

took in the important questions of crime and punishment, and the administration of criminal justice. The attitude of a country towards those matters could well be taken as a significant test of its real civilization. The opinion of a few was not an adequate substitution for an enlightened public opinion. A right public opinion was indispensable for grappling with one of the greatest of social problems—the penal treatment of occasional adult offenders, habituals, and juvenile delinquents. Our failure to reach a satisfactory solution was due to, first, ignorance of the mental and moral make-up of criminals, who had generally been assumed to be villains and monsters, whose spirit must be broken, and who must be crushed by humiliation, hardship, and terrorism; secondly, vague notions of the nature, ground, and aim of punishment; and, thirdly, apathy of the community at large.

#### The Development of Views.

Modern ideas which seem so elementary were the result of a long process of evolution. For example, the distinction between civil and criminal law, between intentional and unintentional, between substantial and formal responsibility, proof, the function of an impartial Court, its judgment backed up by the force of the State, and so on. Even now the difference between crime, sin, and vice was not understood by many people. An act could be all three at once, though neither a sin nor a vice was always a crime, and a crime was not always a sin or a vice. The reaction against wrongful acts showed three stages in social evolution. The earliest was private revenge, vendetta, a blood feud; next was the intervention of a governing authority, that was State retaliation, a punishment proper; and lastly, self-defence of society, supplemented by the reclamation of offenders. Thus the phases in the development of criminal justice were the same as those in the general mental evolution of mankind—namely, animistic, theological, metaphysical, and scientific.

#### Primitive Society.

The earliest human group was animistic. What took place in nature or in man, or what happened to man, seemed to be one to spirit beings, who must be coerced or propitiated by magic and religion. A wrongdoer was possessed of an evil spirit. At first the attitude towards him was one of vengeance, which was a reflex action of self-defence. With the growth of tribal organization, a distinction arose between private wrongs—e.g., murder, theft, assault, which give rise to the blood feud, on the basis of the *lex talionis*—and wrongs against the community—e.g., violation of taboo, such as witchcraft, a breach of certain marriage rules, which called for, not punishment proper, but complete annihilation of the offender, a purging of a curse or pollution. The *lex talionis* was found also among comparatively advanced peoples.

#### Church and the State.

With the establishment of social order and a central authority, they had the demonstration of justice proper. The notion of a crime being a breach of the "King's peace" arose, as well as the idea of punishment proper. In the middle ages, crime and sin were not clearly differentiated, and there was a universal belief of divine intervention against the guilty, and in favour of the innocent. Hence the special tests devised: wages of battle (trial by combat), wages of law (trial by oath) and ordeal—a judgment of God or of the particular deities concerned—were formed in all ages, and in all countries. For example, an accused could be tried by his carrying a hot iron, walking barefoot on red-hot ploughshares, plunging the hand or arm into boiling water, diving into cold water, eating bread and cheese, a consecrated bread, &c. In the last named case, if the accused began to choke he was deemed guilty. To this day they sometimes heard such an expression as "May this choke me if I am telling a lie," which was a relic of the old ordeal.

#### Modern Times.

Later the criminal came to be regarded as "a perverse free moral agent," and his punishment was grounded on expiation or retribution, in order to vindicate the moral law. At the same time the theory of crime as a breach of the King's peace gained force, so thus the political and juristic view of punishment was also emphasized. The growth of social science and mental science, especially abnormal or pathological psychology, had brought about a revolution in the attitude of society towards crime, the criminal, and punishment. Crime was considered an offence, not against God or the King, but against society; that was, crime as an anti-social act. The criminal was not possessed by evil spirits, nor was he a perverse free moral agent, but a defective, the result of heredity and environment. Being such, he should be cured, not crushed;

that was "reasonable treatment" rather than ferocious punishment was more appropriate; and his place of detention should be not a cruel prison, a penitentiary, but a kind of hospital and training school. In modern times, there was still barbaric severity. Right down to the beginning of the nineteenth century, death was the panacea. There was little attempt to discriminate between grave and minor offences. In the time of Henry VIII, 72,000 persons were said to have been executed. In 1800 there were over 200 capital offences in England, and in 1819 there were still 180. Romilly and others again and again protested in Parliament against that sanguinary carnival; and thanks to the efforts of such wise and noble reformers, the number was reduced in 1838 to four, though in practice there was only one capital offence in England—namely, murder. He dealt with transportation. There was, he said, no need to describe the failure of the system. In 1845 transportation ceased, and England, which adopted cellular incarceration and penal servitude. Various methods were tried and reforms gradually effected, until the system of to-day was reached.

