

# 'A disease that makes criminals': encephalitis lethargica (EL) in children, mental deficiency, and the 1927 Mental Deficiency Act

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**Encephalitis lethargica (EL) was an epidemic that spread throughout Europe and North America during the 1920s. Although it could affect both children and adults alike, there were a strange series of chronic symptoms that exclusively affected its younger victims: behavioural disorders which could include criminal propensities. In Britain, which had passed the Mental Deficiency Act in 1913, the concept of mental deficiency was well understood when EL appeared. However, EL defied some of the basic precepts of mental deficiency to such an extent that amendments were made to the Mental Deficiency Act in 1927. I examine how clinicians approached the sequelae of EL in children during the 1920s, and how their work and the social problem that these children posed eventually led to changes in the legal definition of mental deficiency. EL serves as an example of how diseases are not only framed by the society they emerge in, but can also help to frame and change existing concepts within that same society.**

## Introduction: 'A disease that makes criminals'

'It is quite a common thing for children of tender years to be sent to mental institutions, but it is somewhat unusual for mental disorder of such a degree as to require certification to occur in a boy æt. 10 who had previously been of sound mind'.<sup>1</sup> With this statement, Hugh D. Macphail, Medical Superintendent at Newcastle Mental Hospital, first introduced the case of a previously 'perfectly normal' child who, on the 29th of December 1920, was admitted to the hospital after developing sudden, radical changes in behaviour. The boy's medical certificate declared that he was 'irresponsible, subject to frequent and sudden periods of excitement', becoming so unmanageable that he had tried to jump through a window, put his head in the fire and stab his mother with a knife. Two months after returning home, he developed an uncontrollable temper and became restless

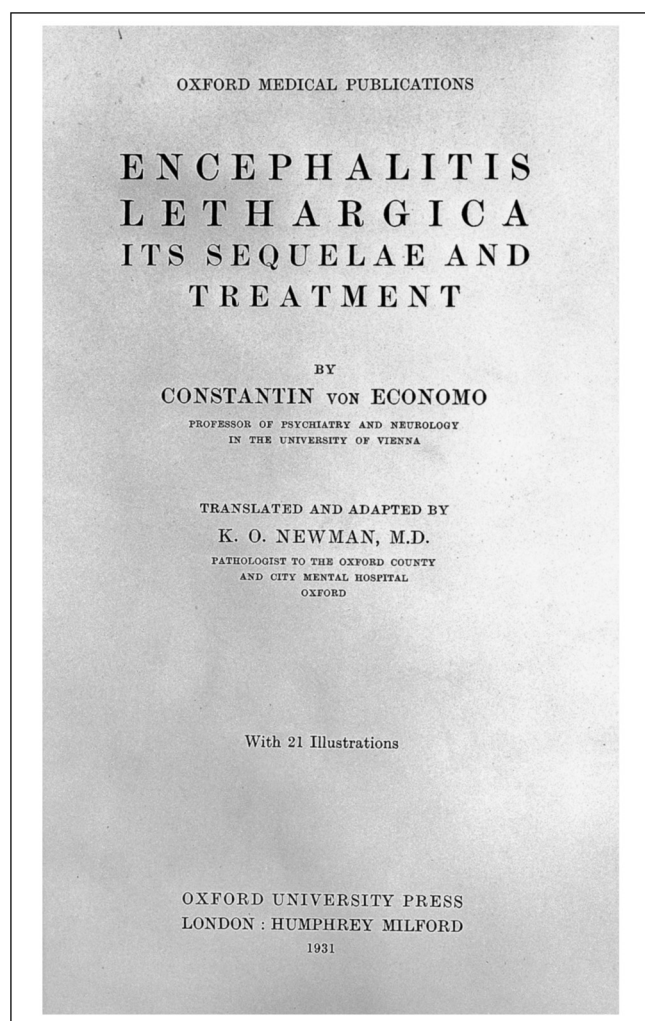
and violent, once again taking 'a knife to his mother, and threaten[ing] to cut his brother up.' After a month at a workhouse, he then returned home only to attack his sister with a hatchet and find himself sent back to the workhouse on the 20th of December 1921, where he stayed until his lunacy certification.

However, it was not the child's abhorrent actions that had caught Macphail's attention. For the clinician, the case stood out because the patient had previously been 'regarded as perfectly normal in every way until he had an acute illness in the summer of 1920'. This acute illness was encephalitis lethargica (EL), popularly known as the sleepy sickness, a mysterious disease that appeared suddenly and spread endemically throughout North America and Europe between 1918 and 1929. During the 1920s, EL became a key area of focus in medical research and governmental policy. In England and Wales, EL was made compulsorily notifiable on the 1st of January 1919, and in 1924, the year of greatest national incidence, a total of 5,979 cases were registered in the British Isles, with case mortality at an estimated 26%. These figures placed Britain as the second most affected country in the world that year, topped only by Japan which recorded some 6949 cases.<sup>2,3</sup>

Although simultaneously identified as a new disease by different medical practitioners in several European countries – examples include Arthur Hall in the UK, Jean-Réné Cruchet in France and, most famously, Constantin von Economo in Austria – it was the latter's term of 'encephalitis lethargica' that became formally adopted to refer to the mysterious complex of acute and chronic symptoms that formed the disease (Figure 1). Usually, EL would provoke respiratory disturbances, alterations of the motor system, obesity, Parkinson's symptoms, and, especially in children and young adults, serious mental and behavioural disorders. In fact, the initial after-effects of EL in children were almost always mental rather than physical. At a time when Britain was already highly attuned to the social and political issues of mental deficiency, these children were readily classified as feeble-minded and moral degenerates.

