

Princeton Theological Review

THE

PRINCETON
REVIEW.

By *Whom*, all things; for *Whom*, all things.

FIFTY-FOURTH YEAR.

JANUARY—JUNE.

NEW YORK
1878.

CRIME: ITS CAUSE AND CURE.

DR. PROSPER DESPINE, an eminent physician and philosopher, of Marseilles, France, has made a prolonged and profound study of the criminal, from the stand-point of psychology. Some twenty-five years ago, his attention was attracted to this subject by reading reports of criminal trials in *La Gazette des Tribunaux*. A circumstance which struck him in reading these reports was to find continually, in persons who commit great crimes in cold blood, and in the major part of those who commit them when strongly excited by passion, a psychical condition characterized by the absence of all repugnance while meditating these acts, and by the absence, no less absolute, of remorse after their accomplishment. At first he thought that this special character must belong only to those criminals whom chance had brought to his attention. What most surprised him was the persistence of this fact, so contrary to the ideas which education and tradition had given him touching the moral consciousness thought to be common to the whole race, and the remorse considered as a divine chastisement inflicted on all criminals. It was then that he conceived the idea of reading the entire series of *La Gazette des Tribunaux*, extending, we think, through some fifty years. At first he had no idea of committing the result of this study to writing. However, in 1868, he published a work in three volumes octavo, entitled "Psychologie Naturelle," more than one half of which was devoted to a study of what he calls the "abnormal mental and moral manifestations of criminals." In 1875 he published another thick octavo volume, under the title "De la Folie au Point de Vue Philosophique, ou plus spécialement Psychologique," a

considerable part of which was also given to a study of the criminal. This work had the honor of being crowned by the French Academy. Altogether, in these two works, we have twelve hundred pages devoted to this study. The question is studied under two general divisions, viz.: 1. What is the function of science in the matter of criminality, and what aids has she offered towards the solution of this question? 2. What sort of treatment does science require to be applied to criminals in order to their cure?

In the present paper we propose first to give a short summary of what Dr. Despine has said on this subject in the twelve hundred pages in which he has examined and discussed it, and then to offer a short critique on the philosophy which underlies his views. In the first part of the article we simply report, in condensed form, what he has written, and are not to be held responsible for the views expressed, from some of which we respectfully dissent, and with others as cordially agree. Our personal responsibility is confined to the critique, which will form the second part of this paper.

RÉSUMÉ OF DR. DESPINE'S VIEWS ON THE CRIMINAL, AND ON THE TREATMENT PROPER TO BE APPLIED TO HIM.

What is the *rôle* of science in the matter of criminality, and what aids has she offered towards the solution of this question? The function of science is here perfectly clear. What is the office of science in the study of any natural phenomenon? She seeks to discover its interior nature and the laws which produce it, and thence to trace its cause. Now, the science which must enlighten us in regard to criminality, as in reference to all mental acts, is psychology. It is, therefore, to a psychological study of criminals that we must have recourse in seeking a solution of this question.

The importance of this subject appears from the fact that a knowledge of the criminal is an essential guide to a right treatment of him; a knowledge of him, not in his acts, which are but too well known, but in the psychical or soul condition which impels him to commit them. There must be something abnormal in the disposition of criminals, when they yield with facility

to desires which would excite the strongest repugnance in a truly moral man. This abnormal state reveals itself in the clearest manner when, contrary to what poets and moralists have represented, we see the wretch who has committed crime exhibiting no symptoms of remorse for the immoral act.

As the rational treatment of a sick man makes necessary a study of the organic disease by which he has been attacked, so is it necessary to know the abnormal psychical condition of the criminal—the moral disease which produced the crime. However, in speaking of the moral disease of criminals, it must be explained that they are not diseased in such a sense that, like the insane, they stand in need of medical treatment. Their mental state does not grow worse, like that of insane patients, in the sense of a gradual decay of all their faculties. The criminal, therefore, is not a patient, and in this respect he must not be likened to the insane.

But, although sound in body, the criminal none the less manifests psychical anomalies of a grave character. But these anomalies must not be sought in the intellectual faculties, properly so called—in the perception, the memory, the reasoning faculty; that is to say, in the reflective powers. Although many criminals are as scantily endowed with intellectual as with moral faculties, it is not the lack of intelligence which is the distinctive character of these dangerous beings, for there are among them persons of great intelligence, capable of forming ingenious combinations, which are the product, necessarily, of strong reflective faculties. The distinctive anomalies of criminals are found only in the moral faculties, in the instincts of the soul, out of which spring its desires and proclivities, and which constitute our principles of action; for it is these which impel us to act in one direction or in another.

In studying criminals, the first thing which strikes us, and which is obvious to all, is the perversity, the criminal thoughts and desires, inspired by the evil inclinations and vices inherent in mankind, but more emphasized in criminals than in other men. It is the violent passions, hate, revenge, jealousy, envy; it is also other passions which, without being violent, are no less tenacious in criminals, such as cupidity, the love of pleasure, profound repugnance to a regular life, and an intense dislike of

labor. It is these two last-mentioned vices, especially, that impel criminals to seek the means of satisfying the material wants of life and the enjoyments which they crave, not in honest toil, but in readier ways which are immoral and hateful—in theft, arson, and murder. These qualities in criminals are manifest to the eyes of all. But these malign passions, these immoral propensities and desires, do not really constitute an abnormal psychological state; and the proof is, that these evil tendencies, these wicked passions, these perverse and criminal desires, make themselves felt in the soul of the most upright man, without his ceasing to conduct himself in a virtuous manner, for the reason that he wages a successful warfare against them. There is no need to enlarge upon this point, which is so well known, that persons engaged in the study of the criminal, seeing in him only perversity, vicious inclinations, immoral desires, have considered him, in a moral point of view, as normally constituted. But his moral irregularity is to be looked for elsewhere.

To understand in what this irregularity consists, it must be considered what passes in the man, recognized as normal in his moral constitution, when he finds himself in presence of a perverse thought, an immoral desire. Every one sees it in a moment. The conscience, the moral faculties, the instincts of the soul—three forms of expression that mean the same thing—are roused; the moral sentiments, opposed to the vicious instincts, are shocked by these ideas and desires. Excited by the wound thus inflicted upon them, they react more or less vigorously, according to the degree of power they have in each individual. From this a moral conflict springs up in the soul between the good and the evil sentiments. In this moral conflict appear, according to the more or less perfect moral nature of the man normally constituted, three orders of good sentiments, antagonistic to the commission of the criminal act: 1. The sentiments which are developed and exert their force on the selfish side—that is to say, the moral sentiments which prompt to virtue, and withhold from vice, through a well-understood and well-considered personal interest, but with no other view than some present or future advantage; such, for example, as the fear of punishment, of public scorn, of the loss of liberty; the dread of being deprived of the enjoyment of one's possessions, of being

