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THE “NEED” FOR THE MORAL INSANITY DIAGNOSIS

Moral insanity is the most durable concept in criminological thought. The first person to write about it did so in the late 18th-century, and today neuroscientists are deep into research on the same phenomenon. The terminology of moral insanity has changed frequently over this 200-plus year period, and the connotations have changed as well; but the core idea persists. The question is, Why? Why does this concept persist?

Moral insanity names a condition of utter amorality, one in which the criminal is incapable of regrets or reformation but rather, despite punishment, will offend again and again. Almost as soon as the concept was first formulated, opponents started complaining that there is no such thing as moral insanity (or psychopathy, as it is known today, or antisocial personality disorder, as it is also called). It is a redundant term, they argued, one that simply emphasizes that the criminal in question is a very bad person. It is circular in its definition, they have also complained, because it merely denotes the wickedness of someone already known to be wicked. It refers to a condition that cannot be measured and has no actual being in the brain or psyche.

The question I want to address is the “why” question: Why does the concept of moral insanity persist through generations and centuries, always eluding the critics, always landing on its feet? We can also think of this as a “need” question: why do we, apparently, need this concept, empty of meaning though it may well be? I will answer in two ways. First, I will argue that if you are a social control professional--someone whose business it is to help maintain the social order--then it behooves you to claim that you understand and know how to deal with psychopaths (or ASPDs, or whatever you want to call them). Second, I will argue that we *all* want ways to explain behaviors that are particularly dangerous and frightening. For some of us,

explanations couched in terms of psychopathy or ASPD enable us to feel more in control of threatening situations; they comfort us with the thought that, intellectually at least, we can grasp the causes of arch-criminality. The terms and the concept, in other words, offer a measure of self-protection.

I have divided my remarks into three sections. In the first, I trace the development of the concept of moral insanity over time. I won't try to follow its entire history, but I will touch on a few of the main phases in its development: its origins; its transformation into the idea of the born criminal; its subsequent change into the notion of moral imbecility; and finally its segue into psychopathy. (The speakers who will follow me today will trace some of these changes in more detail.) In the second part, I will show how these changes were accompanied by professional battles among social control experts for jurisdiction--authority--over undeterrable, unreformable criminals. Here I will be arguing that social control professionals "need" the morally insane for professional standing. In the third and final part of my talk, I will be arguing that people in general need the idea of moral insanity to help control their fears and ward off the specter of the super-predator who has no conscience.

Development of the Concept: From Moral Insanity to Psychopathy and Beyond

The concept of moral insanity emerged in the late eighteenth- and early nineteenth-centuries and is inseparable from early efforts to understand human behavior scientifically. In the far background lay the religious equation of crime with sin; this equation lived on, particularly, in the suspicion that in the worst criminals--those who committed the most serious crimes or were unreformable--were somehow animated by a germ of evil. In the near background lay the scientific revolution in the hard sciences. And then, around 1800, some men began to think that scientific reasoning might also be applied to human behavior--especially criminal behavior.

Origins of the Concept of Moral Insanity

The first three moral-insanity theorists were psychiatrists, medical men with a special interest in trying to use science to explain the behavior of incorrigible criminals. They lived in three different countries, and their theories--developed for the most part independently--used different terminology. The French originator, Philippe Pinel, in 1806 used the term *insanity without delusions*, to describe the condition that we today call psychopathy or ASPD. The American originator, Benjamin Rush of Philadelphia, in 1812 used the term *moral derangement* to refer to roughly the same condition.¹

It was the Englishman James Cowles Prichard, a physician in a mental hospital in Bristol, who in 1835 gave the condition the term that stuck: *moral insanity*. Prichard defined moral insanity as a mental disease or group of diseases underlying compulsive criminal behavior. It is “a form of mental derangement . . . consisting in a morbid perversion of the feelings, affections, and active powers . . . [and] it sometimes co-exists with an apparently unimpaired state of the intellectual faculties.”² Prichard’s identification of moral insanity was controversial at a time when most medical and legal experts still defined insanity in terms of delusions and hallucinations. But Prichard’s writings on moral insanity became the basis for subsequent 19th-century theorizing about innate criminality.

Although the labels used by these three theorists differed, their goal was the same: to explain the actions of offenders whose behavior was otherwise inexplicable. They concluded that moral insanity was a *state*, not a set of behaviors. This was a significant innovation, for previously crime had been understood as behavior. With the introduction of the concept of moral insanity, however, crime became criminality, a state or condition. Related was a second significant innovation: Whereas previously churchmen and lawyers had had jurisdiction over criminals, now psychiatrists were claiming professional expertise in relation to at least one criminal type--the morally insane. Such people, Prichard explained, belong in asylums for the mad, not prisons.³ Psychiatrists incorporated morally insanity into their professional domain, making it part of their claim to expertise and specialized knowledge. Third and finally, the concept was innovative in that it suggested that some criminals--the morally insane--were not fully responsible for their conduct. In their case (the argument ran), crime was a disease of the

mind; and the sick should not be held liable for the same punishments as normal men and women.

