexual satisfaction by suffering pain. The victim of a sadist is not necessarily a masochist, and the aggressor of a masochist is not necessarily a sadist.

The infliction of suffering on oneself, or seeking out situations which enable others to inflict suffering upon one may also have a pleasurable effect apart from sexual accompaniment. But to include under the heading of sadism and masochism conduct which is pleasurable in a non-sexual manner

would inappropriately extend this thesis. For the same reason the more abnormal and complicated situations and conditions arising through mental disease or any grossly abnormal emotional behaviour pattern, from whatever cause other than sexual, are excluded.

The cruelty or bearing of pain in sadism or masochism is the most striking feature, as a rule, of the emotional life of the sadist or masochist, and in many cases a complicated ritual of a stereotyped pattern precedes the act, and is an essential accompaniment.

It is convenient to group sadism and masochism under the same heading, because although clinically they often exist separately an element of masochism may occasionally appear in the sadist and an element of sadism in the masochist. In criminal cases of sadism the masochistic element is usually absent. In civil cases the sadistic and masochistic elements are apparently more usually associated together in the same individual.

Havelock Ellis considered sadism and masochism were based on normal human impulses and reinforced weak impulses, and that they were extremes of tendencies which in slight degree are within the biological sphere. The sadist is not necessarily impelled by the desire to be cruel, his objective is to arouse a specific emotion. So too the masochist does not necessarily wish to suffer cruelty, but to experience the specific sexual emotion which pain incites. Sadists and masochists are often under-sexed rather than over-sexed. Strong sensations and emotions such as anxiety and grief appear both from the literature and practical experience to act sometimes as sexual stimulants, and as Ellis points out, may produce pleasure although painful in themselves.

W. McDougall regarded sadism and masochism as the impulses of the two opposed but independent instincts of self-assertion and submission respectively. And it is a matter of common observation that in sexual contacts the aggressiveness of the man is opposed to a degree of submissiveness in

the woman. At the same time both men and women may exhibit evidence of sadism and masochism.

Freud stated: "The sexuality of most men shows a taint of aggression, it is a propensity to subdue, the biological significance of which lies in the necessity of overcoming the resistance of the sexual object by actions other than mere courting. Sadism would then correspond to an aggressive component of the sexual impulse which has become independent and exaggerated and has been brought into the foreground by displacement." He stated in another passage: "A sadist is simultaneously a masochist, though either the active or the passive side of the perversion may be strongly developed and thus represent his preponderate activity." Many will agree with his view that if children of a delicate age "become spectators of the sexual act between grown-ups, for which an occasion is furnished by the conviction of the grown-ups that little children cannot understand anything sexual, they cannot help conceiving the sexual act as a kind of maltreating or overpowering, that is, it impresses them in a sadistic sense. Psychoanalysis also teaches us that, such an early childhood impression contributes much to the disposition for a later sadistic displacement of the sexual aim."

Discussing sadism and masochism East and Hubert state that the reasons leading to the development of this abnormality are often difficult to determine, but probably they are in all cases specific and environmental. Many "remember gaining sexual pleasure from phantasies of this nature in early years, and very often remember pleasure obtained from actual performances. Contact with others with similar, or opposite, tendencies and certain types of story also have a direct influence. . . . The child thinks of human relations so much in terms of like and dislike, friendship and enmity, kindness and unkindness, physical caress or cruelty that the developing sexual feeling readily associates itself with the dramatic form of these attitudes. It is a well-known finding also that children who are ignorant of intersexual relations

will, upon learning something of them associate them with a sexual feeling in themselves and the conception of a violent attack by the man on the woman. In addition to this, various abnormal personality types who tend to associate sexual feeling with excretory or nutritive activities will, by easily appreciated associations, tend to develop sadistic and masochistic interests. Individuals who, through constitutional factors or unfortunate experience develop very strong aggressive drives, such as resentment or antagonism, will tend to link them with sexual feeling developing at the same time and with a similar result."

Sadism is not confined to heterosexual activities, it is a common accompaniment of homosexual crimes. A sadist when his confidence is gained readily admits that he obtains sexual pleasure from the act, and this seems essential for diagnosis. The only exception is when there is a very strong reason to assume that sexual excitement was present although the individual cannot afterwards verbalize the fact that it was present physically or mentally. For example, if he has frequently obtained sexual pleasure from phantasies similar in content to the activity. Such was probably the case in a youth aged seventeen, who came under observation charged with wounding a woman whom he attacked unawares in her home. She became unconscious for a short time as the result of the blows she received, and on recovering found the youth standing over her. He had made no attempt to escape or steal, and had not indecently assaulted her. A short time before he had, in a public street, jumped upon the back of a girl, a stranger to him, and tried to strangle her without any provocation. There was no loss of consciousness on his part during either attack. He showed no evidence of mental disease or defect, epilepsy or psychoneurosis during the months he was under supervision. To extend the term to cover cases in which sexual feeling may have been present in this way raises questions as to the exact meaning of "uncon-

scious" sexual pleasure, and of the right to identify interpretation with material actually presented by the subject.

In forensic situations cases of sadism can be conveniently considered in connection with reality, phantasy or simulation. Sadistic crime includes murder, attempted murder, wounding and lesser bodily injuries, as well as sexual assaults, damage to property by cutting and slashing, ink-splashing and the like.

As a cause of murder sadism may operate alone or in association with an attack of maniac-depressive disease or other mental disorder. In one case a woman and a child were murdered and two other women were seriously assaulted before the homicide was arrested. A less aggressive type is the man who stabs a woman or girl with a penknife or needle as he passes her in the street, or strikes at her with a stick, or as in one case with a stout piece of wire. The dress-slashers and dress-defilers belong to this group. A married man, aged twenty-three, had never been in the hands of the police until he was arrested and convicted of slashing with a safety razor the dresses of two women on the same evening. A widower was convicted of throwing on to ladies' dresses, from a fountain-pen, a solution of horse excrement which he prepared at home for the purpose, so that if arrested he might attribute the soiling of the dresses to splashings from the road. Sadistic arson, so-called, is probably infrequent in Britain and an incorrect diagnosis may be made if the statements of the offender and the details of his offence are not carefully scrutinized. There appeared to be some reason to consider that a youth, aged twenty-one, set fire to some hayricks to produce an emotional state in which sexual erethism was an important feature. He had derived sexual gratification from sadistic conduct with boys, and masochistic phantasies accompanied autoerotic activities and were present in his dreams.

The sadist may indulge in his abnormality only in phantasy. In some an act is imagined to cause pain and humilia-

tion, as in the epistolary sadist. The importance of phantasy in sexual affairs generally is well recognized, and sadistic acts and phantasies in association with inanimate objects may be of forensic importance. I have referred elsewhere to the case of a fetishist who committed burglary to obtain possession of women's shoes which he then slashed savagely with a knife. He was detected in prison cutting the throats of women in the photographs which other prisoners retained in their cells, and he admitted that by so doing he derived full sexual gratification. Cruelty may be inflicted upon animals for a sadistic purpose and occasionally maiming of domestic animals, cattle and horses, is attributable to the same cause.

Sadism may be simulated when a rapist kills his victim in order to silence the only witness of his crime, or uses extreme violence to overcome her resistance or to effect his escape. In one case the murderer mutilated the bodies of three prostitutes in a manner which suggested that they were the victims of a sadist. A medical examination of the prisoner, a voluntary statement by his wife and another by a prostitute with whom he had recently had connection, together with a full consideration of all the circumstances of the murders made it clear that he was not a sadist. There was reason to believe that he mutilated the women in an attempt to lead the police to attribute the crimes to a sadist rather than to a robber and so divert suspicion from himself or, alternatively, suggest that the crimes were due to insanity.

Personal experience and observation lead me to recapitulate the following findings of forensic importance: Sadism may be attributable to an early sex experience; it may be expressed early or late in life; it may be practised upon inanimate objects with full effect, and upon animals or a person of the same or opposite sex; it may vary in intensity from mild phantasy to savage murder; it may be accompanied by a stereotyped ritual; it may be expressed at different times in the same manner by the same person; it may

be used as a sexual stimulant in cases of sexual inferiority; it is usually more pleasurable to the sadist than normal sexual intercourse which is generally of secondary importance, but it may be used as an occasional alternative; it may be controlled, uncontrolled, and when associated with mental disease uncontrollable. The sadist may be sexually inferior; he may have masochistic tendencies; he may be homosexual, heterosexual or bisexual; his victims are usually fortuitous and may be of widely different ages; the degree of violence used may depend upon the delay which occurs before full sexual satisfaction is reached, that is to say the greater the delay the greater the violence; the greater the violence used the more likely is the act to be associated with gross mental abnormality. The sadist may refuse medical treatment; he may be insane according to the law and irresponsible; he may be fully responsible; he may suffer from some minor form of mental abnormality and present various degrees of culpability.

Crime is seldom due to masochism if this term is restricted to the definition given above, but it sometimes appears in convicted offenders. A young woman convicted of theft frequently cut herself about the arms, legs and breasts, and inserted pins and needles under her skin usually one or two days before the onset of menstruation. She derived sexual pleasure and felt relieved when she inflicted the pain upon herself and saw blood from the incisions.

Sado-masochistic practices appear to be more attractive to some women than is sometimes suspected. A sadist stated that only one of several girls who were not public women refused his invitation to beat them, and there was reason to believe that he spoke the truth.