separated from his family, of leading a wretched life, a life full of privations, etc., etc. 2. The generous sentiments, such as sympathy, kindness, benevolence, and the like, which lead us to act charitably toward our fellows under the promptings of a loving nature, and with a view to the contentment of the sentiments of generosity and magnanimity with which the Creator has endowed us. 3. The conscience, the moral sense, the sentiment of right and wrong, accompanied by a feeling of obligation to do what is right, not in view of any satisfaction or advantage to be hoped from it, but because it is right; and to abstain from what is wrong, not on account of any suffering to be feared as a consequence, but because it is felt to be wrong. This unselfish and disinterested sentiment is the highest expression of the conscience, and its motive-power of action, instead of being some selfish satisfaction or some generous impulse, is duty. It is this lofty moral faculty which makes the man who is so happy as to possess it feel that he must repel a vicious or criminal act, however great the advantage to be gained by it, and however painful the course to be taken in doing so. It is this which drew from Kant, the great German philosopher and moralist, the exclamation, profoundly true: "Duty! wonderful idea, which acts neither by insinuation, nor by flattery, nor by menace, but simply by sustaining in the soul thy naked law, thus compelling respect for thyself, if not always securing obedience to thy commands."

Such are the three orders of sentiments, or moral instincts, with which the Creator has endowed us to combat the perverse sentiments or instincts which exist in our hearts; thus, as it were, putting the antidote at the side of the poison.

Now, by the side of men normally constituted, although imperfect because they are men, what do we see? Anomalies, monstrosities. In a physical point of view, we find by the side of men well-formed, strong, of robust health, of noble mien, beings ill-shaped, weak, sickly, of ignoble and sinister aspect. Viewing men intellectually, what do we see? The same differences. By the side of men of genius, who create sciences, who produce those marvels of the imagination which in literature and the arts kindle our enthusiasm and raise our admiration to the highest pitch, we find vulgar intelligences, insensible to the creations

of genius and the splendors of nature, incapable of lifting themselves above the material wants of life. Descending in the scale, we meet at last with the weak-minded, the imbecile, the idiotic. These imperfections, infirmities, monstrosities, which we see in the physical and intellectual world, we see also in the moral world, as marked, as numerous, and as varied.

The reality and nature of these moral anomalies have been heretofore either completely ignored, or their importance not sufficiently recognized. Because the man is intellectually intelligent, because he is in health, because he has command of his ideas, because he reasons, it has been thought that he must be also morally intelligent, that his moral faculties are in a sound state, that his conscience is capable of feeling and weighing right and wrong, and that he has the ability to repress his evil desires; and this belief is entertained without having ever dreamed of studying his moral nature, without having examined the state of his conscience, without having so much as once thought whether he is really endowed with those moral instincts which are antagonistic to the depraved instincts, and which alone have power to wage a successful warfare against them.

These infirmities, these moral anomalies, what are they? Where are they to be sought? In what part of the man do they reside? Is it in the depraved instincts, in the immoral proclivities, in the criminal desires even? Not at all. But why not? Because the perverse sentiments, and the depraved ideas and desires which they inspire, are as much inherent in humanity as the virtuous sentiments and their moral inspirations. The presence of perverted sentiments does not, then, of itself, constitute an anomaly. Whenever the antidote is found in the heart beside the poison, the moral state of the man is regular. But suppose the antidote, represented by the moral sentiments, is either too weak or wholly wanting. In that case the anomaly exists incontestably. The moral equilibrium is destroyed, for the virtuous instincts of the soul, and the moral thoughts inspired by them, can alone serve as a counterpoise to the power of evil passions, of perversity. It is this psychical or soul anomaly, this moral feebleness, this absence of conscience, with which criminals are stricken. It is this which makes the crimi-

nal. It is this which renders it possible for a man to commit acts that wound profoundly the moral sense. The intellectual faculties are incapable, by themselves, of serving as a counterpoise to depravity. They take part in the combat against it only when they are directed in their activity by the moral faculties.

The psychical anomalies under consideration, the complete or partial absence of the moral faculties, which, connected as it is with the presence of the immoral proclivities, makes criminals, are often hereditary, as are all the other vices that inhere in human nature. How often do descendants receive from their ancestors the moral anomalies out of which crime for the most part springs. The organic condition connected with these grave moral anomalies, without being a real disease, since it coexists with a healthy state of the body, has nevertheless a relationship, more or less close, with the pathological conditions of the brain, which produce the different varieties of insanity. The cases in which the children of the insane become ordinary criminals are too numerous not to attribute the origin of this fact to an hereditary organic influence.

The sentiments, whose feebleness or absence makes the moral idiot, may be divided into three classes: The moral sense, the noblest element of man's higher nature; the generous sentiments, pity, respect, benevolence, charity, all having regard to others, and all operating as a restraint upon criminal desires through such regard; and the sentiments of prudence, foresight, fear, the love of approbation, operating on the selfish side—that is, the side of a well-considered personal interest.

1. The absence of the moral sense in criminals may be readily made apparent. The conscience of the man who is so happy as to possess this high moral faculty is wounded by his depraved thoughts, desires, and acts. It is therefore evident, that he who experiences no moral repulsion in presence of his criminal desires, and who, after having satisfied these desires, has no feeling of remorse, is without a moral sense. This absence of moral recoil from criminal desires, and of remorse after the commission of crime, is a fact of observation confirmed by many observers in many different lands.

2. The generous sentiments are wanting in criminals almost

to an equal degree with the moral sense. Nature has endowed most men with sentiments of pity, of commiseration, of goodwill, and of charity towards other men. But great criminals are an exception to this rule. Without pity for the victims whom they rob or assassinate, the commencement of the criminal act awakens no kindly sentiment within them, nor does it recall them to moral reason, or arrest them in its execution. They destroy every thing which forms an obstacle to their rapacity, and they do not cease to strike till their victim is without life. Nor, after robbing him of life, do they ever bemoan his fate. They even insult his corpse, cast ridicule upon it, and eat and drink tranquilly beside it. They have no sense of the value of human life. They murder for the veriest trifles, for a few pieces of money, for a momentary gratification ; and not a thought or an emotion is wasted on the anguish they will cause to the family of their victim. Insensible to the evil which they commit, regardless of the sad fate of their victims and of their victims' families, they are equally indifferent to the punishments to which their accomplices may be subjected. It is marvellous to observe the facility with which criminals who have been arrested denounce their accomplices who are still at liberty, and how willingly they aid in their arrest. They do this either with the selfish aim of transferring to them the responsibility of the acts whose pressure they feel, and of being themselves less severely treated, or with the wicked purpose of involving them in punishment, and of not suffering alone the chastisement with which they are menaced. The bond which unites these wretched beings is interest alone, and not affection. Thus, the moment this selfish bond is broken, they treat each other as aliens and enemies.