Advertiser

## THE EVOLUTION OF CRIMINAL LAW.

### A TEST OF CIVILISATION.

The first of a series of three lectures on the subject of crime and punishment was delivered by Professor Coleman Phillipson at the Prince of Wales Theatre, Adelaide University, on Tuesday night.

The lecturer said his subject-matter was largely historical. In recent years there had been a conspicuously growing sense of responsibility and recognition of social inter-dependence. There was, however, surprisingly little interest manifested by the general public in the important questions of crime and punishment, and the administration of criminal justice. In this regard a country's attitude might well be regarded as a significant test of its real civilisation. The opinion of a few enlightened people could not be an adequate substitute for an enlightened public opinion. A right public opinion was indispensable for grappling with one of the greatest modern social problems—that of crime and punishment. There was often ignorance of the mental make-up of criminals who had generally been assumed to be villains and wastrels whose spirits must be crushed and broken by humiliation. There was a very vague notion of either the real nature, aim, or grounds of punishment, and much of this was due to the apathy of the community. Modern ideas on the subject were really the result of a long process of evolution. The distinctions between civil and criminal law, between international and non-international law, substantial and merely formal responsibility, proof, and the true function of an important court backed up by the force of the State had all come about gradually. The difference between crime and sin and vice was not always appreciated. An act might be all three, but sin and vice might not be crime.

The earliest form of punishment was purely private revenge, as exemplified by the vendetta and the blood feud. Next came the intervention of Government of the State retaliation, then the self-defence of society itself. The earliest human group of mankind was animistic, and magic and religion played a large part in the lives of the people. An evil-doer, therefore, was presumed to be suffering from an evil spirit. Vengeance, a reflex action of self-defence, was then the first thought of the community. With the growth of tribal organisation arose the distinction of private wrongs as against wrongs directed against the community. The old code of an eye for an

eye and a tooth for a tooth was continually cropping up through the ages. When Henry I. was King of England the punishment of a crime was enacted with grotesque precision upon this basis. Then they found that private wrongs might be calved by pecuniary compensation. Death fines were referred to in Homer's songs, and in the history of the ancient Germans.

With the establishment of a social order and a central authority they had the administration of justice proper when the special question of the King's peace arose. In the Middle Ages there was a belief in divine intervention so that they had the wages of battle (trial by combat), or the Ordeal of God, by which a man was required to walk over red-hot ploughshares or dive into deep water while eating bread and cheese. The modern equivalent of this was the declaration, "May it choke me if I am telling a lie," or something similar.

Later on the criminal was regarded as a perverse criminal agent and his punishment was fixed with the idea of enforcing expiation or retribution in order to inculcate the moral law. At the same time the theory of crime as a breach of the King's peace gained force, and the political and juristic view of punishment was also emphasized. The late development was that of science with its insistence on causality. There had been something of a revolution in the attitude towards criminal punishment. Crime was now regarded as less an offence against God and the King than against society. It was in fact anti-social. A criminal tendency was often the result of heredity and environment, and that being the case a criminal needed to be cured, not merely crushed, and a prison rather than being a harsh place of detention should be a hospital and a training school.

## INSULIN.

### New Specific Defended.

By T. Brailsford Robertson, Professor of Physiology and Biochemistry at the Adelaide University.

In a recent issue of the daily press there has appeared an account of an article published in *The Medical Journal of Australia*, in which doubt is cast upon the efficacy of insulin, the new specific for the treatment of diabetes, and the assertion is made that it is a dangerous drug by means of which "hundreds of diabetics will be hastened to their graves."