In *Rex v. Donovan* it appeared that the defendant was a sadist and made suggestions to a girl which if taken seriously meant that he intended or desired to beat her. According to the evidence of the defendant, and that of a young woman who said that she had overheard some of the telephone con-

versation, there was talk between the defendant and the prosecutrix which left no doubt that she had expressed her willingness to submit herself to the kind of conduct to which he was addicted. The defendant was convicted at Quarter Sessions of assault in that he beat the girl with a cane. The conviction was quashed by the Court of Criminal Appeal on the ground that there was a misdirection to the jury in regard to the consent of the prosecutrix since in the absence of facts which proved the act to be unlawful in itself, the defendant could be convicted only if the prosecution negatived consent. In regard to the assault the Court of Criminal Appeal declared that: "If an act is unlawful in the sense of being in itself a criminal act, it is plain that it cannot be rendered lawful because the person to whose detriment it is done consents to it. No person can licence another to commit crime. So far as the criminal law is concerned, therefore, where the act charged is in itself unlawful it can never be necessary to prove absence of consent on the part of the person wronged in order to obtain the conviction of the wrong-doer. There are, however, many acts in themselves harmless and lawful which became unlawful only if they are done without the consent of the person affected. What is in one case an innocent act of familiarity or affection may in another be an assault, for no other reason than that in the one case there is consent and in the other consent is absent. As a general rule, although it is a rule to which there are well-established exceptions, it is an unlawful act to beat another person with such a degree of violence that the infliction of bodily harm is a probable consequence, and when such an act is proved consent is immaterial. We are aware that the existence of this rule has not always been clearly recognized." The court then referred to well-established exceptions and continued: "In the present case it was not in dispute that Donovan's motive was to gratify his own perverted desire. If in the course of so doing he acted so as to cause bodily harm, he cannot plead his corrupt motive as an excuse. Always supposing, therefore, that the blows which he struck were likely

or intended to do bodily harm, we are of opinion that he was doing an unlawful act no evidence having been given of facts which would bring the case within any of the exceptions to the general rule. In our view on the evidence given at the trial, the jury should have been directed that if they were satisfied that the blows struck by the prisoner were likely to be intended to do bodily harm to the prosecutrix, they ought to convict him, and that it was only if they were not so satisfied that it became necessary to consider the further question whether the prosecution had negatived the consent. For this purpose we think 'bodily harm' has its ordinary meaning and includes any hurt or injury calculated to interfere with the health and comfort of the prosecutor. Such hurt or injury need not be permanent, but must no doubt be more than merely transient or trifling." (*The Times* Report, 28th July, 1934.)

Fetishism

The term fetishism, generally employed to signify the application of objects made by art to magical and religious purposes, is used in psychological terminology in different senses to imply sexual perversion itself, or to cases in which sexual interest is mainly centred on a part of the body of the desirable individual which may be little adapted for sexual purposes, or upon an inanimate object such as a shoe or other article of her (or his) clothing. Fetishism is not confined to heterosexuals, in rare cases it is associated with homosexuality. Thoinot and Weyssse record the case of a male homosexual fetishist who was erotically excited by contemplation of the patent leather shoes of other men.

Here as elsewhere in considering the sexual offender it is to be remembered that, "so far from there being only one pattern of sex life it would be nearer the truth to say that there are as many patterns as there are individuals."

Slight degrees of fetishism are, of course, entirely normal. Every lover tends to become attracted to some individual

feature of the person he admires, or to some of the various articles that come into contact with her. This tendency becomes abnormal when the striving for the fetish replaces the normal sexual aim, or when the living feature or inanimate object is divorced from the personality which it replaces and itself becomes the exclusive sexual object.

The fetishist may commit burglary, theft and assault in order to provide himself with the required article of female clothing, and some fetishists find the garment must be stolen if full satisfaction is to be obtained. The shoe fetishist occasionally appears in the criminal courts, and many years ago a man came under observation who had knocked down several women in the streets of a London suburb in order to possess one of their shoes. The hair fetishist was also a rather frequent offender at the time when young girls wore their hair plaited down their back. A man, aged thirty-one, was arrested as a suspected person. He went up to a little girl in the street and cut off some of her hair, and was arrested with the scissors in his hand and the hair in his pocket. At his address were found five plaits of hair of different colours, loose hair of two different colours as well as seventy-two hair ribbons. He was not mentally defective, and no psycho-neurosis or psychosis was present. He served in the army in the East and had committed similar offences there. The activity was traced to its origin, and was influenced by the fact that he was living apart from his wife, and the fear of venereal disease prevented indulgence in promiscuous intercourse.

In the simpler type of case sexual excitement becomes associated by chance with a particular activity or object during a period of emotional tension, and by repeated phantasy usually combined with autoerotic manifestations becomes increasingly important and fulfils the primary sexual need. In the more complicated case a relatively harmless perversion developed in a similar manner allows partial outlet to a much more dangerous urge, such as a strong

sadistic interest. A youth investigated by East and Hubert obtained sexual pleasure from collecting, making and playing with knives and from sadistic phantasies in which he made imaginary attacks on girls.

Unless the confidence of the offender is obtained mistakes are likely to arise in criminal cases, and an act which has a simple explanation may be regarded as a fetishistic manifestation. In a case of murder associated with rape the homicide took away with him an article of his victim's underclothing, and it was suggested that this was a fetishistic act indicating sexual abnormality. In fact, the homicide frankly stated at a psychiatric examination that he thought the article when examined would show signs of seminal stains and give a clue to the cause of the murder. So he took it away with him and disposed of it at the first opportunity.

Transvestism or Eonism

Cross-dressing was prohibited for either sex by Mosaic law. (Deuteronomy, xxii, 5.) Whatever purpose lay behind this decree it is a well-known fact that sexual pleasure in either sex is sometimes derived from wearing clothing of the opposite sex.

The act may be relatively unimportant in itself but may dramatize phantasy if the pervert looks at his image in a mirror when so clothed. On the other hand when associated with other perversions it may lead to fatal consequences. In a case which did not come before a criminal court transvestism, in an under-sexed married man, was associated with autoeroticism and masochistic practices including suspension. The activity was accompanied by a highly complicated ritual which was carried out by the pervert when he was alone. It ultimately miscarried and caused his death by strangulation.

Although homosexuals may dress up as women to increase or vary their attraction to other men, the true male trans-

vestite obtains sexual gratification from pretending to be a woman, and his phantasy is facilitated by wearing her clothing. In appearance, manners, and interests they seem and feel more feminine than masculine and naturally adopt the little characteristic mannerisms of women. Investigation often shows that as children their play and general behaviour was girlish, and as they grew older they acquired feminine rather than masculine occupations, associating and identifying themselves with women in preference to men. It is important to distinguish this type from the homosexual as they pass their lives with no sign of sexual interest in their own sex. Perhaps both are derived from the same physical type, but in the true transvestite early homosexual seduction appears to be unusual and sexual activity is confined to phantasy and autoerotic habits.

Havelock Ellis considered that whereas it is normal for a man to identify himself with the woman he loves, the transvestite carries the identification too far, stimulated by a sensitive and feminine element in himself which is associated with a rather defective sexual virility on what may be a neurotic basis. He also held the view that an abnormal childhood with too close attachment to the mother, who might herself be rather abnormal, predisposed to the condition. He regarded it as a remarkably common anomaly, and in his experience came next in frequency to homosexuality among sexual deviations.

Horton and Clarke state that the studies of transvestism may be roughly grouped as psychoanalytic and non-analytic. The non-analytic studies have the disadvantage of making little attempt to explain the reason for the manifestation and the analytic studies suffer from paucity of cases.

In criminal cases it must be remembered that the male transvestite is sometimes arrested for an apparently non-sexual offence such as burglary or theft which, as I have already stated, may satisfy a fetishistic perversion. In the

class of case under consideration it may fulfil the transvestite's urge.

Some people are under the impression that although cross-dressing in either sex is innocent when no one is deceived, as at a fancy dress party among friends, it becomes an offence as soon as any person is deceived, or if there is an attempt or intention to deceive, even with no ulterior purpose in view, such as fraud. The matter was discussed as far as Britain is concerned in an article on "Masquerading" published in *The Justice of the Peace*, 26th February 1938: "Cross-dressing may, *prima facie*, be evidence of an intention to commit some crime. The same is true of any disguise. Particularly may a man masquerading as a woman in a public place incur suspicion under section 1 of the Vagrancy Act, 1898, which deals, *inter alia*, with persistent soliciting or importuning by a male for immoral purposes. . .

"At Dorking, in 1933, a man found in woman's clothes was convicted of being a suspected person loitering with the intention of committing a felony; obviously cross-dressing, like any other disguise, may be material to such a charge, whether the defendant be a man dressed as a woman or a woman as a man.

"In connection with cases of this type, where the motive is to obtain money or other material advantage, and not to satisfy some impulse, it is well to remember that the offence of obtaining money by false pretences can be committed without words. A hundred years ago in *R. v. Barnard* (1837), 7 C and P. 784, a man was convicted under the head of false pretences who obtained goods from an Oxford tradesman when dressed as an undergraduate, and that offence, or the modern offence of obtaining credit by fraud, might well be committed where the pretence consisted merely in wearing the clothes of the other sex, if by that means the fraud has been successful.

"Apart from suspicion of an intent to commit offences which can be committed only by a male, such as rape or im-

portuning in breach of section 1 of the Vagrancy Act, 1898, the law is the same for men and women.