3. The sentiments which stand connected with a well-considered self-interest are conspicuously wanting in these exceptional beings, so abnormally constituted in regard of the natural instincts of the soul. The lack of prudence is notorious in persons destitute of the moral sense, and in whom the selfish fear of punishment is stifled by some violent passion, such as hatred, jealousy, vengeance, and sometimes even avarice. In that case we see these madmen threaten, either publicly or privately, the person who is the object of their passion, with the fate to which

they have doomed him. There are criminals so devoid of the sentiment of prudence, that they talk coolly of appropriating what belongs to others by brushing aside all the obstacles which they encounter, so that when the crime has been committed the author is instantly recognized. Improvidence is strongly characteristic of the greater part of criminals. It is owing to this singular trait, which belongs more or less to the whole class, that they are entirely absorbed by the desire which possesses them at the moment. One would say that they do not so much as cast a thought towards the future, which for them is as though it would never be. The consequences of the crimes which they meditate make no impression upon them, and if they think at all of punishment it seems to them that they will never be overtaken by it. Their mind is intent solely on satisfying present desires, in regard to which their conscience has no reproaches. This extreme improvidence and this absence of fear give to criminals an audacity and effrontery truly surprising. Without moral curb, and scarcely held in check by the well-considered self-interest which fear inspires, how should they not be daring, audacious? But this blind audacity is not born of true courage, which foresees danger, which fears it, which provides against it, and which confronts it under the sole impulse of duty. The man who can sell at so cheap a rate every thing which a rational regard to his own interest would prompt him to desire, must necessarily be but feebly endowed with the sentiments which that interest inspires, and especially with fear. For trifling and transitory advantages he exposes himself to the hardest chastisements—to the loss of personal liberty in places of detention, to the severe treatment of the prison-house, to be separated from his family, to be scorned, to die a violent and ignominious death, which wounds to the last degree the dignity of man. In a word, he prefers a vagrant, precarious, turbulent existence to a life calm and regular, full of serenity and peace.

In presence of these various sorts of moral insensibility, which are found in different degrees in all criminals, can there remain a doubt, asks the author of these "studies," that these wretched beings are the subjects of a grave moral anomaly? Can there be a doubt of it, when the absence or deficiency of the moral faculties shows itself so palpably in its effects; first,

in the absence of all reprobation of the criminal thought or desire, and then in the absence of all remorse after the criminal act?

The understanding, however great it may be, does not prevent or diminish the shock caused to the moral reason and the moral liberty of the criminal by his moral insensibility; it does not hold this man back from crime. Far from it. The understanding, when guided exclusively by perverted moral instincts, becomes, on the contrary, a power all the more dangerous in proportion as it is developed. Intent solely on the satisfaction of these instincts, it devises criminal projects and seeks the means of carrying them into effect; it produces, above all, malefactors fertile in criminal inventions, able chiefs of criminal gangs.

Mere intellectual knowledge has very little influence in holding back these morally insensible natures from the perpetration of the crimes to which they are urged by their evil instincts; in proof of which our author adduces the following fact. Criminals, he says, know that what they do is forbidden by the laws, and that they are menaced by punishments. They know even the kind of penalties to which they expose themselves by such or such a crime; for professional criminals are well acquainted with the articles of the criminal code which concern themselves. But does this knowledge hinder their attempts against society? Not in the least. Society is none the less assailed by them. Laws and punishments are alike powerless, when the moral idiocy of these criminally-inclined beings extends to the imbecility or absence of the sentiment of fear—a thing by no means rare. This fact has long been known, for it is an old experience, that “laws without good morals profit nothing.”

Hitherto we have given only the views held by the author concerning criminals who commit crime in cold blood. We add a short *résumé* of what he says concerning criminals who commit such acts under the influence of violent passions, such as hatred, revenge, jealousy, anger. In most of these, he says, we find a moral insensibility as great as in cold-blooded criminals—an insensibility proved by the absence of remorse after the crime. Still, a small number of these persons may possess

the moral sentiments to a sufficient degree. Suddenly overborne by some strong passion, which instantly stifles and paralyzes the nobler sentiments, they find themselves for the time morally insensible, and they commit the crime at a moment when all they feel and think pushes them on to it, and when none of the virtuous sentiments has sufficient force to combat the criminal desire. But when once the passion is satisfied, it loses its power, and no longer holds complete possession of the soul. Then the moral sentiments, momentarily stifled, resume their activity, and, shocked by the depraved act, they produce a feeling of remorse, and at the same time of regret that an act has been done contrary to their own interest; a remorse and regret all the more vivid, because the sentiments which felt the shock, and which now cause these pangs of repentance, are stronger and more powerful than the passions which had obtained a temporary victory. In some cases the moral suffering is so violent that it plunges the person into despair, and impels him to suicide.

Dr. Despinae cites, in his second work, a passage supporting his theory, from Dr. Bruce Thompson, resident physician of the prison of Perth, in Scotland, as follows :

“ All the conclusions from the investigations I have made are confirmatory of those reached by Dr. Despinae. However surprising these conclusions may be, if the facts are authentic, they must be honestly accepted, and, agreeably to the dictum of Virchow, ‘we must take things as they really are, and not as we imagine them to be.’ The work of Dr. Despinae, fortified by our own study, affords important lessons, to wit : that criminals present a low psychological nature ; that the instinctive, that is, the moral faculties, in great criminals and in recidivists, are so feeble that they cannot resist the tendency to crime ; that in the major part there is a great lack, and in a considerable number a total absence, of the moral sense. These views may appear exaggerated, but they are the result of a tolerably wide study of the psychological nature of criminals. Two authorities lend confirmation to the corollaries drawn from these researches. Mr. Frederic Hill, for many years inspector of prisons in Scotland, and Professor Laycock, of Edinburgh, who have both given great attention to the study of criminals, affirm that nearly all of them are morally imbecile.”

Here, then, is a first point established by science. It is a profound moral anomaly, perfectly characterized, which is the cause of crime.

But science can push its researches and discoveries yet

further. Back of the psychological there lies an organic cause, which produces it; and science is able to enlighten us in regard to this also. Starting from the principle that our psychical or soul faculties manifest themselves through an organic intermediary—the brain—and that these faculties, the moral as well as the mental, are profoundly modified in their nature by the modifications which take place in the modes of activity of the brain, as is seen most clearly in insanity and under the influence of alcoholic drinks, which in a few moments modify profoundly the moral nature of man by the action which they exercise on the mode of activity of the brain, it cannot be doubted that the moral anomalies which produce criminals proceed from an anomaly in the mode of activity of the brain. This organic emanation is equally demonstrated by the fact of the transmission by inheritance—itsself an organic effect—of the psychical anomalies which make criminals. How often do the descendants of criminals inherit from their criminal ancestors the unhappy moral anomalies which are necessary in order to be able to commit the great crimes, and become criminals themselves. The facts which prove the hereditary descent of these moral anomalies are of very frequent occurrence. Sometimes this heritage is direct; sometimes it leaps over a generation; sometimes it is collateral.