Moral Insanity and Criminal Anthropology

Prichard's term "moral insanity" entered the vocabulary of psychiatrists not only in Britain but also elsewhere in Europe and the United States. By the late nineteenth-century, it had become *the* term that medical men throughout the Western world used to explain criminal behavior that was shocking, motiveless, undeterrable, and remorseless. By the 1870s, however, the morally insane offender had become a born criminal, marked by biological abnormalities and bad heredity. Moreover, whereas early theorists had considered moral insanity a rare affliction, by the 1870s authorities had decided that it was fairly common--and spreading rapidly.

In this reconceptualization, British physicians and psychiatrists played a major role. One was J. Bruce Thomson, physician at the General Prison for Scotland, who argued that morally insane criminals form something close to a separate group or race of people. Thomson reported:

- "1. That there is a criminal class distinct from other . . . men.
- "2. That this criminal class is marked by peculiar physical and mental characteristics.
- "3. That the hereditary nature of crime is shewn by the family histories of criminals."⁴

Similarly, Henry Maudsley, the leading psychiatrist in Victorian England, wrote that "crime is often hereditary." Criminals, Maudsley continued, are characterized by "an entire absence of the moral sense. . . . It may be witnessed, even in young children, who, long before they have known what vice meant, have evinced an entire absence of moral feeling with the active display of all sorts of immoral tendencies--a genuine moral imbecility or insanity."⁵

Thomson and Maudsley were in effect inventing the science of criminal anthropology, for which their Italian contemporary, Cesare Lombroso, is usually given the credit. Criminal anthropology defined the worst criminals as morally-insane born criminals. As a science, it devoted itself to identifying the physical, mental, and moral peculiarities of the born criminal.

Yet another Englishman, Havelock Ellis, in his book *The Criminal*, popularized the idea of the morally insane, anthropologically distinct born criminal. This book, the first purely criminological text in English, became the source to which readers in Great Britain and the United States turned when they wanted to learn about moral insanity.

Moral insanity was made even more fascinating through links with sexual aberrations. Pritchard, inventor of the term “moral insanity,” identified the condition as the “real source” of such disorders as “erotomania,” “satyriasis, and nymphomania,” and “of certain perversions of natural inclination which excite the greatest disgust and abhorrence”--by which he probably meant homosexuality.⁶ Toward the end of the century, the Austrian psychiatrist Richard von Krafft-Ebing cemented these associations through his pioneering study *Psychopathia Sexualis*. Sexual deviation became a mental and emotional disease akin to moral insanity.

From Moral Insanity to Moral Imbecility

Toward the end of the nineteenth century, moral insanity segued into the notion of moral imbecility. The change occurred partly as a result of professional warfare that I will describe later on. Here I want to emphasize what was new in the definition of moral imbecility and how it fed into the eugenics movement.

How did the concepts of moral insanity and moral imbecility differ? Moral insanity was conceived as a form of mental disease, like schizophrenia or dementia. Moral imbecility was conceived as an intellectual disability, or “feeblemindedness,” to use the turn-of-the-century term. This distinction--which today may seem merely silly--is important because of its relation to eugenics movement, which started in both US and UK in the late 19th century and aimed at sexually incapacitating people with intellectual disabilities. The idea behind this eugenics policy was that it would curb crime.⁷

The feebleminded, according to eugenics reasoning, have evolutionarily backward brains; this is what makes them moral imbeciles. Most of the feebleminded are criminalistic; and many

criminals are feeble-minded. What's more, eugenic doctrine continued, the feeble-minded reproduce like rabbits, and if we don't immobilize them reproductively, the number of criminals will grow exponentially. A few eugenicists advocated sterilization of moral imbeciles, by which they generally meant all people with intellectual disabilities and many criminals; but most advocated lifelong detention in large institutions. In the United States, at least, these institutions lasted until the deinstitutionalization movement of the 1970s, and mass commitment to them marked one of the greatest violations of civil rights in US history.

From Moral Imbecility to Psychopathy and Beyond

By the 1920s, the eugenics movement was losing its strength, and psychiatrists reasserted their jurisdiction over the morally insane by coming up with yet another term for the condition: psychopathy. Literally, "psychopath" means nothing more than someone with a sick mind, but the word soon became the *mot du jour* to denote a personality disorder characterized by extreme and persistent antisocial behavior. The psychopath, according to this new formulation, is incapable of empathy or remorse. Many psychologists and psychiatrists have used this core meaning to develop their own definitions and theories of psychopathy.