"We have heard it suggested that dressing in the clothes of the opposite sex may be somewhere an offence under bye-laws or under Local Act. But we are reasonably sure no such byelaw has been made for good rule and government, or would (now that confirmation of such byelaws has been made necessary by the Local Government Act, 1933) be confirmed by the Home Secretary. There is no other heading under which byelaws to this effect are possible, unless for the regulation of a pleasure-ground, and here again we have come across no such byelaw and are sure that none exists.

"As regards the old local acts, no one can be sure of anything but we have found no such local acts and we should be exceedingly surprised to find one.

"In many cases which come before the public there is no element of scientific interest. There is a crime or an attempted crime, for which a disguise is adopted. It is, however, vital to remember that it is the crime itself and not the disguise, the fraud in the sense of obtaining money, goods or credit, and not the mere deceit which is the offence. We repeat that the mere wearing of clothes appropriate to the opposite sex, and even the deceiving of other people by so doing, cannot, where there is no attempt to obtain money or attempt to commit some other criminal offence, be made the ground of any criminal charge."

Paedophilia, Necrophilia, Voyeurism and Bestiality

The sexual perversions which do not usually lead to criminal behaviour need not be considered here. A brief notice of the less frequent sexual perversions, namely paedophilia, necrophilia, voyeurism and bestiality is, however, necessary.

In paedophilia there is sexual attraction to children or immature girls, and this may be due to influences which delay or prevent the formation of ordinary social and sexual

relationships, such as mental defectiveness, retarded emotional development, or senile impotency. Interference with girls under age is hardly to be considered as abnormal if the girl is sexually mature, consenting and conceals her true age.

Necrophilia, sexual intercourse with a female cadaver, is a very uncommon offence, and my own experience is limited to four cases in which each offender was mentally defective. The necrophiliac has sometimes deliberately ravished a corpse. On other occasions the woman was killed in a sexual attack and her death enabled the homicide to carry out his purpose. It is difficult to believe that anyone could commit this act unless gross mental abnormality was present. Forel states that some sadists are necrophiliacs for fear of becoming assassins.

Voyeurism calls for police action if a concealed observer of courting couples indulges in his secret pleasures so recklessly that he is detected and assaulted by his victims. But more serious cases occur. A middle-aged man led a normal sexual life as far as could be ascertained until his wife died. He lived then with his grown-up daughter and induced her to bring men home for an immoral purpose so that he could watch the incidents which took place between them.

Bestiality is not uncommon in rural areas, and may be the result of sexual deprivation, mental defectiveness or other gross mental abnormality.

6

Treatment

THE defendant in a criminal court occupies the limelight for a brief moment and the attention of his judge. A few, psychiatrists and others, see him before and after trial in the wings, and study the manner of man he is when the paint and powder are removed together with the tinsel and trappings.

The proportion per 100,000 of the population of persons aged seventeen years and over who were found guilty of sexual offences during the five years before the Second World War, and their reconviction rates do not compare unfavourably with other groups of offenders. Experience shows that the sentences of imprisonment or penal servitude now imposed are generally effective when the offence is the result of normal impulses. Mentally defective and psychotic sexual offenders usually repeat their offences unless they are detained in appropriate institutions. Sexual perverts may be prevented from committing a further sexual offence by a sentence of imprisonment, but there is often a grave risk that the offence will be repeated when liberty is regained. In such cases the present position is unsatisfactory and may menace social security.

The first prerequisite for improvement is a better understanding, in which the public must share, of normal and abnormal sexuality. But a proviso is necessary, for some of our self-appointed liberators seem to insist upon unrestricted sexual indulgence as a condition of personal health. "It would seem that we are expected to disrupt society for

the convenience of a few who are willing to lower themselves to the level of a social and ethical automaton."

Second in importance is the before-trial medical examination of the accused by an experienced psychiatrist. This will decide whether mental defectiveness or mental disease is present, and whether the offender requires care and supervision in an appropriate mental hospital. It will also determine whether the offender is suffering from a lesser form of mental abnormality which may be amenable to psychotherapy or more general psychiatric treatment. It cannot, however, predict whether treatment will be successful, for many such offenders treasure their sexual gluttony and are unwilling to wholeheartedly submit to medical treatment which is intended to modify their taste, unless an alternative and equally pleasurable method of sexual gratification is provided.

The third requirement is close collaboration between the courts and the psychiatrists. Already some progress has been made in this direction, and valuable work done by accredited clinics in the diagnosis, treatment and social adjustment of some sexual offenders. In this connection Wertham states: "There is nothing about the work of the psychiatrist in these cases so technical that it could not be explained to anybody. His armoury of tools does not require unintelligible words and phrases. He is not a necromancer. Often a psychiatric expert is expected to be involved, mysterious and obscure. But this is unnecessary and misleading. All he can do is to try and find facts and then to use them. Frequently the more obvious facts give the clue."

Some sexual offenders are on the border-line which separates normality and abnormality, but in our present state of knowledge enforced detention may be the only method available for dealing with them if social security is to be immediately secured. And although frustration invites conflict and its sequelae, and the sexual offender, like others, may not be responsible for his natural tendencies he must

be held responsible for his actions if he is not insane or mentally defective, and in varying degree culpable for the manner in which he behaves.

The psychological treatment of the sexual offender has its limitations and an exaggerated idea of its value is sometimes discernible. Of course the offender must be willing to co-operate, but this is not enough. Mackwood points out that "the criterion for treatment is anxiety which is subjective, and not the objective acts." And in this connection anxiety becomes an active driving force, whereas willingness has often no more than a passive and transient effect.

Young has well expressed the advantages and disadvantages of psychotherapy in prisons founded on his experience at Wormwood Scrubs prison. He says psychotherapy "is carried out under an unusual form of stress (in prison) in isolation from normal contacts, the encouragement of friends, and from opportunities to test the progress made, and in conditions which are often disadvantageous in other ways. On the other hand the desire for cure has an added urgency to most prisoners, and the environment an abnormal freedom from extraneous distractions, though there is also an artificially heightened news value, both for the patient and other prisoners, which may injure co-operation and transference at a stage when the loss is not easily recovered." I would add that in my view the psychotherapist should not occupy an administrative post in the penal establishment, and should be a psychiatrist specially selected for the work.

The anxiety of some homosexuals is emphasized by Bleuler who has experience of homosexuals who had themselves castrated and are now happy to be released from the struggle and fear of prison.

If a sexual offender receives a non-custodial award in the hope that he will submit himself to medical treatment he may do so, but refuse to co-operate with the psychotherapist. On the other hand, until the public is better advised a sentence of imprisonment long enough to give

medical treatment a complete trial may appear to some unjustified for a minor sexual offence such as exhibitionism.

As short sentences of imprisonment often have no therapeutic value in this class of offence, and having regard to the social adjustment of the sexual offender as well as the security of society, the following alternatives seem to offer themselves if the offender is not dealt with as an insane or mentally defective person, and the case is not dismissed by the court:

- | | |
|---|--|
| 1. Probation, with or without a condition of residence. | } With or without psychiatric treatment including psychotherapy. |
| 2. Imprisonment for periods reaching the upper rather than the lower authorized limits. | |
| 3. Corrective training or preventive detention. | |

It is hoped that future legislation will empower courts to make medical treatment in suitable cases a condition of a probation order so as to further determine its value under these circumstances, and that Corrective training and Preventive detention as envisaged in the Criminal Justice Bill may reach the Statute Book.

This seems as much as is likely to meet with public approval for the present. It will be recognized that short of imposing an indeterminate sentence of custodial detention there may still be some failures. But as I have stated elsewhere the medical treatment of these and other types of offenders in a special penal institution administered on colony lines with psychiatric treatment when required should enable much needed research to be carried out, and better results obtained in cases which now appear incorrigible.

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Appendix I

Statistical Findings

The Criminal Statistics published by Her Majesty's Stationery Office show that in the year 1952 the number of official sexual offences known to the police in England and Wales was 14,967 as against 5,018 in 1938. These figures have increased as shown:

1938	...	5,018	1943	..	7,784	1948	...	10,922
1939	...	5,015	1944	...	8,079	1949	...	12,015
1940	...	4,626	1945	...	8,546	1950	...	13,185
1941	...	5,608	1946	...	9,329	1951	...	14,633
1942	...	6,766	1947	.	9,999	1952	...	14,967

This increase is shown in greater detail in the following summary:

OFFENCE	Annual Average			No. for the year 1950	No. for the year 1951	No. for the year 1952
	1930- 1939	1940- 1944	1945- 1949			
Unnatural Offences and Attempts, &c. ...	934	1,651	2,814	4,416	4,876	5,443
Rape and other Offences against Females ..	2,788	4,023	6,425	8,241	9,279	9,079
Bigamy	325	899	923	528	478	445

OFFENCE	Annual Average per million of population			No. per million of population 1950	No. per million of population 1951	No. per million of population 1952
	1930-1939	1940-1944	1945-1949			
Unnatural Offences and Attempts, &c. ...	25.8	44.2	74.0	115.8	128.0	142.3
Rape and other Offences against Females ...	77.1	107.7	168.9	216.1	243.6	237.3
Bigamy ...	9.0	24.1	24.3	13.8	12.5	11.6

The comparative figures per million of population for other indictable offences are:

OFFENCE	Annual Average per million of population		
	1930-1939	1940-1944	1945-1949
Murder ...	3.6	4.4	4.4
Attempt, Threats or Conspiracy to Murder ...	2.6	3.2	5.5
Manslaughter, Infanticide, &c. ...	5.3	4.7	5.3
Wounding ...	46.1	57.2	96.2
Other Offences of Violence ...	8.0	15.1	12.8
Burglary, Housebreaking, &c. ...	1,085.5	1,556.5	2,832.4
Robbery and Extortion ...	9.0	18.1	29.4
Aggravated Larcenies ...	446.8	836.8	1,178.8
Larceny of Pedal Cycles	3,993.8	1,400.9	1,097.9
Larceny from Vehicles, Shops, Meters, &c. ...		1,146.4	1,466.2
Other Simple and Minor Larcenies ...		3,708.3	4,652.0
Thefts of Motor Vehicles (including Motor Cycles)		38.3	98.5
Obtaining by False Pretences...	342.4	284.6	388.7
Other Frauds ...	89.6	46.0	96.7
Receiving Stolen Goods ...	82.7	217.2	228.6
Malicious Injuries to Property	13.1	28.5	80.8
Forgery, Coining, &c. ...	42.9	98.3	122.9
Suicide (Attempting to Commit)	89.1	67.4	101.7
Other Indictable Offences ...	18.1	13.9	17.6

OFFENCE	Number per million of popula- tion 1950	Number per million of popula- tion 1951	Number per million of popula- tion 1952
Murder	3.6	3.5	3.8
Attempt, Threats or Conspiracy to Murder	5.7	4.5	5.1
Manslaughter, Infanticide, &c.	5.4	5.2	6.6
Wounding	135.7	145.0	154.2
Other Offences of Violence	13.4	12.9	13.1
Burglary, Housebreaking, &c.	2,433.9	2,518.7	2,559.7
Robbery and Extortion	29.9	22.9	29.3
Aggravated Larcenies	1,034.0	1,209.0	1,193.4
Larceny of Pedal Cycles	825.7	853.7	875.5
Larceny from Vehicles, Shops, Meters, &c.	1,665.8	2,001.6	1,964.6
Other Simple and Minor Larcenies	4,205.3	5,132.3	4,760.5
Thefts of Motor Vehicles (including Motor Cycles)	162.3	133.1	131.7
Obtaining by False Pretences	488.3	520.3	476.3
Other Frauds	181.8	199.3	235.4
Receiving Stolen Goods	198.9	255.0	240.1
Malicious Injuries to Property	118.4	131.1	130.8
Forgery, Coining, &c.	99.4	88.7	109.1
Suicide (Attempting to Commit)	122.6	118.8	117.2
Other Indictable Offences	21.4	29.0	24.6

From this it will be seen that although the average of indictable lawlessness has more than doubled, some offences have had a far greater rate of increase.

The Criminal Statistics also show that in 1952 the number of persons found guilty of sexual offences was 5,001, of which 4,929 were males and 72 females; a proportion in round figures of 70 to 1. For all kinds of indictable offences these figures were 114,859 and 16,188 respectively, which is roughly a proportion of 7 to 1.

As Norwood East stated in *Society and the Criminal*: 'The number of crimes known to the police [in 1952 14,967],

however, exceed the number of persons found guilty [5,001] because many crimes are committed of which the offenders remain undiscovered, or though discovered or strongly suspected, cannot for some reason be prosecuted, and also because a person convicted of an offence frequently admits numerous other offences and asks that they may be taken into account when the court passes sentence. In such a case although there is only one person convicted the conviction includes many crimes.'

The following table shows for the years 1938, 1950, 1951 and 1952 the number of persons in each age group found guilty of sexual offences and these numbers expressed as a percentage of the total number of persons found guilty of sexual offences in the year concerned.

Age group	1938		1950		1951		1952	
	No.	%	No.	%	No.	%	No.	%
8 and under 14	119	5	302	7	327	7	341	7
14 " " 17	356	15	527	12	624	13	689	14
17 " " 21	354	15	504	12	566	11	526	10
21 " " 30	478	21	934	22	976	20	1,006	20
30 and over	1,014	44	2,041	47	2,365	49	2,439	49
Total	2,321	100	4,308	100	4,858	100	5,001	100

The number of persons found guilty at the higher courts was:

in	{	1952	...	2,226, including 29 under 17 years of age
		1951	...	2,171, including 23 under 17 years of age
		1950	...	1,890, including 28 under 17 years of age
		1938	...	982, including 18 under 17 years of age

The following table summarizes the offences of those found guilty at the higher courts, with comparative figures for 1938 and 1952:

	1938		1952	
	<i>Males</i>	<i>Females</i>	<i>Males</i>	<i>Females</i>
Unnatural offences	58	—	267	—
Attempts to commit unnatural offences	76	1	239	3
Indecency with males	141	—	654	—
Rape	40	—	51	1
Indecent assaults on females	115	—	315	2
Defilement of girls:				
Under 13	31	—	49	—
13 and under 16 ...	179	—	256	1
Incest... ..	40	4	108	8
Procuration	15	2	16	3
Abduction	4	—	6	1
Bigamy	195	81	204	42
	894	88 = 982	2,165	61 = 2,226

Of the 982 18 were aged 14 and under 17

150 " " 17 " " 21

287 " " 21 " " 30

527 " " 30 and over

a total of 982

Of the 2,226 29 were aged 14 and under 17

303 " " 17 " " 21

634 " " 21 " " 30

574 " " 30 " " 40

391 " " 40 " " 50

208 " " 50 " " 60

87 " " 60 and over

a total of 2,226

Norwood East concluded his summary of statistics with the following comments:

'Bonger was under the impression that the amount of sexual criminality which had been ascertained in Southern Europe was somewhat greater than in the northern areas of the Continent . . .

'There can be no doubt that sexual activities and sexual offences are related to national qualities, and that national habits such as alcoholism are likely to be reflected in the estimates of sexual crime in different communities. Discussing, in 1936, the criminality among the Jewish and non-Jewish populations in ex-Russian and ex-Austrian Poland, Hersh found that it was much less among the Jewish population for all kinds of offences against the persons—that is to say, for crimes against life, against health and the body, against sexual morality and the family, against individual liberty and against honour. In ex-Russian territory offences against sexual morality and the family in 1924-5 were 1 Jew and 3.9 others per 10,000 of the inhabitants; in ex-Austrian territory 4.1 Jews and 8.2 others per 10,000 of the inhabitants. Van Vechten found in America the commitment rates for native-whites and foreign-born whites were respectively for rape .4 and .2 per 10,000 and for other sex offences .3 and .4 per 10,000.

'Bonger, quoting G. Aschaffenburg, recorded the fact that in Germany sexual offences occurred most frequently in the months of June and July. He also quoted Rosner who stated that in France in the years 1827-70 indecent offences against children and against adults reached their peak in the same months, as did also indecent offences in England in the years 1905-9. Bonger pointed out that the increase had already started before there was any question of a noticeable rise in the temperature, and it is therefore probable that the lengthening of the days and the better weather allows opportunist crimes to take place in quiet woods and parks. Further, sexual offences are naturally committed more in the open air and upon strangers. Bonger suggested that the remainder of the rise is connected with an enhanced sexual urge at this time.'

Appendix II

Summary

Under this heading all cases convicted of sexual offences are included. Some types of offender have indulged in sexual activity which is, in general, considered to be abnormal while others have committed offences much more easily regarded as coming within the definition of ordinary heterosexual activity, but which is carried out in such a way that it interferes with the welfare or freedom of choice of its victim. Homosexual, exhibitionist and other offences in which the recognised sexual perversions are concerned are mostly abnormal, while the majority of those that can be classified as offences against women and girls are not. Hence, it is possible to consider the first type, under the heading of abnormal mental states while the second type, offenders guilty of assaults on women and girls, belong to the normal group of offender in the classification that has been used throughout. Nevertheless, as the account given in previous sections will have shown,* the whole group of sexual offenders raises many problems entirely different from those connected with the general offender, and have enough in common to make their separate consideration justifiable.

Editorial Note This reproduces the important 'Summary; Conclusions and Recommendations' from East and Hubert's *Report on the Psychological Treatment of Crime*.

**Editorial Note*: The reference here is to East and Hubert's *Report*, but the comment applies to Norwood East's treatment in this book (see, for example, his footnote on p.24).

In the following three tables various features of the sexual offender groups are given.

Class of offender	Approved for Treatment	Treatment concluded	At Liberty	Re- convicted	Still serving sentence
Homosexual offenders	52	45	44	3	5
Exhibitionist offenders	23	18	14	8	1
Other Sexual Perverts	27	22	16	6	5
Offenders against Women and Girls	22	17	18	3	1
Total	124	102	92	20	12

Shows in more detail how the group is made up.

Class of Offence	No. approved for Treatment	No. investigated
Homosexuality	52	79
Exhibitionism	23	35
Other sexual perversions :—		
Sadism	11	13
Masochism	3	4
Cases allied to sadism	3	4
Cases allied to masochism	2	4
Arson of sexual kind	1	1
Transvestism	2	2
Fetish for female garment	3	3
Fetish for female hair	0	1
Fetish for knives	1	1
Bestiality	0	4
Pornography	1	2
Pygmalionism	0	1
Necrophilia	0	1
Offences against women and girls	22	50
Total	124	205

Attempts to indicate how the cases seen may be dealt with.