The cerebral condition, which causes a manifestation of the moral anomalies with which criminals and those who are susceptible of becoming criminals are affected, is not a disease properly so called, for the individuals in whom it is found may continue all their life in good health. This condition, though compatible with health, ought nevertheless to be placed in the category of organic infirmities; and this particular infirmity is closely related to the cerebral diseases which give rise to insanity, for it sometimes slides into those diseases. Moreover, the cases in which the children of the insane show themselves to be viciously constituted in a moral point of view, and become criminals, are extremely numerous.

The relationship which exists between the organic condition that gives birth to the moral anomalies necessary to the production of crime and that which causes insanity, is so intimate, that crime and madness often spring from the same stem. The

fact, attested by all medical men who have made the treatment of the insane a specialty, that insanity is much more frequent with criminals than with other men, is a further proof that crime and madness (it may be added suicide also) have organic ties, which bind them very closely together. Dr. Bruce Thompson, after his long experience, comes to the conclusion that the inmates of prisons and lunatic asylums have so many points of resemblance, that it is often impossible to fix the boundaries between them; that the principal study of the physician of a prison ought to be the mental state of the prisoners; that the diseases and causes of death in prisons depend very much on the nervous system; and that the treatment of crime should be made a branch of psychology.

Here, then, is a second point established by science; and the two points may be epitomized thus: Crime is due to a grave moral anomaly, characterized by the absence, to a greater or less degree, of the moral sense, in presence of desires inspired by evil inclinations; and this moral anomaly has its principle and source in a defective cerebral activity, closely allied to that which is the producing cause of insanity.

Such is Dr. Despine's study of the criminal; such his theory of criminality. His next inquiry is, What sort of treatment does the science of psychology, as thus developed in its relation to criminals, require to be applied to them, in order to effect their cure?

He answers: Science, considering crime as the natural effect of a moral disease, which, as we have seen, he calls a psychological anomaly, can have but one aim—that of curing this malady, and so of preventing its consequences, which are so disastrous to society. If it refuses, to a certain degree, to recognize the moral responsibility of beings more or less deprived of the moral sense and of the other elevated sentiments of humanity, if it denies that punishment is the end of the treatment to be applied to criminals, it nevertheless looks upon them as civilly responsible for the injuries which they have caused to society, because, in principle, he who inflicts an injury ought to bear its consequences, and to repair it as far as that may be possible; and society, attacked in its dearest interests by crime, not only has the right, but is in duty bound to defend itself. But what sort of person

is it, against whom society has this right of self-defence? Is it against a man who has in his conscience, like other men, the necessary means to combat and conquer his immoral desires? According to the description given of the abnormal state, of which it is claimed that all criminals are more or less the subjects, it is plain to be seen that the moral faculties, which are pre-eminently the antagonists of the vicious sentiments, are wanting to them in different degrees. If, then, these men, the subjects of a real moral idiocy, are dangerous, they are at the same time deserving of our pity. To shield ourselves from the danger with which they menace us, we are under a necessity of separating them from society. This separation, with the hard conditions necessarily involved in it, constitutes in itself a punishment. But the treatment which aims only to punish for the sake of punishing is dangerous both to society and to the criminal; it rarely improves the criminal, and often makes him worse; in France it produces from forty to forty-five per cent of recidivists.

If such is the fact, observes our author, we may rest assured that it is because we have pursued a wrong road; it is because, having hitherto taken as our guides on this question only fear and vengeance, and not scientific data, we have had in view punishment alone; it is because, never having studied the moral state which leads a man to crime, we have ignored this abnormal condition altogether, and we have not been able to perceive that, in order to arrive at a favorable result, we must aim to bring down to the lowest possible point this anomaly, which is so fruitful a source of crime. The criminal is a being apart; he is different, in a moral point of view, from other men. If this is so, the best way to prevent crime and protect society would be to cause this difference to cease, if not wholly, since that is impossible, at least approximately, enough to render the criminal a safe member of society. The legislation which takes this point of departure will surely attain a degree of perfection and success which has no existence at the present moment; for, as Beccaria has said, "All legislation which stops with the punishment of crime, and does not aim to prevent it, is imperfect."

The direction which society should take, under these circumstances, is based on a knowledge of the moral anomaly with

which criminals are affected, and on the just necessity of protecting itself against the perils which they offer. In this view, its first duty is to segregate them, to place them under the dependence of the penitentiary administration, not for a period fixed in advance, and determined by the nature of the crime committed. It is rather the moral state of the criminal that is to be taken into account, for a very dangerous criminal may have committed acts of no serious gravity, while another, whose moral state is far less depraved, may have committed an aggravated crime in a moment of uncontrollable excitement. Society has the right to defend itself against the wretches who attack it, and to keep them segregated, not for a time determined in advance, but as long as they continue to be dangerous.

Here we have a first point in reference to the treatment of criminals—that of the time of sequestration, established by science, and which is thoroughly in accord with what is demanded by common-sense. Under the system which fixes the time in advance, a system which recognizes, in the prisoner's sequestration, only the element of punishment, we see daily set loose in society a multitude of malefactors, who are known to be dangerous, and who prove themselves to be so by the frequent relapses, which take place shortly after their liberation. Does not such a mode of action wear absurdity on its face?

In taking as a starting-point the principle that we have here to deal with persons afflicted with a moral anomaly, which is of the nature of a disease, it is evident that to cure or at least to lessen this malady should be the supreme aim in their treatment. It is to this end that all the means employed ought to converge. Further, as the moral anomaly with which criminals are attacked varies almost infinitely, it would be as irrational to treat all these varieties in the same manner as it would to treat all the ailments of the body alike. As regards systems of treatment, Dr. Despine considers that of life in common, duly regulated, as better adapted to human nature than life in the cell, which, however, he admits, may be exceptionally employed for a time. The general conditions in which criminals should be placed in penitentiaries are stated by the author in the three following specifications: 1. Not to allow isolated communication between these perverse and morally incomplete beings, who, having only

the germs of *evil* in them, would but become the more perverse by immediate contact with each other. This end might be effected by a division into small groups, by the employment of a sufficient number of overseers, and by placing the more dangerous in the groups of prisoners already reformed, and who are nearest their liberation. 2. Not to leave too much alone and by themselves these unfortunates, more or less morally imbecile, who possess in their own conscience no means of amendment, or have only such as are insufficient to that end. It is commonly thought that, during his isolation in the cell, the criminal enters within himself, and that, through his self-communion, he conceives at length the desire and purpose to reform. This error proceeds from ignorance of the fact that the criminal is not possessed of the moral sentiments which inspire the wish and the will to pursue an upright conduct. Abandoned to his own proper forces, he either corrupts himself still further, or he becomes brutalized by losing in inaction the little that he has of moral force, or insanity supervenes more readily than in association. 3. To study the instinctive nature of each prisoner, and to take advantage of the knowledge thus gained to lead his thoughts to good, to inculcate ideas of order, and to give him the taste and the habit of labor.

