

sclera. The corneal segment has a slightly smaller radius of curvature than that of the cornea, thus providing a small space between the cornea and the contact lens. This space is filled with a buffer solution isotonic with the tears. The pH of the buffer solution prescribed varies with the pH of the tears. An exception to the rule that there should be clearance of the cornea may be made in conical cornea, where a corneal segment may be prescribed in close contact with the corneal cone, so preventing progression and even slightly reducing the effect of the cone.

The contact lens should not be so firmly in contact as to constrict the conjunctival vessels, nor so loosely attached as to permit the buffer solution to escape, with the admission of air bubbles. It should not be so large as to interfere with the movements of the eyes nor so small as to be liable to be caught by the eyelids in movement. For these reasons mass production on standard measurements is impossible, each eye having its own individual requirements.

DEGREES OF MURDER

Sir Norwood East, president of the Medico-Legal Society, read a paper on "Psychiatry and Degrees of Murder" before that body on June 26. His object was to show that while criminality in murder varies widely according to circumstances and personality any doctrinaire approach—any rigid fixity of degrees—would destroy the elasticity which prevails to-day and which on the whole secures in each case perhaps the closest approximation to justice that is reasonably possible.

During the period 1929–38 in Britain the death sentence was passed on 175 persons. Of these 81 were executed, while the sentence of 81 was commuted to penal servitude for life. (The few remaining cases were of sentences quashed on appeal, or dealt with abroad, or, under the Children and Young Persons Act, sentenced to be detained during the King's pleasure.) An examination of the figures for the last 67 years shows a proportionate increase in the number reprieved. In the period 1880–1929 the proportion reprieved was 44.16%, in the following ten years 50%.

As far back as 1866 a Royal Commission favoured the grading of murder, but although various Bills to that intent were introduced into Parliament they were all withdrawn or failed to get through. The difficulties of grading are very great. In grading by indictment, for example, a man might be charged with murder of the second class, whereas the course of the trial might show that it was a deliberate and brutal murder of the first class; but to alter the indictment would not be easy. Grading by the judge was not accepted by the Select Committee on Capital Punishment in 1930 because it would leave too much to the temperament and general attitude of the judge concerned. Grading by the jury was equally unacceptable to that committee because the evidence before the court is restricted to what is directly relevant to the proof of guilt and excludes many important matters which are rightly taken into account in the exercise of the prerogative of mercy. Even when the facts are clear the jury can hardly exercise equitably a grading discretion. Sir Norwood East instanced the usual prejudice against homosexual conduct, which, he suggested, might prevent a jury from assessing without bias the degree of guilt of a man who had killed his male paramour in an outburst of jealousy. There remains grading by the Home Secretary, which in practice does, generally speaking, meet the want of classification.

Findings of the Psychiatrist

The findings of the clinician, toxicologist, pathologist, and psychiatrist, said Sir Norwood East, might all assist in grading murder. The psychiatrist would note the effects on behaviour of various degrees of intelligence and will-power, emotion and temperament, character and personality, and abnormal mental states, and would take cognizance of social, ethical, economic, and other factors, thus demanding a wide approach. Many homicidal crimes were associated with emotional stress. The prevailing psychological atmosphere at the trial of the survivor of a suicide pact or of a deserted woman who had committed infanticide might cause those taking part to temper their judg-

ment with sympathy and leniency, which might be all to the good, but it exemplified the importance of treating the offender individually.

Several degrees of murder were associated with insanity. Three gradations appeared when the crime was associated with mental defect—imbecility, feeble-mindedness, and moral defectiveness. The psychoneuroses and various states of psychopathic personality introduced degrees of culpability not amounting to legal irresponsibility but apparent to the psychiatrist. A jury was not equipped to assess minor degrees of mental abnormality.

Viewed broadly, murder was usually the result of reasoning or emotion or a combination of the two. If it was agreed that the reasoned murder was generally the most criminal, it might also be accepted that gradations of unpremeditated murder would depend to some extent upon whether the accompanying emotional picture was usually praiseworthy or detestable. Love, protectiveness, anxiety, and fear had survival value, and were generally esteemed; jealousy, avarice, cruelty, and revenge were socially destructive and were experienced only in minor degree, if at all, by the average man, and so were censured. If murder resulted from a tense emotional situation connected with an estimable factor it might be more easily condoned than crime which was the result of a factor in itself blameworthy.

Events Surrounding the Crime

Sir Norwood East related a number of cases of murder which had come within his own experience—cases of premeditated murder, cases due to sudden provocation, cases in which callous or cautious conduct following the crime indicated different degrees of criminality. Insanity might be suggested if the death had resulted from a multiplicity of wounds or from the application of successive methods of killing, any one of which would have effected the purpose. But it was almost equally probable that in either case the accused would present no other mental abnormality than an intense emotional disturbance. He instanced a case in which a man killed his nagging wife by striking her on the head with a hammer, by manual strangulation, and finally by tying a stocking tightly round her throat, and yet he showed no evidence of disease or defect, and continued to show none. Combinations of abnormal mental states occurred and also required assessment. In a series of 200 murderers examined by him, and reported on some years ago, who were not insane or mentally defective, 48% confessed their crime before or shortly after arrest. A personal study of the men and their histories led to the conclusion that emotionally the confession was sometimes an act of atonement, as was sometimes a plea of guilty at the trial.

While important advances had been made in recent years in the psychiatric grading of murder due to mental abnormality, it seemed unlikely that the near future would provide a scientific and standardized grading of the many general and psychiatric imponderables involved, applicable to all cases, and capable of maintaining the present equitable balance between public safety and humanely directed clemency.

Sir Norwood East concluded his analysis of the situation by deprecating pedantic disputes between the supporters of the doctrines of determinism and free will. These would have no place in the practical problems of grading, though at the same time the importance of inherited causal factors of disposition and temperament, or of the early years of life in the formation of character, could not be denied. Even in later years any person might be profoundly influenced for good or ill by his associates and often fail to realize what was happening. "It is frequently said that the mental condition of the man who commits murder is abnormal at the time. In cases of insanity, mental defectiveness, or minor mental disorder the abnormality is a pathological deviation from the mental condition of the so-called normal man. In many other cases it is no more than a transient deviation from the man's usual self, and is associated with excessive instinctual activity, excessive emotional tension, lessened control, and disregard for social and ethical values. In a few cases the crime expresses the character of the criminal, and is neither the result of a pathological deviation from the normal nor a temporary deviation from himself." Perhaps they might go further and suggest that, other things being equal, these criteria represented a rising scale of culpability.