Class of Offender	Number of Cases	Psychotherapy	Psychiatric Treatment	Psychiatric Supervision
		<i>Per cent</i>	<i>Per cent</i>	<i>Per cent</i>
Homosexual . .	79	50	10	5
Exhibitionist . .	35	10	30	20
Other sexual perversions . . .	41	30	5	5
Offenders against women and girls . . .	50	15	5	10

In attempting to classify sexual offenders, difficulty arises, in some cases, because of the occurrence of two or more forms of sexual perversion in the same individual. Amongst the sexual perversions proper, about 30 per cent show the practice of a secondary perversion, as well as the primary one. This was lowest in the exhibitionists; even if one confines attention to the type of exhibitionists whose activity is undoubtedly a perversion. The presence of a sexually perverted constitution, which has already been discussed, occurred frequently amongst the sexual perverts, most commonly in the sado-masochistic group, less commonly in the homosexual group, and least of all, in the exhibitionist group. There was a considerable overlap between the exhibitionists and the offenders against women and girls. Many offenders, who at one time practised exhibitionism, also made mild sexual assaults on women and girls on other occasions. A normal heterosexual life may also be carried on as a parallel activity in the sexual pervert; and this was common in the exhibitionist group, but it occurred also—not infrequently—in homosexuals. Amongst the offenders against women and girls, it probably occurred in a similar proportion as in the general population.

As to the frequency of occurrence of various predisposing factors, it was found that on the whole abnormal mental states, of the kind considered in the general offender group,

were an infrequent occurrence. Early senile arteriosclerotic deterioration was a factor in about 10 per cent of the cases of offences against women and girls, and about the same proportion showed subnormal intelligence to be an important factor. This latter factor occurred also in about 15 per cent of the exhibitionists investigated. General immaturity and lack of ordinary emotional development appeared important in the etiology of some cases of homosexuality and exhibitionism, approximately 10-15 per cent; but was notably absent in the sado-masochistic group. Two of the four cases of bestiality, the necrophiliac and the pygmalionist were high-grade defectives, while the knife and hair fetishists were early schizophrenics. About 60 per cent of the homosexuals had a history of seduction in childhood or about puberty by a much older youth or man; nearly all had indulged in some form of homosexual practice at some time before maturity. About half the homosexuals seen were interested in boys only, and another 10 per cent in boys and men; a history of seduction appeared to make little difference to the type or age of male selected as the sexual object, but usually the type chosen was constant for the individual.

As in the general offender group, it is very difficult to know the relationship the group investigated bears to the general prison population. The relative proportions of the different types of offender are certainly very different—for example, the number of men sent to prison in a year for offences against women and girls, is approximately 500, for exhibitionism 400, for homosexual offences 200. The classification used in official statistics which depends upon the sections of the Penal Code, under which offenders are charged does not correspond exactly to the type of offence in the sense in which we are interested. The group here studied has been especially selected from the total group of sexual offenders and cannot be considered to accurately represent them, as a much higher proportion of cases requiring special treatment will certainly be present in our group. A further reason

why it is difficult to give any accurate indication of the numbers of the various types of offender likely to require special treatment in a given period depends upon the fact that the length of usual sentence varies very much in the different groups. As in the general offender group, further experience will show what is required. At present there is certainly enough evidence to show that a considerable number at any rate need further investigations and the trial of more specialised methods.

Conclusions

Psychotherapy as an adjunct to an ordinary prison sentence appears to be effective in preventing, or in reducing the chance of, future antisocial behaviour provided the cases to which the treatment is applied are carefully selected. As, at the most, any treated case in our series can only have been out of prison four years at the present time, while the majority have been at liberty for much shorter periods and some are, in fact, still serving their sentence, it is not possible to show the result of our investigation statistically. We can do no more than present opinions based upon observation, investigation and careful consideration of all the data that have been obtained.

It so happens that a consideration of the numbers suggests that amongst sexual offenders there are more suitable cases than in the adolescent criminal or the Borstal group. In fact, the opposite is the case and treatment should be extended to include many more of these younger groups. In the future additional criteria should be available to determine suitability for psychotherapy and, we believe, its scope can be usefully increased. Primarily, the aim of psychotherapy in prison is, and must remain, the prevention of future criminal conduct, but on occasion, other considerations may apply. For example, a man, through the possibly disastrous effect on his occupational, social or family life of conviction and sentence may, upon discharge, on account of psychoneurotic reaction or a less clearly defined emotional disorder, completely fail to make a satisfactory adaptation to the environment in which he finds himself and to society in general. The possibility that he will once again commit an offence may be remote, but he may prove perhaps an even greater burden

Editorial Note. These 'Conclusions', and the 'Recommendations' which follow (pp. 82-88), were intended by East and Hubert to apply to criminal offenders generally and not only to sexual offenders.

to society than the man who becomes a recidivist in petty crime. Such a case if selected with care may be wisely referred for treatment as a prophylactic measure.

Psychotherapy is, and is likely to remain, a specialised method of treatment usefully applied to but a comparatively small number of disorders. It should only be recommended, whether the disorder of thought or behaviour is likely to lead to antisocial behaviour in the future or not, if previous experience shows it to be necessary, likely to be effective and, considering the particular circumstances of the case, advisable.

It is inevitable that attention was first directed to, and is likely to remain concerned with, those offenders who show in addition to antisocial activity evidence of abnormal mental conditions. The illustrative cases in this Report, however, will have made it abundantly clear that the presence of such an abnormal state does not necessarily imply suitability for psychotherapy. On the other hand, its absence certainly does not necessarily contra-indicate psychotherapy. It is unnecessary to discuss in detail the indications for treatment in each variety of mental abnormality, as, except for the additional complications furnished by criminality which have already been considered, they are articles of common psychiatric knowledge; their presentation would be redundant for the technical and superfluous for the lay reader . . . Unfortunately, enough material is not yet available to justify any attempt at differentiating and describing the group or groups into which suitable cases could be classified. At present it is only possible to determine suitability by assessing carefully the features shown by the individual offender . . .

It would be both inaccurate and misleading to suggest that the psychiatric approach to crime is limited on the one hand to the care and treatment of severe degrees of mental disease or defect, and on the other to the comparatively small group who are likely to respond to specialized psychotherapy. The only justification for confining the psychiatric treatment

of crime to the use of psychotherapy would be if it could be shown that this method was able to solve the problems presented by all offenders showing mental abnormality or resistance to present penal methods. This is certainly far from the case. Moreover, the practice of psychotherapy as a speciality divorced from general psychiatry may lead to diminished efficiency and unwieldy development of the method itself and unnecessarily limit its scope. The development of the more modern methods of psychotherapy depends upon the analysis of past experience and morbid reaction in terms of thought, emotion and behaviour during the period of treatment and the application of a special technique, rather than upon the use of undifferentiated personal influence or simple interpretation. There is reason to think, therefore, that the future development of psychotherapy may be closely connected with the continuous, detailed, and expert observation and study of behaviour and the control, and modifiability at will, of the total environment of the patient during treatment which only psychiatric supervision can supply.

Moreover, it is more than probable that skilled direction, management, specialized training and other general psychiatric methods of treatment are applicable to a very much larger number of cases and to a wider range of conditions than is psychotherapy alone. In addition to this, the psychiatric approach can aid in the prevention of crime and the general public welfare in ways which amend conduct without necessarily effecting any moral change in the offender. When the particular circumstances indicate it, psychiatric supervision and care during the period of detention should not be withheld because it is not likely to reduce the chance of crime on discharge. More important than this, study of the hereditary and environmental causes of crime and investigation of the special disorder of behaviour found amongst criminals may produce far more valuable results than could be obtained by confining attention to the reformation of any particular individual.

These arguments, and the fact that the psychiatric treatment of convicted prisoners at the prison observation centres has been limited by circumstances, suggest strongly that the efficiency of the prison system and the satisfactory advance in criminology could be aided by the creation of a special institution for the care, study and treatment of a selected group of criminals. This investigation points so emphatically to this conclusion, and the progress of psychotherapy in prison is so closely connected with it that it will not be irrelevant to consider it rather more fully here.

The purposes to be served by such an institution would need careful definition and expert supervision of admission. Otherwise it would soon be rendered useless and, in fact, unworkable, by a flood of unsuitable material, for there would be a natural tendency to refer to the institution any case which presented a problem to the public conscience, judicial authorities and others, and many would be found to be quite inappropriate for disposal in this manner.

Cases requiring psychiatric treatment would form the most important group and would include those suitable for (1) psychotherapy alone, (2) psychotherapy combined with more general measures of psychiatric treatment and training, or (3) the more general measures alone. The second group would consist of those cases who require observation and investigation because of the presence of features that are unusual, abnormal or the subject of special lines of research. The third group would consist of those who, for other reasons, need the care of a special institution. In general, this latter group would consist of those for whom the institution could supply an environment more suited to their individual requirements than the observation section of an ordinary prison. For example, many offenders whose sentence is preventive and others whose behaviour during sentence is very abnormal would be much more satisfactorily dealt with in such an institution than under ordinary prison conditions although no more than employment and supervision might be practicable.

Just as the group suitable for psychotherapy does not correspond exactly to the abnormal group and includes also many cases outside it, so does the group suitable for a special institution differ in a comparable way. Both must be selected only on the grounds that a useful practical purpose is served. Not infrequently, in spite of the fact that an abnormal state is present, no advantage would be obtained by transfer to the special institution. For example, length of sentence depends on the severity of the crime, number of convictions and other factors which have no bearing on the requirements of the offender when in prison, and thus it may prove too long or too short for useful psychiatric treatment. Again, in many cases showing minor mental disease, defect or other abnormality the circumstances and type of the offence are such that to use this alternative to the ordinary prison sentence would be unnecessary, impracticable or against the best interests of the individual. Further, the criminal record and the type of criminal and general behaviour shown will often be as important a reason for special treatment and investigation as is the presence of abnormal mental states which may be sometimes quite irrelevant.