It is not worth while, according to the conception of our author, to dream of the impossible as regards the moral amelioration of prisoners, and, above all, as regards that of the great criminals. All that can be hoped of them is to cause to spring up in their soul the desire to change their life, to cause to speak in them a material interest well understood, instead of such an interest ill understood; that is, to excite in them sentiments which are not, indeed, very elevated, but which are, nevertheless, almost the only ones which they are capable of feeling. We must seek to give them, by long practice, the habit of professional labor—a trade—by which they can earn an honest living after their release, and, by suitably rewarding their labor even during their imprisonment, to induce in them a love of work and the definitive purpose to lead an industrious life. To restrict them to a labor stupid in itself, a labor which teaches them nothing, which disgusts and irritates them, and from which they will afterwards be able to derive no advantage, is a miscon-

ception of the whole aim and end of prison treatment. To deal with them in this manner is, in some sort, to force these wretched creatures, who have no means of living, and who are repulsed on all sides, to return to a life of crime, or to perish with hunger. Chief among the good sentiments, which it is needful to excite in the heart of the criminal in order to lift him from the condition of moral debasement in which he is found, are the religious sentiment and family affections.

There are other sentiments of great power over the human spirit, which are too much neglected in prison treatment. Fear is very much relied upon for the maintenance of discipline, and to lead the criminal to change his life. It is a bad agent. The psychological study of criminals shows that they are but little accessible to fear. Instead, therefore, of treating the criminal as simply a degraded and abject being, we must seek to raise him in his own eyes; we must sustain him by encouragements and by hope. He must be made to know that his imprisonment and the severe discipline under which he is obliged to live, are less a punishment than a treatment, having in view—to ameliorate his moral state, to give him the habit of a regular and laborious life, and to inspire him with respect for himself, for his fellows, and for their life and property. All these are things which he can readily be made to understand. We must cause to resound without ceasing in his heart the sweet name of liberty. We must give him to understand that he holds his fate in his own hands, and that he will not be liberated till he shall have proved, by his industry and his good conduct, that he can maintain himself in society without wounding it afresh. He must know, also, that the authorities are on their guard against hypocrisy, and that after the rational and humane treatment to which he has been subjected, if he returns to his former life, he will be regarded as incurable, and will be kept in prison till he shall have given more complete proofs of reformation. The sentiment of personal dignity and self-respect must be re-awakened in the breast of the criminal; his manhood must be treated with respect, even when under punishment for infractions against discipline. Nothing will tend more to make him feel the respect which he owes to others. Instead of pursuing such a line of conduct towards the criminal, what is the course

actually taken with him? We treat him with the profoundest disdain; we array him in a repulsive and humiliating garb; we seek to make him forget that he belongs to a family, to humanity; we designate him by a Number, instead of a Name! The principle of emulation should be brought into play in our dealing with prisoners. They should be stimulated to good conduct by means of rolls of honor, by good marks, by premiums even, which should be distributed to them with a certain solemnity, in order to strike their imagination. The safety of society is profoundly concerned in such a treatment of prisoners.

There is in the Gospel a parable with which we are all familiar; a parable most admirable in a psychological point of view, since it involves the entire treatment proper to be applied to criminals. It is the parable of the Good Shepherd. The author earnestly presses upon all the friends of prison reform a careful study of this parable. We may say to society: "You desire, in your own interest, that the lost sheep be brought back to the fold. Provide for him, then, the means of doing so. Make it possible for him to return from his wanderings. Do not, by useless and dangerous punishments, sow with disgust and hatred the path that leads back to the fold, and which you desire him to take. Give to the criminal the possibility, when once he is free, of loving labor, and of thereby procuring the means of existence. Encourage him, sustain him, watch over him, during the first years of his freedom—a work so well performed by the patronage or aid societies, which cannot be too warmly commended or too generously supported.

To the intent that a penitentiary asylum may fulfil the end here proposed, it is desirable that it should not contain too large a number of prisoners. The rôle of the director in these houses ought to be altogether different from that which he is called actually to fill. The chief of the establishment ought to know thoroughly the special moral ailment of each one of his prisoners, and to find himself often in contact with them, to the end that he may, while directing them in the right path, inspire them with courage and hope. The under officers ought to be well instructed in regard to the psychical condition of criminals, and also on the duties of charity and firmness which they will be called upon to discharge. It is, therefore, much to be de-

sired that normal schools for the special instruction and training of prison officers be everywhere established.

Such is a rapid exposition of the views put forth by Dr. Despine touching the cause and cure of crime. He insists, with the utmost earnestness, that the essential point in this question lies wholly in the psychological principles which belong to it. These principles once admitted, the practical consequences will flow from them as from a fountain, and it will be the office of experience to fix them definitively.

Although this rational and scientific treatment of criminals has not yet been generally adopted in prisons, yet, here and there, eminent men, inspired by the noblest instincts of the heart, by pity towards beings morally feeble, have undertaken, by gentle and loving means, to lead them to a regular and virtuous life. In employing a system opposed to official rigor, they have succeeded in their attempt. What these benefactors of the human race have essayed, under the sole inspiration of their feelings, is precisely, our author affirms, what is taught by cold, hard science—that is to say, a criminal treatment inspired and guided by a knowledge of the psychical state of criminals and of the laws which govern the moral world. In truth, it is impossible that science should find itself in antagonism with the highest moral teaching, viz., to render good for evil. Science demonstrates that society, in its own interest, should employ towards the man who has injured it a treatment which, though marked by the utmost firmness, shall be at the same time humane and charitable.

Our author cites, in illustration, three instances of this sort of treatment: that of Demetz, in France; that of F. Despine, in Savoy; and that of Sir Walter Crofton, in Ireland. Happily there are many others, to which he has made no allusion. It is thus seen that reformatory treatment, applied to criminals, is not a Utopia born of the imagination.

M. Demetz was the first who practised this treatment in France, which he did with rare perfection and success in the juvenile penitentiary of Mettray. While these juvenile delinquents, when thrown into the central prisons pell-mell with adult criminals, showed seventy-five recidivists in every hundred, they have shown only four per cent under the strict but paternal

direction of M. Demetz. It has been generally believed that the whole system at Mettray consists in agricultural labor, and that its extraordinary success is due to that fact. This is a profound error. That system is based upon the psychological axiom, that human nature is controlled by the sentiments, and not by force and violence ; and this it is that has gained for it the pre-eminent success which has excited the wonder and won the applause of mankind. The catastrophe in the juvenile penitentiary at the Isle of Levant, where occurred a fearful revolt, accompanied by assassination and incendiarism on the part of the young criminals, who, equally with those at Mettray, worked on the soil, is a clear proof of this axiom.