The twenty-first century has been touted as the century of biology. So far, this has certainly been true for the field of criminology, in which the concept of the psychopath has undergone rapid biologization. One prominent figure in this movement has been the English psychologist Adrian Raine who uses functional magnetic resonance imaging (fMRI) to study the brains of serious offenders. (Raine has found that their brains differ from those of ordinary men.) Other psychologists have been finding that criminals have lower resting heart-rates than non-criminals and that they even differ genetically in areas such as impulsivity. The underlying concept of moral insanity is again becoming biological, as it was in the heyday of criminal anthropology.⁸

Professionals' "Need" for Moral Insanity

So who needs this concept of moral insanity, which has never been carefully defined and seems to change with the seasons? Part of the "need," as I suggested earlier, lies with professional struggles for jurisdiction over the most serious criminals, however they are defined.

We have not always had social control professionals such as criminologists, penologists, psychiatrists, psychologists, and social workers. In fact, these professions did not emerge until the 19th-century, when the religious idea of evil was slowly replaced by scientific explanations of bad behavior. As the social sciences developed during, so did various specialized forms of work involved in solving social problems and maintaining social control. Professions are defined by their specialized knowledge, and they derive status from society's view of the importance of their work.⁹ Thus it behooves a social-control profession to claim that it is able to control, or at least explain, the worst kind of criminal. Psychopaths can give a profession *cachet*.

You may think this an overly instrumentalist explanation of the "need" for the idea of moral insanity, and I would agree if we were to use professional struggles as the only or even main explanation. But we must include them, I think. Over decades of reading about moral insanity, I have been struck by the avidity with which members of social-control professions on-the-make go after the concept of moral insanity, trying to incorporate it into their domain of knowledge. The psychiatrist Henry Maudsley railed against churchmen who claimed to understand evil. The psychiatrist Richard von Krafft-Ebing railed against lawyers and judges who presumed to know as much as he about sexual aberrations. Prison superintendents rose to international prominence by claiming to know how to identify and deal with "incurables." Superintendents of institutions for the feeble-minded promoted the notion of moral imbecility to distinguish their professional domain from that of superintendents of insane asylums. Later, the first mental testers established themselves professionally by claiming to be able to identify moral imbeciles through IQ tests. Later still, psychiatrists introduced the notion of psychopathy to reclaim professional territory that had been captured by the mental testers. Today's neuroscientists, as Emilia Musumeci has shown,¹⁰ are locked in conflict with lawyers who offer legal explanations of behavior. And so on; the history of social control is filled with such examples.

The Broader “Need” for the Term

The other part of my explanation of the “need” for terms like “moral insanity” and “antisocial personality disorder” has to do with a broader social desire for explanations of dangerous and frightening behaviors. These terms posit a state or condition driving undeterrable criminality, a mental disease that makes incorrigible criminals different from us. These explanations enable us to feel more in control of threatening situations; they comfort us with the thought that-- at least intellectually--we can grasp the causes of terrifying behavior. They offer a measure of self-protection. They reassure us.

As the longevity of the concept of moral insanity suggests, it doesn't really matter that we can't clearly define it (or successor concepts like psychopathy and ASPD). Such terms are often used as explanatory flourishes, ways of indicating that such-and-such person is very bad, very evil, very different from normal people. We can no longer point to the devil, so we point to psychopathy.

In fact, the vagueness of “moral insanity” and its successor terms is useful, for it allow us to read various meanings into them, and to project fears onto them. The born-criminal idea is a chameleon-like concept that adapts easily to new social-historical circumstances. It frequently serves as a metaphor for otherness, for the inhuman or non-human. Vague and adaptable metaphors play an important role in social life. Their meanings may appear to be self-evident, but they “invit[e] each listener to interpret [their] meaning personally, even privately. . . . Thus each listener is likely to interpret a given metaphor differently, yet also perceive that interpretation to be widely shared.”¹¹ This malleability and adaptability enable us to attach our terrors to the concept of the psychopath, and they enable the concept itself to survive over time.

David Jones has argued that “we need to understand the complex motivations that underpin criminality.”¹² We also need to understand the complex motivations that underpin the need for the concept of moral insanity.

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¹ Selection from the works of Rush, Pinel, and other authors I discuss can be found in Rafter, ed. 2009. This work can lead interested readers to fuller treatments in the authors' original works.

² Pritchard, 1835, in Rafter, ed. 2009: 54-55.

³ Pritchard in Rafter 1997: 28. This book offers more detail on the social history of the term "moral insanity," including professional struggles to claim jurisdiction, than I am able to offer here.

⁴ Thomson, 1869, in Rafter, ed. 2009: 164.

⁵ Maudsley, 1874, in Rafter, ed. 2009: 106-7.

⁶ Pritchard, 1835 in Rafter. ed. 2009.

⁷ For more, see Rafter 1997 and Rafter 2008.

⁸ Other psychologists, such as David Jones (2012), are looking toward more of a social explanation.

⁹ Here I am generally drawing on Abbott, 1988.

¹⁰ Musumeci, 2013.

¹¹ Brown, 1992: 13-14.

¹² Jones 2012: 183.