Selection of cases for this special institution would be considered during (1) remand on bail, (2) remand in custody, (3) the course of a Borstal sentence, (4) the course of a prison sentence. It is probable that at first selections made during (3) and (4) would predominate as more time would be available for observation and investigation. Cases selected during (2) should present little difficulty, but it is highly important that selection during (1) should be made by experts familiar with the requirements the institution is designed to fill in the prison system. Cases found unsuitable for the institution should be transferred to other penal institutions and every effort should be made to make the institution a specialised part of the prison system and in no way isolated from it. Complete separation between the adult and the younger age groups in the institution would be essential, and also the prevention of contamination of the more recent by the more persistent offender within each group.

Recommendations

We should state at the outset that this investigation was in no way concerned with the ordinary psychiatric examinations necessary to determine the criminal responsibility of an accused person on trial, in which prison medical officers are recognised experts. Moreover, it is hardly necessary to state that a decision as to the correct course to be followed in combining the best interests of the prisoner with the general welfare of society is entirely the concern of the judicial authority. Our purpose, in this connection, is but to assist this decision by furnishing as much evidence as possible relevant to the problems involved; the province of medicine cannot properly extend beyond this.

Offenders on bail or probation.—We regard the prevention of crime as a problem in social hygiene and we consider a decision in regard to the suitability for psychotherapy of an offender on bail, or for his treatment whilst on probation, should only be undertaken by approved medical experts. We have already indicated that in this field enthusiasm not uncommonly outruns discretion, and it would be a great misfortune if the psychiatric approach to crime became discredited by irresponsible exponents unaware, perhaps, of the complexity of the problems involved. Moreover, we have no doubt that for some time to come offenders will be recommended for psychotherapy who prove to be unsuitable, and we have already called attention in the illustrative cases to the veritable danger of psychotherapy in certain subjects. We believe, therefore, that the above precaution is indispensable.

While we believe that the use of psychotherapy on probation may be extended there seems no justification for the opinion that this alone will solve the problem of the offender who requires the application of special methods.

Treatment under this condition if too widely applied would not only unduly strain the social conscience and threaten the general public welfare, but also the very reasons which make the offender an exception to the general rule and in need of a special approach count in many cases against the success of treatment on probation.

Abnormal personality types, and cases who combine other morbid reactions with antisocial behaviour, especially if ordinary re-educative and reformative influences have already failed, are likely to present particular difficulty in the probation situation. This method should be confined largely to first offenders, to cases in which the offence is a comparatively minor one and where experience has shown psychotherapy on probation is likely to be more effective than the use of probation alone. It should not be used as a make-weight in favour of probation rather than imprisonment.

Probation, with the condition that the offender must reside for a certain period in a mental hospital, nursing home or place approved for the purposes of the Mental Treatment Act, should be helpful when dealing with certain types of offender. It would be particularly valuable for those cases who through incipient mental disease are in need of institutional care apart from the fact that crime had occurred.

In considering the type of institution in which the abnormal or unusual offender can be investigated and treated the fact that many show personality characteristics and forms of behaviour which make supervision and control far from easy must be borne in mind. The view sometimes put forward that the undisciplined and importunate offender should be treated in institutions with the freedom and limited discipline of the ordinary hospital would invite disaster if put into practice.

The help which can be given by existing clinics is limited, and it is important that further provision should be made for cases where an offender is remanded on bail for investigation of his mental condition, and where an offender is placed

on probation with the requirement that he is to submit himself to mental treatment; otherwise there will be a danger that for the sake of securing an expert medical examination or expert medical treatment the courts may commit to custody persons who could properly be examined on bail, or treated on probation, if facilities were available for such examination or treatment by medical men who have had experience of this particular problem.

We have carefully considered whether the Home Office ought to be empowered to set up in London and perhaps one or two of the large provincial cities psychiatric clinics for these purposes. A clinic under Home Office administration would allow the general information acquired by the Home Office and prison authorities in dealing with abnormal offenders to be available at the clinic, and also free interchange of views between the medical staff of the clinic and institution to which we refer . . . * There are, however, so many objections to this proposal that we do not feel justified in making any recommendation in the matter.

We suggest that in districts where suitable psychiatric clinics are not available and the Home Office has a prison, its medical officer should be available for the examination of persons remanded on bail for investigation into their mental condition, and that if Parliament authorises remand centres under the Home Office for young persons as suggested in the Criminal Justice Bill, the medical officer attached thereto be available for the same purpose.

We believe that if Local Authorities generally established psychiatric clinics and they were made available for persons on bail or probation, a material advance would be made in these directions.

Offenders requiring detention.—A sentence of less than six months is generally insufficient for psychotherapeutic treatment in prison since there is an inevitable delay in ascertaining whether the offender is a suitable case for such treatment

**Editorial Note:* See the four paragraphs on p.85.

and the sentence is curtailed on account of the remission earned by good conduct. We should like to see cases for prison treatment sentenced for six to twelve months' imprisonment, and we believe it would be advantageous to our purpose if a court of summary jurisdiction had power to impose longer sentences than they now possess. For example, a sentence of three months' imprisonment for indecent exposure is usually insufficient to enable the psychotherapist to effect a material improvement in future conduct.

*We believe that the most satisfactory method of dealing with abnormal and unusual types of criminal would be by the creation of a penal institution of a special kind. Briefly, this would serve four functions. First, as a clinic and hospital, where cases could be investigated and, if necessary, treated by psychotherapy and other means, and their disposal decided on. This would serve, also, as a centre for criminological research, and also for co-operating the various aspects of prison and after-care organisation.

Second, as an institution in which selected cases could live under special conditions of training and treatment. Many cases who proved unsuitable for, and unmodified by, the re-educative and re-habilitative influences of the modern prison system would be allocated to this section. Its aims would be, by the application of psychiatric experience, to achieve alterations where future behaviour is concerned.

Third, as a colony in which a further type of offender could live, who had proved himself quite unable to adapt himself to ordinary social conditions but for whom reformative measures, however specialised, seemed useless and the severity and hardship of ordinary prison life inappropriate.

Fourth, as an observation and treatment centre for Borstal lads who because of mental abnormality appeared unsuitable for, or had failed to respond to, ordinary Borstal training and for various reasons were considered unfit for early licence.

. . . An attempt was made† to summarise the psychiatric aspects of the cases who might be selected for this institution. While there are certain objections to combining together these various units, the advantages, particularly those resulting from centralisation of management and investigation by a skilled staff, in our opinion outweigh them. The medical staff should be psychiatrically trained, with additional experience of criminology, and the superintendent should be a prison psychiatrist.

For the successful administration of such an institution certain facts will require attention. We have already stated that the abnormal or unusual offender frequently shows personality characteristics and forms of behaviour which make supervision and control far from easy. Further, the inmates of the institution will not be insane or mentally defective and are not to be encouraged to malingering mental illness or to regard themselves as irresponsible mental invalids. They should be liable to such discipline as may be required, and if they refused to co-operate in treatment and abused the privileges and ameliorations of the institution, should be, if necessary, returned forthwith to an ordinary prison, and if they misconducted themselves should be subjected to disciplinary awards. Moreover, prisoners who are transferred from prison to the institution and are found unsuitable for treatment should be returned to an ordinary prison if no practical purpose is served by retaining them in the special institution.

The psychological treatment of crime is in its infancy and as we have already pointed out, we must accept the fact that medical experts, for some time to come, will recommend unsuitable cases for treatment. We therefore do not consider a sentence of detention in a special institution for psychological treatment is practicable until a great deal more experience is gained in the matter. Perhaps not even then,

†*Editorial Note*: Under 'Conclusions' pp.77 f.

for on certain occasions such a sentence would detain a prisoner for a longer period than would be appropriate, and if he misconducted himself seriously in the institution it might be necessary to transfer him to an ordinary prison although sentenced to a special form of detention. We do not think this could be justified in the present state of medical knowledge or public opinion.

We consider a new institution for convicted offenders under the administration of the Prison Commissioners is required. At the present time no establishment is available, for the purposes we have set out, which is suitable in locality, buildings or land for cultivation. We recommend this institution be provided. *

The present investigation deals with men and youths only, and our conclusions can only be applied with considerable reservation to women and girl offenders. We have no doubt, however, that our experience justifies the appointment of a woman psychotherapist to a women's prison and we recommend an appointment be made.

Whilst we recommend close co-operation be maintained between the prisons and the special institution we attach much importance to any extension of the psychiatric and psychotherapeutic service to prisons and Borstal institutions being centralised as much as possible. Not only will this further develop, but it will promote scientific study by collecting case material together instead of allowing it to remain scattered in different centres.

**Editorial Note:* The Prison Commissioners have decided to implement these proposals. Sir David Maxwell Fyfe said in the House of Commons on the 19th July, 1954 "The proposed institution will be within the prison system and under the control of the Prison Commissioners. This prison will be the first of its kind in this country. It is commonly referred to as the East-Hubert Institution, from the names of the two psychiatrists who recommended in 1939 that it should be set up. It is intended to provide for the care, study and treatment of selected groups of defined classes of prisoners. The larger proportion of these would probably require active psychiatric treatment, but others would be included who are unsuitable for the observation wings of ordinary prisons, or for research purposes. No one would go there who is certifiable as insane. The prison will accommodate about 300 cases. There will be provision for both men and women, and for Borstal boys and girls."