A scarcely less interesting experiment, though of much shorter duration, was made, some thirty years ago, by Mr. F. Despine, a relative of our author, at Albertville in Savoy, while that province belonged to the crown of Sardinia. Here the application of the system was made to adults, which necessitated some modifications, the base, however, remaining the same. Imperfectly as the system was applied in this case (for M. Despine was not allowed to carry out his ideas fully), it yielded, nevertheless, very remarkable results. His administration was full of mingled firmness and gentleness. He governed his prisoners by awakening in them virtuous sentiments. By this means he obtained such an ascendancy over them, that he did not hesitate to let them go outside of the prison premises, single or in companies, under the surveillance of a keeper, to execute various labors. In this manner he so held them to duty by the bond of gratitude and love, that he was never compromised by a solitary escape, or even an attempt to escape ; for the prisoners well knew that, by running away, they would compromise the responsibility of their friend and benefactor. On one occasion, a snow-plough had been made in the prison, which was not finished till midnight. It had then to be carried outside of the prison premises, for it was to be put on board the early train of the following morning, to be conveyed to its place of destination. It was a heavy machine, and had to be taken outside in pieces, and afterwards put together. M. Despine took twelve of the most stalwart of the prisoners for this job, and alone superintended the work. There, in that dead

hour of night, with no light from moon or stars, these stout, brawny criminals wrought faithfully for a full hour; and when, at one o'clock, they re-entered, and the prison gate closed behind them, turning to M. Despigne, they smiled and said: "The director is too confiding." Nothing could have been easier than for the whole twelve to effect their escape. Did they refrain because they had no desire of liberty? We shall see. One of them did escape by stratagem a short time afterwards. When captured and brought back, he was asked why he did not run away while working outside on that dark night. His reply was striking, and even touching. It was in these words: "It would have been a baseness to the director." Compelled at length by the administration to carry out, in all their rigor, mere official and routine regulations, and that, too, despite the exceptional morality and the habit of willing, cheerful work, which he had introduced into the prison, this model director preferred rather to resign his position than hold it at the cost of putting in practice a discipline which he felt to be detestable.

Dr. Despigne takes his third illustrative example from the system devised by Sir Walter Crofton, and applied to the convict prisons of Ireland, and does the writer of this article the honor to cite from a report made by him, in 1871, the following passage:

"Never have I seen elsewhere any thing comparable to the intermediate prison at Lusk. Here is a prison which is not a prison, consisting of two iron tents, capable of accommodating a hundred inmates, and a farm of two hundred acres—an establishment without bars, bolts, or enclosing walls, and yet, in fourteen years, not a dozen escapes have taken place, thus proving anew the dictum of Dr. Wichern, that 'the strongest wall is no wall;' in other words, that a wall of influence is stronger than a wall of granite."

To the above citation Dr. Despigne adds: "This is precisely what has been said by M. Vacherot, of the Institute: 'Attraction in the realm of mind is the greatest directing force—the surest means of government.'"

REMARKS ON DR. DESPIGNE'S PHILOSOPHY.

We have left but small space for the critique proposed as the second part of the present paper, and must confine ourselves

to a general indication, without much discussion, of the points of divergence between our author and ourselves.

1. Dr. Despine takes no notice, and makes no account, of the biblical doctrine of the fall of man, by which the whole race, having lapsed from its "original righteousness," has fallen into an abnormal moral state of stupendous proportions. But though philosophy, in its pride of knowledge and wisdom, may disdain such a doctrine and stigmatize it as the offspring of theological dogma,¹ it is none the less a fundamental fact of humanity, revealed, with infinite variety of expression, in Holy Scripture, and attested by every page of human history.

2. Dr. Despine's doctrine of free-will (*libre arbitre*) we find ourselves unable to accept. Not every volition, in his view, emanates from the will. He lays down three limitations, or cases, in which free-will has, in his view, no proper play, viz. : 1. When the desires and motives are not opposed by contrary desires and motives. From this it results that, if a person feels the desire to steal, and that desire is not met and overcome by a stronger countervailing desire, though the individual who is the subject of it actually commits the theft, it is not by a proper act of the will that he does it, but under a sort of necessity, a compulsive force, which he is unable to resist. 2. When the desires and motives have no relation to moral good or evil, and consequently the conscience has no concern in the choice. Thus, if I live at Princeton, and wish to go to New York or Philadelphia to make some purchase, free-will has no concern in the choice of the one place rather than the other. 3. When the desires and motives which oppose an immoral action are stronger than those which favor it, it is not by an exercise of free-will that the person decides ; it is by the desire alone, or the desire which is strongest. The decisions or choices, resulting from the desires in these three sets of circumstances, in which the sentiment of duty or moral obligation has no play, are altogether in the nature of things, and therefore a matter of course, since in none of these cases has the man any motive to act otherwise than according to his desires. In all of them the decisions, being invariably determined by the stronger desires—

¹ We do not say that Dr. Despine does this ; it would be an injustice to him.

desires which the person does not give to himself, but is merely the subject of—are not really free. According to Dr. Despinae, it is only when the desire which impels to evil is stronger than that which inclines to good, and yet the individual chooses the good instead of the evil, that free-will decides and chooses the course to be taken; because then the man has a motive to choose the one or the other, and is not necessitated to decide invariably according to the strongest desire. He can choose the evil because he desires it most, and he can choose the good because he feels it a duty so to do. This is the only conjuncture of circumstances where, in Dr. Despinae's system, free-will has any *rôle* to perform, any *raison d'être*. Free-will, being thus called upon to decide only in cases where the sentiment of duty intervenes, has its seat in moral liberty alone, and not in the other liberties, which consist simply in the power of doing what we desire, when not prevented by others; a liberty possessed by children, insane people, and even animals.

We find it impossible to accept this philosophy, and equally impossible, in the space left us, to consider and discuss it. But we may remark, in passing, that the sentiment of duty is itself a motive, and creates a strong desire, arising from the pleasure which its performance always brings with it. To say that the Creator has not tied the purest and highest happiness to a conscientious discharge of duty, would be to arraign at once his wisdom and goodness; for what could be more derogatory to these attributes than to suppose that the Deity would bestow a greater degree of happiness on the man in an abnormal than on the man in a normal relation to him? What is there, then, to differentiate the desire and motive created by the feeling of moral obligation from other desires and motives, whose strength, according to our author, destroys free-will and draws after it the consequence of converting men into machines? If the motive supplied by the love of ease or pleasure, dominating a man, destroys his moral liberty and his free-will, what reason can be assigned why the motive supplied by the sentiment of duty, dominating another man, does not equally destroy *his* moral liberty and free-will? Dr. Despinae suggests none, and it is not easy to conceive any. But this would rob the race of moral liberty, banish free-will from the earth, and destroy all moral

responsibility among men. Automatism would then become the one universal law of human as of animal action.

See, too, what a restricted sphere this philosophy leaves to virtue. There is no virtue and no merit in any human action which is not performed in the presence of two opposing desires, the one towards evil, the other towards good, the former being the strongest and being overcome by the naked sentiment of duty, the desire of doing right solely because it is right. Not only does this consequence flow from our author's philosophy, but it is formally avowed and taught in his books. A child obeys his father and mother because he loves them; but there is no merit, no virtue, in such obedience. A man obeys his God from a like principle; but his obedience is equally devoid of any meritorious quality. We like better the philosophy of the great English poet who wrote the "Night Thoughts:"

"Talk they of morals? O thou bleeding Lamb,
The grand morality is love to thee!"

