

MENTAL HYGIENE

# Night Club Patrons Cry "Criminal" at "Peeping Toms"

## Conflicting Attitudes Toward Sex Complicates Matter Of Sex Crimes; Certain Types Require Medical Care

"IS THERE such a thing as a sex criminal?" Dr. Karl M. Bowman, Bellevue Hospital psychiatrist, put this question to the Mental Hygiene Conference in New York City.

"'Peeping Toms' are looked upon as terrible sex criminals," he said, "yet many of those who are so upset at such types of sex criminals will go to night clubs and spend large sums of money to see nude women dancing about in a very suggestive fashion. These same persons would become very excited, however, if some individual happens to be caught peering through a window while a girl is undressing."

This contradiction and many others in our attitudes toward sex make the problem of sex behavior extremely diffi-

cult and complicated, Dr. Bowman told the symposium on "The Challenge of Sex Offenders" under the auspices of the National Committee for Mental Hygiene.

Concerning birth control, one religious group believes that a marriage in which birth control is practiced is abnormal and perverse—other groups hold it to be normal and natural, Dr. Bowman said.

In Massachusetts, a birth control clinic, staffed by reputable physicians, has been giving advice to married women. The lower court has found these doctors guilty of law violation. They will be regarded by some as sex criminals; by others they will be regarded as martyrs.

Reformatory for girls hold a large number of sex offenders. In similar in-

stitutions for boys, the number of sex delinquents is nothing like so high. This is not because the girls behave differently from their brothers, but because the girls are considered as criminals while the boys are merely thought to be "sowing wild oats."

It is known that severe punishment and frightening of small children for sex behavior is likely to do more harm than good. The child becomes distrustful of everyone, and may even bring imaginary accusations against an innocent person. Every psychiatrist is familiar with this situation. Yet probably no jury would ever accept the word of a man accused of sex misbehavior against the word of a small child.

Ideas about what constitutes sex crime vary greatly where the standards of civilization are different, but still there are some definite types which the psychiatrist is able, usually, to pick out and from whom the public requires protection, Dr. Bowman said.

Some men, when they become senile, become roused sexually by small children upon whom they make sex assaults.

Sleeping sickness may lead to an alteration of personality in which the sex drive is increased and control lessened.

Epileptics may have clouded spells in which they may attack another person, sometimes in a sexual fashion.

Organic brain diseases such as general paresis may lead to sex abnormalities.

Feeble-minded individuals are lacking in self-control although they are not more likely to be abnormal sexually than persons of normal or superior intelligence.

Neurotic persons may also cause trouble because they feel driven to hide or compensate for a natural weakness in aggressive acts.

### Legal Traditions Impede

America's laws themselves stand in the way of proper handling of sex criminals.

The whole legal tradition of America is to "Let the punishment fit the crime." This prevents the courts from dealing with the individual instead of the crime. It ties their hands if they wish to keep the potential criminal from perpetrating attacks on innocent and helpless persons.

The fault is not entirely with the laws, but with the attitudes of the public who have been brought up in the tradition of punishments balanced against the magnitude of the crime, it was emphasized by Dr. Winfred Overholser, Superintendent of St. Elizabeth's Hospital for mental diseases, Washing-

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ton, D. C. Only recently have people recognized the need for studying the individual and varying the sentence to fit extenuating or aggravating circumstances. Even now, if a man takes your money and it happens that you have less than \$50 that is called petty larceny and he is guilty of misdemeanor. If you have \$51, although his intent is exactly the same, the crime is grand larceny and the sentence is entirely different.

#### Laws Forgotten

The courts do not use the machinery they already have for examining the mental condition of those who come before them for judgment, Dr. Overholser charged. In Massachusetts, where the law provides that the judge may ask for mental examination in any case before pronouncing sentence, in only about 35 cases per year has such an examination been made. If it were not for the Briggs Law there, under which certain classes of offenders are automatically referred for examination, it is likely that relatively few would be examined by psychiatrists. The Briggs Law is eminently successful, and should be copied wherever possible, he said.

It should be possible, and in many places it already is possible, for any judge before passing sentence on a convicted man to obtain the advice of psychiatrists regarding the treatment necessary before that man is fit to return to society. So far the New York City

Court of General Sessions is probably the only court in which all convicted felons are referred to the clinic.

Not all sex criminals are mentally abnormal, Dr. Overholser emphasized. But no sex crime is trivial from a psychiatric viewpoint. The man who is sentenced five dollars as a "masher" today is one who may be guilty of assault or murder tomorrow. Any person guilty of a sex attack on a little child or a sex attack with violence is a potential murderer and should be handled accordingly, he warned.

#### No Menace

The seriousness of the present "wave" of sex crimes was discounted by these experts who have been dealing with the problem over a period of years.

"Civilization is not being menaced," Dr. Edward A. Strecker of the University of Pennsylvania reassured the meeting. "It is doubtful that there is an actual increase in the number of these sex offenses. Indeed, it seems likely that at certain times in history, they were more prevalent.

"There is no place for sickly sentimentality in dealing with this problem. But the line of demarcation between normal and abnormal sexual manifestations is often quite faint and abnormal sexuality has its representation in miniature in normal sex life.

"It is the duty of the law to protect the public. It must continue to do that.

"But over and above this there should be an effort in the direction of better understanding. Prejudice and intolerance should not be permitted to becloud constructive judgment."

The practical problem of what to do with those offenders for whom the safety of the public demands confinement, was discussed. Psychiatrists agree that medical science can do little to relieve the condition of the true sex pervert. They do not want to be cured, and the physician can do little to aid the man who wants to be ill.

If sex offenders are placed in prison along with other criminals they magnify the problems of the administrator of such institutions where sex problems are already causing difficulty, it was pointed out by the Hon. Austin H. McCormick, Commissioner of Correction of New York City.

Science News Letter, November 27, 1937

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