Statutory changes, administrative efforts and enlightened public opinion in recent years have enabled great advances to be made in the prevention of crime and in the treatment of the ordinary offender. We believe that if our recommendations are implemented it will be possible for psychiatric medicine to extend further its usefulness in similar directions, particularly in regard to offenders who are mentally abnormal.

Postscript

Desmond Curran

MANY years ago, Havelock Ellis criticized the term 'sexual perversion' on the grounds that it arose at a time when any departure from generally accepted or supposedly normal sexual behaviour was regarded as a sin or a crime, or at least as a vice. He advocated the substitution of more neutral terms, such as anomaly or deviation, and drew attention to their frequency. More recently, the well-known Kinsey reports have emphasized the very wide range of human variation that exists in the sexual, as in the other spheres, of human activity. In summary, the available evidence increasingly goes to show that there is no sharp dividing line between sexual 'perversions' and normal manifestations of sex. It is not therefore possible to define with any precision what is meant by the term sexual perversion.

It has been suggested that a true sexual perversion might be regarded as a sexual activity in which complete satisfaction is sought and obtained without the necessity of heterosexual intercourse. It must be persistently indulged in, preferably in reality, or at any rate in fantasy, and must not merely be a substitute for a preferred sexual activity which, for some environmental reason, is difficult to obtain. Ordinary forms of masturbation are therefore excluded. But what about major or minor forms of deviation from the normal, preceding intercourse and designed to achieve intercourse? Minor degrees of sadism and masochism are, for example, admittedly frequent components of the sexual impulse. The same is true of sexual fetishisms. We all know that some gentlemen prefer blondes to brunettes. There are all gradations between general preferences of this type and the specific focusing of attention upon components or adjuncts which to

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the ordinary man are of secondary importance, or of no importance at all. 'There is almost no feature, article of dress, attitude, act', Stanley Hall declares, 'or even animal or perhaps object in nature, that may not have for some morbid soul specialized erogenic and erethic power'.

In practice, the essential issue is not the apparent abnormality or perversity of the sexual manifestation but its dominance. The sexual pervert may therefore, from the clinical point of view, be defined as an individual who shows an undue persistence or dominance of what for the majority would, at most, constitute a minor sexual component or urge.

Etiology

The origin of sexual anomalies or perversions must be sought (a) in our biological make-up and (b) in special experiences that have tended to reinforce or to deviate innate tendencies of constitutional origin which are of varying strength in each individual.

East and Hubert (1939) point out that sexual impulse starts as an undifferentiated urge. The earliest form of sexual activity is usually auto-erotic—probably at first a purely mechanical one. Largely by chance, various linkages and fantasies will develop around the pleasure aroused. These may occur in association with persons of the same sex or of the opposite sex, or, in some cases, with some animate or inanimate object. Further elaboration may take place in connection with any of the emotions that may arise between human beings. Hence sexual emotions may become associated, in fact and in fantasy, with the infliction or experience of cruelty, or with other experiences such as excretion, exhibitionism, dressing up and so on. It thus comes to pass that each individual develops his own individual sexual pattern, and many can remember the association in their childhood or early youth of an early sexual arousal with an episode or experience that played an important part in the shaping of this pattern.

Frequency

The variety of sexual patterns that arise in this way has the result that sexual anomalies are very frequent. The more one knows about a patient the more often does one find this, especially in men, owing presumably to their greater susceptibility to indirect psychological arousals than women seem to possess. The incidence of sex perversions depends upon what is included. If all minor anomalies are included the incidence is very high, but, as has already been pointed out, the essential practical issue is not the apparent abnormality or perversity of the sexual manifestation, but its dominance. Taking this as the criterion, sexual perversion as *the primary problem* forms a very small proportion of ordinary psychiatric practice, if I can take my own experience as representative.

I find that in a series of 4,000 patients seen in private practice, the incidence of sex perversions was as follows. These figures exclude the many cases with sexual anomalies as an incidental finding or, as I thought, as a factor of secondary importance.

Exhibitionists	7 cases	All on a charge.
Fetishists	5 „	None on a charge.
Transvestists	5 „	1 on a charge.
Sadists and masochists	12 „	3 on a charge (2 for homosexuality and 1 for exhibitionism).

Total: 29 cases. On a charge: 11 cases. All were men.

In the same series of 4,000 cases, and adopting the same criteria, I had 71 cases of homosexuality, 23 being on a charge. Only two of these 71 cases (neither on a charge) were women.

The experience of psychiatrists working in the Prison Medical Service is of course different. Thus, Taylor (1947) found that sexual offences constituted 5.9 per cent of admissions to Brixton in one year: exposing person 98 cases, in-

decent assault on females 78 cases, carnal knowledge or attempts 23 cases, indecent assault on males 39 cases, importuning 24 cases, unnatural offences against males 33 cases.

Sexually Perverse Activity as Symptomatic of Disease

As might be expected, an unusual component or tendency in the sexual life that does not unduly intrude, or can be dealt with satisfactorily, when the subject is in a good state of health, may become unmanageable, or a source of grave concern, when the health suffers from whatever cause.

In order to connect physical or mental disease with sexually abnormal behaviour, however, especially when this has led to legal difficulties, it is essential to look for and to obtain evidence of other symptoms of the disease in question *preceding the act*. Minor physical abnormality is usually coincidental and not causal. Naturally, a man on a charge is apt to be depressed, to sleep badly, to lose weight; but this is often the consequence of being caught, and all that may involve, and not the cause of the behaviour. It is reasonable to be sceptical of sexual abnormality as symptomatic of disease when it is the only symptom or manifestation of disease that can be brought forward. This is not of course to suggest that the exhibition of abnormal sexual behaviour may not be mainly due to, and best regarded as, the result of disease; but evidence of disease must not be expected as either necessary or even probable. The majority of sexual perverts are perfectly healthy people.

Organic 'release' cases.—An obvious example to the contrary is the exhibitionism before young girls performed by early cases of arteriosclerotic dementia or senility. The onset of abnormal sexual practices or impulses occurring for the first time in the later decades of life should always suggest such an origin. Sometimes a life-long history will be forthcoming of impulses which, before the onset of the dementia, were kept in good control, or there may merely be a history of a greater discretion being exercised. In other

cases, however, the most careful history fails to reveal any obvious evidence of abnormality prior to the act. This is a further argument in favour of the ubiquity of abnormal sexual tendencies. The same effect can of course result from organic cerebral disease occurring at an earlier age, e.g., in post-concussional syndromes after head injuries. In assessing these organic reactions it is well to remember that in many cases significant changes in personality of organic origin and type may occur without much memory impairment.

Other psychiatric syndromes.—Occasionally such manifestations as exhibitionism or sadism can be the first presenting symptom in schizophrenia. In some of these cases the diagnosis can present great difficulty when florid manifestations of schizophrenia are absent. Depressives or melancholics often come complaining self-reproachfully over some sexual lapse in the past. Many have at some time indulged in strange sexual activities as well as thoughts. For example, a most worthy middle-aged spinster felt very guilty over having once used her goldfish for masturbatory purposes; the topic for self-reproach was not the cause of the depression but the consequence. The power of inhibition or self-control can also be reduced as the result of minor nervous or functional disorders, and factors of this kind had I thought played a variably important part in perhaps seven of my 29 cases. These cases had all shown sufficient persistence and severity of symptoms to justify a psychiatric diagnosis, whereas the remaining 22 did not, I considered, so qualify and were only mildly worried or not at all.

Prognosis and Treatment

One of the major difficulties was put to me by a very intelligent patient who said 'Since I was up before the magistrate a fortnight ago I have been thinking over my problems a great deal. It seems to me mine differs from other medical condi-

tions—if it is a medical condition—because it gave me pleasure’.

The first question must therefore be to what extent is the individual willing to renounce pleasure and how much does he genuinely desire to change, or at least to control, his sexual abnormality. Some clue to the answer can be found in the reasons why the patient came at all. I think the most hopeful groups are: (1) Those who come because they are genuinely concerned about a minor, although perhaps an alarming or unusual, component in their sexual life. I had seven cases of this type in this series. All were young men who had only infrequently indulged in masturbation with abnormal fantasies. (2) Patients with reasonably good personalities who showed genuine anxiety or shame of whatever origin; and the origin of perfectly genuine remorse may be a charge. It is striking, for example, how many exhibitionists keep their difficulties in a compartment in their minds and do not face them openly until some episode, such as conviction, brings them up with a sharp turn. As Dr. Johnson put it, ‘Where there is shame there may yet in time be virtue’, and, although this may sound old fashioned, it is, I think, a valuable psychiatric maxim as regards the probability of better control in the future.

The prospects of a cure in the sense of a complete cessation of the abnormal sexual impulses is usually most remote, but when the main trouble arises from a mixture of ignorance and conscientiousness, as the result of undue concern over a minor anomaly, simple reassurance and explanation may be all that is required. In such cases it should be pointed out that sexual anomalies are very common and that the main thing is not whether they are unusual but whether they are dominant. It is then necessary to add that it is easy for habit formation to occur in the sexual, as in other spheres, and that the longer these habits persist the more difficult they are to break. Consequently the more each individual permits himself indulgence in abnormal sexual fantasies, the more

likely are these fantasies to grow and to possess an increasing grip. In addition, it may be pointed out how important it is for everyone to lead sensible lives that provide satisfactory opportunities for healthy outlets and activities; many will readily admit that indulgence in masturbation, with or without unusual fantasies, was often a relief from boredom.

There is, too, a definite place for sedation in the treatment of these sexual difficulties. For example, a number of young men are troubled only periodically by an uprising of their sexual impulses before they go to sleep and a rapidly acting drug, such as 'nembutal', may be a great consolation and help.

