

SUMMARY AND CONCLUSIONS.

I have tried in the brief time at my disposal to outline some of the general defects in the facilities which the law now provides for dealing with mental deficiency. I have invited attention to the English Mental Deficiency Act not necessarily as a model to be closely followed in efforts to deal with the same subjects in America, but as an example of a great constructive effort to face squarely the issues raised by an enormous social problem. I do not feel that the members of my profession can go much further except to place every scrap of information regarding mental deficiency at the disposal of those who are to provide our own State with a legal structure which will enable us to deal effectively with it. I want to urge—as earnestly as I can—the lawyers and the lawmakers of the State to turn their attention to this task. Surely the governmental machinery of an enlightened American commonwealth is flexible enough to permit us to devise practical means of dealing with members of society who never become men and women.

The achievement of this great object will not be furthered by misunderstandings between the two great professions which have most to do with it. There is a feeble-minded girl in this city whose unfortunate defect has raised issues far wider than those which affect the sordid little tragedy which a great city's carelessness brought into her unimportant life. This girl is feeble-minded, but not because any doctor has said so; she would be feeble-minded in the wilds of Africa, where there are no doctors, if she had been born there with the same histological defect in the construction of her central nervous system. She was the prey of those who saw only her womanly body and not her childish mind. She came before a learned judge to whom the facts in her case were well presented. The judge did not examine the law to see how its mighty arm might be extended to this child in need of a control more effective than that exerted by her deformed brain. He did not conduct the inquiry so as skilfully to bring out and delicately to adjust the rights of the individual and the rights of society in this particular case. Instead he selected from the mass of testimony regarding her mental condition and the means by which it had been determined a few unimportant points which, apart from their setting, could be made to appear trivial and silly. Then he skilfully twisted the proceeding into an attempted persecution of an unfortunate victim and the methods of science into a game for fools. The medico-legal problems of feeble-mindedness will not be solved in this way. There are defects in our best methods of mental examination; there is much that we do not know about the nature and manifestations of feeble-mindedness, but there is, nevertheless, a solid body of facts which enables us to detect feeble-mindedness in all but a very small proportion of cases.

Certain psychological tests have been devised which make it possible to determine with really remarkable accuracy the rate at which intelligence develops and the level which it reaches. The level of intelligence cannot be determined in all cases by these tests alone, however, and the very important practical issues of the ability of the individual to support himself and to keep out of trouble often depend chiefly upon other factors than intelligence. The emotional stability of the individual and the amount of emotional responsiveness, for example, profoundly influence conduct, as does the amount and distribution of the output of energy. Of course, below a certain level of intelligence, such attributes, however, intact they may be in themselves, are borne under by the dead weight of intellectual defect. Under such conditions an output of energy which might lead to economic fitness leads to disorders of conduct. Moreover, various emotional and volitional reac-