It is most unfortunate that this exaggerated and totally unfounded statement should have been communicated to the press. A quite baseless apprehension of danger may thus be created in the minds of patients who would otherwise have subjected themselves to this treatment with the confidence which it deserves. The article which is quoted is unsigned, and there is nothing to show that its author had the slightest practical acquaintance with the effects of insulin upon diabetes. The views which he expresses are contrary to the unanimous opinion of all the leading authorities on diabetes in Europe and America, an opinion expressed, not anonymously, but over the signatures of many of the most eminent medical investigators in the world.

#### "Every Case Benefited."

We have already had considerable experience of the effects of insulin in Adelaide, since the department of biochemistry at the University has been engaged on its manufacture for the past eight months. During this time a considerable number of severe cases have been treated by local physicians, and the results attending the treatment have been communicated to this laboratory. As a result of this experience I can state that every case which has been treated with our product has been benefited, some cases to a most remarkable degree. Although many hundreds of doses have been administered to patients, children, as well as adults, in no single instance, has any deleterious effect been observed.

In America I learn that no less than 5,000 diabetics are being treated with insulin, and no case of any patient having been "hurried into his grave" by the treatment has yet been reported. Since insulin has been in use in America and England for over a year we may have entire confidence that when the drug is correctly standardized and administered by a qualified physician

its use involves no danger whatsoever. It is true that careless employment without control by estimations of blood sugar might conceivably be attended by some slight degree of danger, but the same might be said of any drug carelessly employed. The necessary blood sugar estimations are carried out by this laboratory at a very small cost to the order of any physician who desires to have them done.

#### Experiences Coincide.

In England the Medical Research Council, comprising some of the most eminent authorities in the medical world, have reported their experience of insulin, and their report coincides with our own experience gained locally. It is difficult therefore to imagine from what source the author of the article quoted could have gathered his unfavourable impressions of insulin. Certainly it cannot have been from personal experience of its employment, because, until very recently, insulin has not been obtainable in any city in the Commonwealth excepting Adelaide.

In this connection I would like to draw attention to the fact that a case recently reported in the press was sent from Johannesburg, in South Africa, to England for treatment with insulin. The case, so we are told, benefited most remarkably by the treatment. The interesting feature of this case to me is, however, the fact that Johannesburg, a large and wealthy city, was not in a position to manufacture insulin for itself. Had that case arisen in Adelaide it could have been treated locally without delay. We are in a position to do this because private citizens of Adelaide and our State Government have been alive to the importance of the work which may be done in university laboratories, and have given us that measure of financial support which is necessary to enable such work to be done. As a result of this forward-looking policy many sufferers from diabetes in this city have had the benefit of insulin treatment only a few months later than their fellow-sufferers in Canada, where Dr.

Banting's great discovery was made. Two or three of them certainly owe their lives to this treatment, which has so far been given free of any charge whatsoever. On the purely commercial side the recent discovery by Mr. H. R. Marston, in the biochemical laboratory of the University of a cheap and effectual method of preserving lemons and oranges during shipment from Australia to Europe affords yet another instance of the important benefits which accrue to a community which maintains active research in adequately equipped laboratories. We owe our ability to place at the disposal of South Australia these latest discoveries of medical and chemical science wholly to our far-sighted Government and munificent fellow-citizens, who have provided us with the laboratories and facilities which are necessary to do this kind of work.

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## THE CASE FOR INSULIN.

Among diabetics particularly, and more generally among members of the public in whom the advances of scientific enquiry stimulate interest and encourage hope, a painful sensation has been caused by the publication in the current number of *The Medical Journal of Australia* of an editorial article designed to discredit many of the claims made for insulin as a specific for the treatment of diabetes. Those whose faith in the wonderful discovery of Dr. Banting was in danger of being shattered by this remarkable attack, made not only upon insulin but upon those associated with its preparation and use, will welcome the reassuring article published in *The Register* this morning under the authoritative name of Professor Brailsford Robertson. Professor Robertson very properly directs attention to the fact that there is nothing to show that the author of the article in *The Medical Journal* "had the slightest practical acquaintance with the effects of insulin upon diabetes." In these circumstances, the extreme emphasis of