We like better the philosophy of Paul, who taught that "*Love* is the fulfilling of the *Law*"—that is, the principle and spring of all acceptable obedience. We like better the philosophy of the Master, who declared, "I *love* them that *love* me;" which must mean, also, that he is most delighted with the obedience which springs from affection. Indeed, love to the authority commanding is the only force that will hold men steadfastly to duty, as magnetism is the only force that will hold the needle steadfastly pointing towards the north, and gravity the only force that will hold the planets secure in their orbits.

3. Dr. Despinae maintains that all great crimes are committed in a state of moral irresponsibility, either because the perpetrators are wholly destitute of the moral sense, or because, though possessed by them to a greater or less degree, it is, for the time being, held in abeyance by their being in an impassioned state (*l'état passionné*); dominated, beyond all power of self-restraint, by some violent passion, such as anger, rage, jealousy, revenge, or the like. Even drunkenness is held to work a like result, and to render morally irresponsible the man who commits a crime in that condition. At the same time he holds that the minor crimes may be committed by persons normally consti-

tuted in a moral point of view, and that these persons, being morally responsible, are justly liable to punishment properly so called; while the great criminals, not being morally responsible, are not liable to punishment in the strict sense, though he admits that they are civilly responsible, and may be submitted to a curative moral treatment in asylums. This theory is certainly liable to other exceptions; but an objection sufficiently grave is suggested when it is asked where shall we find human tribunals capable of drawing a line so ethereal and impracticable, so vague and intangible, especially as our author himself admits that persons wholly devoid of the moral sense often commit the minor as well as the greater crimes? In such cases the courts would be compelled to sentence to punishment persons who are not properly amenable thereto.

4. Our author does not appear to make any account of a process, which all observers of human nature and human conduct must have noticed times without number, by which the conscience, which originally existed in full strength, becomes gradually enfeebled and incapable of its normal action through long indulgence in evil courses. St. Paul applies to the conscience, when thus voluntarily brought into this state of numbness and inaction, two epithets equally apt and striking, "defiled" and "seared"—*defiled* meaning so corrupted by vicious and criminal habits that it no longer performs its proper office, so blinded and perverted by sin that it can no more judge aright of the moral quality of actions; *seared* meaning utterly hardened, extinct as it were, having lost all sense and feeling of right and wrong. Can the doctrine be accepted that such persons have no moral responsibility for the criminal acts done by them? We think not; and we think, also, that our author pushes his doctrine of the absence of the moral sense too far, and gives it too sweeping a force. The cases cited by him, though striking, and some of them even appalling, do not prove, to our satisfaction, that this faculty is wanting or deficient to any thing like the extent claimed by him. As yet we cannot but hold to the old belief that there are few persons (we believe there are some) entirely destitute of the moral sense; few in whom there does not exist some germ or flickering of conscience; few in whom there is not a moral capacity, which

may be developed by education, or perverted by miseducation.

Dr. Francis Wharton, in his "Treatise on Mental Unsoundness, embracing a General View of Psychological Law," has given a *résumé* of our author's theory of criminality, which we think our readers will be glad to see, and which we therefore transcribe for their perusal, as follows :

"The moral sense, Despine declares, is not the result of knowledge, and cannot be acquired. Some men are destitute of it, and these men are not to be taught. Such a deficiency constitutes moral insanity or moral idiocy. There may be intellectual clearness and the capacity to reason accurately, coexistent with this derangement of the moral sense. To sustain this position, Despine is obliged to start a new definition of free-will (*libre arbitre*), which he informs us can only exist when there is capacity to act from a sense of duty. *He who acts from other motives than a sense of duty, is not a free agent.* Hence, from the category of free agents are to be removed, (1) the person who does acts which appear to him indifferent—*i.e.*, neither good nor bad, and (2) the person who does an act which appears pleasant to him, because it is pleasant.¹ Duty he declares to be the great moral motive of life, compared with which all other motives are coarse and egoistic. He alone who acts in obedience to duty is free from selfishness and egoism. He, for instance, who obeys his parents from love is egoistic and selfish. He obeys from the pleasure he receives in obeying. He who obeys from duty, on the other hand, acts irrespective of his own pleasure and advantage. He alone is unselfish. Yet duty is the high prerogative and the exclusive test of a moral agent. Except by those who are governed by a sense of duty, there can be no moral agency. He who is governed, not by duty, but by affection, or by any other form of feeling (the author forgets that the sense of duty is also a feeling), simply follows the lower animals in the points where they differ from man. Hence it is, according to Despine, that he alone who acts from a sense of duty is responsible. These propositions are supported by a very copious list of criminals, whom Despine announces to have been destitute of the moral sense; which, with a boldness of assumption, like that which characterizes his other psychological assertions, he declares to be proved by the absence in such cases of remorse or repentance for their evil deeds. In other words, where there is no remorse, there is no moral sense; and where there is no moral sense, there is no responsibility; and where there is no responsibility, there is no proper punishability. And this is then carried a stage further by the declaration, that absence of moral sense is to be inferred from the commission of all gross and cruel crimes, and hence that such crimes imply irresponsibility. In other words, every great criminal is, at the moment of his crime, morally insane; and it is as unjust to punish such, as it is unjust to punish lunatics. The fallacy of this reasoning, it need

¹ This is hardly a fair statement of Despine's views. See above.

scarcely be said, lies in the assumption that 'sense of duty,' like the various other faculties and properties of the mind, is contained in a separate and hermetical compartment; and that, when this compartment is empty, it cannot be filled by reason. But there is no such separation of the mind's several faculties and functions; and it is notorious that in persons most destitute of a natural sense of duty, this faculty may be supplied by reason. A man may naturally, for instance, be destitute of a sense of duty to government; but let government show that it means to be respected, and this sense of duty will soon spring up. So a child who, under a lax and indulgent mother, shows no sense of duty to parents, will soon, on the intervention of a firm and wise father, learn that there is such a duty, and act accordingly. Enlightened duty is, in fact, often the creature of positive law. Of course, as to the insane there is no capacity to determine this law, and no material, therefore, from which duty can be deduced. But in the sane, it is the business of the law to create and guide this sense of duty, and this must be done by precept and penalty."

We agree with Dr. Wharton in his dissent from the doctrine of free-will and the moral non-responsibility of criminals, as taught by Dr. Despine; but his own philosophy, when he attempts to refute him, seems to us not a little at fault. To say that coercive measures employed by governments or individuals to enforce obedience to their laws originate a "sense of duty," and that it is "the business of law to create this sense of duty," appears very inexact, and lacking in philosophical discrimination. No law, no authority, no external force whatsoever, however vigorously applied, can "create" any moral sentiment, any inward affection, in the soul. Such is neither the office nor the intent of the applications of force. Their aim and their operation is to produce fear; and, if successful, they have the same apparent effect: that is, they produce the same external obedience, as the sense of duty, or love to the lawgiver, or any other inward sentiment or impulse of the soul. And it is precisely this egoistic sentiment, this dread of pain, this enlightened regard to self-interest, in one word, this fear, that Dr. Despine maintains must be given to criminals by the use of a right treatment, a right education, during their imprisonment, to the end that it may, in a certain measure at least, supply the place of those higher sentiments, which hold to duty and to virtue beings more highly endowed in a moral point of view.