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Available online 13 February 2015



**Figure 1.** Constantin Von Economo first published his work describing encephalitis lethargica in 1917. His detailed monograph on the topic, *Die Encephalitis lethargica, ihre Nachkrankheiten und ihre Behandlung* was published in 1929 and quickly translated into other languages. The English translation first appeared in 1931, when the epidemic was starting to wane. *Wellcome Library, London.*

These labels not only identified a medical condition in these children, but also recognised them as a problem for British society. Estimates from the late 1920s indicate that over 70% of children who contracted EL in Britain suffered psychological disturbances after recovering from the acute stages of the disease, with more than a third showing behavioural disorders and even criminal propensities.<sup>4</sup> These cases not only made for sensational newspaper headlines, but also served to illustrate just how these children posed a social problem. ‘The Boy Who Has “Lost Control”’, ‘A Disease that Makes Criminals’, ‘Children Who Grow Vicious’, ‘Stealing and Begging’, and ‘Girl’s Thefts from People Who Befriended Her’ are just some of the many reports that appeared in the mainstream national press between 1920 and 1927. Therefore, the EL epidemic not only posed the usual threats of a disease, but could also alter behaviour to such an extent that it affected the social order of the nation. In other words, the epidemic was not just a medical problem, but a social and political issue as well.

The social historian of medicine Charles Rosenberg stated that ‘disease is at once a biological event, a generation-specific repertoire of verbal constructs reflecting medicine’s

intellectual and institutional history, an occasion of and potential legitimisation for public policy, an aspect of social role and individual – intrapsychic – identity, a sanction for cultural values, and a structuring element in doctor and patient interactions’.<sup>5</sup> Even though the chronic sequelae of behavioural issues that seemed to exclusively affect children have been historically reviewed,<sup>6</sup> the wider implications of these sequelae in society at large have not been analysed. Although historically the 1920s EL epidemic has been understood as a medical milestone and analysed in an attempt to identify the underlying pathogen that caused the disease,<sup>a</sup> an investigation of the identity of a disease cannot be limited to questions of its biological cause, but must also take into account the medical, social and political frameworks it emerged in – a true intertwining of factors that are not independent of each other. Thus far, and despite serving as a particularly illustrative example of Rosenberg’s approach to the history of disease, EL has not been subjected to such an analysis. In line with this well-established method, this article aims to demonstrate how British clinicians used existing ideas of mental deficiency and juvenile delinquency to understand the epidemic and how the epidemic itself – a disease that made criminals – posed a medical and political challenge that forced a change in the legal definition of mental deficiency. The article will offer a base from which to continue the historical study of the impact of the EL epidemic as a medical and social phenomenon.

### **Mental deficiency and Juvenile delinquency**

When EL began to spread endemically throughout Britain in the 1920s, the disease appeared in a society that was already well aware of mental deficiency. Interest in the concepts of intelligence and subnormality<sup>b</sup> had flourished in Europe and North America at the turn of the twentieth century. In Britain, this provided fertile ground for the theory of eugenics, a term coined in 1884 by Francis Galton. Developed within the framework of social Darwinism, proponents of eugenics argued that social problems were a result of ‘bad genes’ and could, therefore, be solved by stopping mentally defective individuals from reproducing. Significantly, there grew a belief that these ‘subnormal’ individuals posed a serious threat to the economic, moral and social order, with particular attention paid to the classification of mental states as well as the measurement of intelligence with the newly-invented intelligence test. These ideas shaped the concept of mental deficiency and led to the establishment of multiple political bodies and organisations to address these issues, including the Idiots Act in 1886, the Royal Commission on the Care and Control of the Feeble Minded in 1904, and the Eugenics Education Society in 1907 and its journal, the *Eugenics Review*, published from 1909. As the historian Mark Jackson explained, these

<sup>a</sup> For the impact that EL had on sleep research, see K. Kroker, 2007, *The sleep of others and the transformations of sleep research*, University of Toronto Press; Toronto, and L.C. Triarhou, 2006, The percipient observations of Constantin von Economo on encephalitis lethargica and sleep disruption and their lasting impact on contemporary sleep research, *Brain research bulletin*, 69(3), 244–258. For medical analyses of the epidemic, see J.A. Vilensky (Eds.), 2011, *Encephalitis Lethargica: During and After the Epidemic*, Oxford and New York: Oxford University Press.; and R.R. Dourmashkin, 1997, What caused the 1918–30 epidemic of encephalitis lethargica? *Journal of the Royal Society of Medicine*, 90(9), 515.

<sup>b</sup> I use the terms ‘subnormality’ and ‘subnormal’ as they were used in the contemporary medical and political contexts of the period covered in this essay.

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