Finally, it can be urged, there is a place for self-control and self-restraint and that much will depend upon how far these can be exercised voluntarily.

The prognosis becomes increasingly dubious with age and persistent indulgence, especially when practised or indulged in with others. Commonsense discussion of difficulties, however, can be of help. The risks can be pointed out of, for example, exposure to special situations that tend to stimulate and hence to increase any particular desire. The danger of drink must be specially stressed, and the danger in certain cases of going about alone in the evening, especially when under the influence of alcohol. If certain cases cannot be changed, at least they can sometimes learn to be more discreet. As Taylor has pointed out, however, in a valuable paper dealing with exhibitionism, each case must be judged on its own merits both as regards the personality of the individual and as regards the environment in which he customarily lives, and the circumstances in which the particular offence occurred. It is interesting that, according to Kinsey, exhibitionism must be practised very often, with relatively little chance of being caught, and also it would seem with relatively little ill-effect on the victims unless the family are unduly concerned about it. In 98 cases, Taylor found that 76.7 per cent had no previous conviction and raised the ques-

tion whether the effect of prison is not a strong deterrent. It may be of interest to add that I have yet to meet an exhibitionist who sought medical advice before being charged. This is, I think, the general psychiatric experience.

Whilst discussion of difficulties with some competent person who is well informed on sexual matters can be of help, what finally can be said of the value of prolonged psychotherapy or analysis in sexual perversions? A foolishly simple view is prevalent that all mental abnormalities are due to some repressed complex, a sort of mental abscess which, if tracked down and evacuated, leads to cure. Although, as mentioned above, it is often relatively easy to trace some sexual perversions back to some of their origins, what has subsequently happened appears to be a sort of 'conditioning' process and the discovery of the original episode does not by itself lead to cure. It would seem that those with most experience are reserved in their views of the value of prolonged psychotherapy or analysis in these sexual problems. It would also seem unlikely that if success had been achieved by these methods they would have gone unrecorded to such a striking extent. East and Hubert in particular issued a warning as to the possible danger of analysis, because of the frequent association of sadism and homosexuality with other perversions, and of the consequent risk of releasing strongly aggressive sadistic tendencies by injudicious treatment in the course, for example, of the investigation of a harmless fetishism. Whilst this may be true, it is reasonable to reassure the majority that any indulgence in antisocial activity is within their control.

Summary

(1) The frequency of abnormal, in the sense of unusual, sexual impulses must be recognized.

(2) There is no sharp dividing line between sexual abnormality and the normal manifestations of sex.

(3) The essential practical issue in a given case is not the abnormality of the sexual impulse but its dominance.

(4) As the primary problem, sexual perversions form an extremely small proportion of ordinary psychiatric practice.

(5) The fact that the indulgence in sexual activity of any kind gives pleasure naturally makes the treatment of sexual abnormality one of particular difficulty.

(6) A number of young men are unduly perturbed owing to a mixture of ignorance and conscientiousness concerning the minor sexual anomalies they may show.

(7) The desire and capacity of a patient to co-operate are of great importance in treatment and prognosis. The better the personality the better are the chances of self-control as regards manifest performances.

(8) So far, relatively little can be claimed for intensive psychotherapy or psychoanalysis. In varying degrees, however, help can be given to aid patients in achieving a better adjustment and management of their difficulties as the result of psychotherapeutic discussions.

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Epilogue

Clifford Allen

IN OUR opinion the paraphilias, or perversions, are as capable of treatment as any other neuroses. There appears to be no inherent reason why a sexual neurosis should not be as treatable as any other neurotic illness except that it may provide pleasure which forms a secondary gain and causes the physician more trouble; yet such a gain is not unknown in other neurotic illness and is as frequently overcome. Where, of course, the patient does not wish for cure it is just as impossible to treat him successfully as it is to treat an unwilling neurotic.

The Potential Offender

The prognosis of those who cannot afford private psychotherapy or obtain treatment at a psychotherapeutic clinic is very poor indeed. It may be instructive to examine the usual course of someone suffering from a sexual neurosis who cannot obtain some form of analysis. The young man, it is usually a young man, will discover in early manhood that he is definitely abnormal; perhaps his neurosis is one forbidden by law and so likely to lead to conflict with the police; certainly dangerous to his marital happiness if he ever finds a mate. Frightened by his discovery he visits the psychiatric out-patient department of a general hospital. There he is seen in the hurly-burly of neurotics and psychotics. He is forced to discuss his problems, often of a most intimate kind, before students, sometimes of both sexes. If the psychiatrist is honest he may be referred to a special clinic which treats patients by deep psychotherapy. Even at such a clinic he will fall into the hands of a psychotherapist who is more familiar

Editorial Note: This contribution is reproduced from the *Sexual Perversions and Abnormalities* by courtesy of the Oxford Medical Press.

with the treatment of neurotics (who are more numerous than paraphiliacs) and who may find him technically very difficult to treat. If the psychiatrist at the hospital is not particularly honest he will refer the patient to a clinical assistant, that is, one who is learning psychotherapeutic technique, and he will 'treat' him. This is manifestly impossible considering the pressure of work, the constant interruptions, and the imposing difficulties of doing so at an out-patient department. The patient, feeling that he must persevere as his only chance of recovery, may drag on wasting his time and money, until he feels that nothing is resulting. Finally he becomes cynical and gives up, only to relapse and perhaps fall into the hands of the police.

If such a patient comes into conflict with the police he will be treated by the officers with the greatest kindness† (a policeman sees too many abnormals to feel himself justified in showing hostility), but naturally the law must be administered. He is charged and goes before the judge or magistrates. If he is proved guilty he will be given a long homily on the gravity of his behaviour, the doctor will be gravely thanked for telling the court that the prisoner is ill and in need of treatment, and the judge will assure everyone (his own doubting self included) that adequate treatment will be given in prison. A sentence of anything from adjournment *sine die* to fifteen years will then be passed . . .

The Patient in Prison

Now it is of interest to examine exactly how many patients are treated in prison. Well may the *British Medical Journal* lament that 'the numbers are still very small'. In fact they are infinitesimal, considering the number of patients sentenced. According to the *Report of the Commissioners of Prisons and Directors of Convict Prisons for the years 1942-4*, in 1943 seventy male prisoners were referred for investigation *but only eighteen were given full courses of treatment*. Eighteen out of 3,392 persons found guilty of sexual offences,

†*Editorial Note*: One occasionally hears reports which suggest that not every policeman is deserving of such confidence and commendation.

and of these eighteen a large percentage suffered from neuroses other than sexual ones. Yet judges complacently promise that necessary psychological treatment will be given in prisons.* By pointing out these facts no criticism of the prison psychotherapist is suggested or implied . . . Incidentally it must not be thought that the minute number of prisoners treated in prison was due to the war. This treatment was not commenced until 1939 when Norwood East and Hubert published their report on psychotherapy in prison.

Summary

It is felt that the suggestion which we have made above, that the prognosis of the paraphiliac who cannot afford private or psychotherapeutic clinic treatment is somewhat gloomy, has been justified by the facts which we have given.

It might be objected that it is easy to make destructive criticism but what constructive measures might be taken? We would state definitely that it is most necessary to establish a clinic where patients suffering only from sexual

**Editorial Note* : The Home Secretary, Sir David Maxwell Fyfe, stated in the House of Commons on 16th March, 1954 that: 'The number of prisoners convicted of offences of a sexual nature who were under regular treatment by a visiting psychotherapist for a period exceeding six months in the years 1951, 1952 and 1953 was 25, 26 and 27 respectively.' However, the Joint Under-Secretary of State for the Home Department, Sir Hugh Lucas-Tooth, said in the House of Commons on 28th April, 1954, concerning homosexual offenders: 'What medical science can do for those prisoners who are willing and able to be helped by psychological treatment is done today . . . Visiting psychotherapists have been appointed at certain prisons. Prison medical officers elsewhere submit to the Prison Commissioners the names of any prisoners serving substantial sentences whom they think are likely to benefit by treatment from such psychotherapists with a view to transferring the prisoner to a prison where the treatment will be available. There is a scheme for prisoners who are serving sentences which are too short for transfer to be effective, to be seen by visiting psychiatrists from regional hospital boards, and the treatment is often started with a view to continuation after release from prison. Finally, the Prison Commissioners propose to build a special establishment for mentally abnormal prisoners, and sexual cases and homosexual cases would certainly be included among those. We do what we can for those who can benefit, but those who can benefit are a minority. Psychotherapy cannot be imposed upon an unwilling person. It is essential, if it is to be effective, that the person should have a good intelligence and a genuine desire for a cure. Where these conditions exist great benefits can result from treatment and if complete normalcy cannot be restored, at any event a considerable measure of adjustment can be achieved. But there are many offenders who are unwilling or not sincere in their desire to be cured, and for them psychological treatment is useless.'

neuroses could be treated.* This would give the advantage that such cases would be under psychotherapists who were familiar with them and skilled in treating such conditions. There should be a hostel attached so that patients could come from all parts of the country and live there, with proper supervision this could be beneficial since recovering patients always inspire those who are just starting treatment with the hope and desire for cure. It is believed that such a clinic is necessary, not only for treatment but for research. The great necessity is for us to know more of the causation, nature, and cure of sexual neurosis.

**Editorial Note* · This differs somewhat from East and Hubert's proposals, which were concerned with offenders on bail or probation, and offenders requiring detention. See also *Editorial Note*, p.77.