Nevertheless, despite our inability to accept, in full, the philosophy of Dr. Despine, we gladly recognize a great element of truth in it; and we thank him cordially for his books, which are

as original, profound, and able, as they are replete with sympathy for human nature in its weakness and for human progress in its best and noblest aspirations. His view of the family likeness in the three grand elements of man's constitution—the physical, the mental, and the moral—we receive in principle without hesitation, since every day's observation and experience attest its truth. In man's bodily structure we see, on one side, a perfect animal organization, as represented in the Apollo Belvidere and the Venus dei Medici, and, on the other, little more than a lump of flesh, as depicted in Shakespeare's Caliban; and between these two extremes we find every possible, every conceivable, gradation of perfection and imperfection, the lines of separation melting into each other by imperceptible degrees. In man's mental constitution we see the same differences and the same gradations repeated, from the men so highly endowed intellectually that they create sciences and produce works of imagination, history, and philosophy, that instruct and charm the ages, down to the drivelling idiot, who lacks the intelligence necessary to meet the simple necessities of his physical existence. In the moral constitution of man, why should we not expect to meet with divergences equally great and striking? Such, in point of fact, is the case. We see, at one extreme of the moral scale, beings so finely organized, that we instinctively feel them to be as incapable of committing a criminal act as they are of plucking the moon from her seat in the heavens, and at the other extreme we behold creatures of so coarse a mould, that vice and crime seem to be their natural, normal element; and between these two extremes we find the same gradations, separated by the same inappreciable lines, as in the realms of physical and intellectual organization.

Few have lived to adult age without having observed cases of this sort. The writer of this article recalls several such, two or three of which stand out with such prominence in his memory, that he cannot refrain from a brief reference to them. We once met with a burglar in one of the county jails of New York, a man in middle age, of robust physique, and of more than the average grade of intellectual acumen and vigor. In the course of a long conversation, he maintained, with the utmost coolness and with evident sincerity, that burglary is as proper a

business as the profession of law, medicine, merchandise, or any other of the ordinary callings of life. He said that he had no natural propensity to take human life, and he would rather not do it if it could be avoided. But he declared that if, in the execution of a burglary, it became necessary to the success of the enterprise to kill a man, he would take his life as readily as he would that of a dog, and would do it without the slightest feeling of compunction. All men, he said, overreached each other when they could, and the trade of a thief or burglar was as honest as that of a merchant or a lawyer; he saw no difference.

Another case was that of a youth of twelve to fourteen years of age, who was the inmate of a boarding-school for lads, kept by the writer at an earlier period of his life. This child, for he was scarcely more, belonged to one of the most illustrious families in America. He bore a name honored in the nation's history from colonial times to the present day, a name distinguished in Revolutionary times, and also in the late civil struggle between the Northern and Southern States of the Union. He had a keen and brilliant intellect, which worked with remarkable quickness and intelligence; and he possessed extraordinary conversational powers. He could take an active part in general conversation, while engaged in rapid composition on some other subject. These gifts won the admiration of older persons, and, when he was in jail in New York, brought numbers of cultivated people to his cell, especially members of the bar and the bench, to witness their play. But he was the very incarnation of evil. Had he lived in the time of our Saviour, he would certainly have been classed among persons under the power of demoniacal possession. He was absolutely and incontrovertibly without any such faculty as conscience. His cunning, too, was equal to his wickedness, and both were without bounds. He remained in the school only for a few weeks, for it was impossible to retain him; his stay would have been perdition to all the others. His schoolmates, even, stood aghast at his deviltry. After he had been sent home, he was placed by his father, an honored and influential citizen in the community where he lived, in an insane asylum; but the writer has always thought that this was done only as a cover to mortified family

pride. We visited him while he was in the asylum. In a long conversation had with him, we could detect no trace of a disordered intellect. The father rather blamed the writer for not discovering the boy's insanity while the latter was still under his guardianship. But it so happened that, while confined in prison, he had been sick for several days, and had been attended by one of the most distinguished medical practitioners in New York, who gave a certificate that, during his attendance on the lad, he had detected no symptoms indicating any thing like mental disease in him.

One other case we will mention: it was that of another inmate of the boarding-school. The sentiment of egoism, of self-interest, was so strong in this youth, that it was a thing extremely rare for him to violate any of the established rules and regulations of the institution; and, accordingly, he always stood high on the roll of honor for obedient and orderly deportment. But he was none the less ever plotting and working in the dark to undermine the authority and influence of the Principal, and to lead other boys into infractions of the discipline. Though there was never any thing overt in his conduct to take hold of, and especially nothing to be used as a ground of dismissal, at the end of his first half-yearly term we declined to receive him back for a second term, though his friends occupied a high social position, and, to carry out our purpose, it was necessary to resist their urgent entreaties for his retention.

As concerning the treatment recommended by our author to be applied to criminals during their imprisonment, we have only words of approval and praise to bestow upon it. He regards such treatment as flowing naturally from his theory of what the criminal is in himself, and from that of the causes which have made him what he is. We do not wish to contest this point, for if his theory is correct, the consequence is legitimate. All we now claim is, that his philosophy is not necessary to its birth. The rational and humane system of criminal treatment, the system of *organized persuasion*, as Maconochie calls it, existed long before the "Psychologie Naturelle" made its appearance. It was first announced by Pope Clement XI. in the very beginning of the eighteenth century (1703), in the motto placed by him over the door of the prison of St. Michael, at Rome: "Parum est

improbos coercere pœnâ, nisi probos efficias disciplina"—*It is in vain that we restrain the wicked by punishment, unless we reform them by education.* This principle was made the basis of the discipline introduced into the prison of Ghent by its founder, Viscount Vilain XIV., more than a century ago. It was equally adopted by Maconochie at Norfolk Island, by Montesinos at Valencia, by Obermaier at Munich, by F. Despine at Albertville, by Crofton in Ireland, by Sollohub at Moscow, and by Demetz, Wichern, and all others in charge of juvenile penitentiaries and reformatory institutions for children and youths. The principle is now recognized by almost all prison disciplinarians, the world over, who are worthy of the name, though, alas! the practice yet lags far behind the theory.

But, in any case, we give a hearty welcome and a fervent God-speed to so intelligent, learned, earnest, and able an adherent and advocate of this principle, as the illustrious author of the "Psychologie Naturelle" and "La Folie au Point de Vue Philosophique" has shown himself to be. May his labors in this field yield an abundant harvest!

E. C. WINES.