

The Psychology of Criminals. A Study by J. BRUCE THOMSON, F.R.C.S., Edin., Resident Surgeon to the General Prison for Scotland, at Perth.

“Audax omnia perpeti,
Gens ruit per vetitum nefas.”

HORACE.

Trans.—“No laws, or human or divine,
Can this impetuous race confine.”

THAT great criminals are wholly without the moral sense, that violent and habitual criminals are, as a class, moral imbeciles—are startling propositions; but, nevertheless, they have been adopted and advocated with singular show of truth and much ability of late years. Such views are quite opposed to all the doctrines of divines, and philosophers, speculative and practical. That any man, however wicked, is utterly deprived of the moral sense, sounds very new and very strange to us. Our own consciousness tells us all, what Sir Thomas Brown has so finely told us in eloquent words—“Surely there is a piece of Divinity in us; something that was before the elements, and owes no homage unto the sun. Nature tells me I am the image of God, as well as the Scripture. He that understands not this much is yet to begin the alphabet of man.”

The bold propositions in regard to criminals have been propounded, defended, and supported, with a great array of facts, by Dr. Despine, in a work recently published, entitled, “*Psychologie Naturelle; Etude sur les facultés intellectuelles et morales dans leur état normal et dans leurs manifestations anormales chez les Alienés et chez les Criminels.*” *Tomes III.* 1868. An able but brief notice of this work has already appeared in the April number of the “*Journal of Mental Science,*” but that notice had reference chiefly to the method and principles of the author’s system of philosophy, leaving out, in a great measure, the chief theme, viz., the manifestations and anomalies of the criminal, which occupies about two-thirds of the three substantial volumes before us. The present paper shall be confined almost entirely to the characteristics of the criminal classes, and to Dr. Despine’s views of their moral insensibility. The writer here offers his extensive observation and experience among criminals, by

way of comparison with the facts and conclusions arrived at by Dr. Despine; and however new and startling the results may be, if the facts are authentic, they must be received honestly. "We must take things as they really are, and not as we think them to be," is a maxim well stated by the philosophic Virchow.

Dr. Despine has given us a most elaborate and interesting treatise on moral insanity in relation to crime, accompanied with a vast mass of details of illustrative cases gathered from criminal records in France.

It is quite clear, however, that all his knowledge of criminals is gleaned from these records, and little or none from personal knowledge of criminals themselves. In this respect I hold a vantage ground, being enabled to offer facts and figures drawn from acquaintance with criminals for the last 12 years in the General Prison for Scotland, of which convict establishment I have medical charge. It seemed interesting to compare notes with the author of "*Psychologie Naturelle*," who looks at his study from a different standpoint, and to run a parallel betwixt our respective observations and deductions. His business has been to read up the subject of criminals; the writer of this paper has had to see them, to speak with them, to observe their characteristics, physical, mental, moral; to visit them by day and night; and listen, in dreary solitudes and awful cells, to their complaints, echoing through the long corridors of the prison,

"The still sad music of humanity."

Moral insanity, where the intellect keeps sound for a time, deserves the most earnest and grave study of the lawyer, the divine, the psychologist, and the practical legislator; but such a disease as moral insanity is only being slowly allowed by even the medical profession. Ever and anon, a case like that of Traupman, in France, or the Uxbridge horrors, in our own country, or the sad *cause célèbre*, puzzling the Divorce Court, arouses even the legal mind to the connection betwixt crime and insanity. Still, as a rule, the doctrine is refused in law that a person can be insane without delusions of the intellect, and moral insanity is not recognised in courts of justice. Yet an experienced lawyer and judge, writing on the nature of crime, in the "*Edinburgh Journal of Jurisprudence*" for June, says, "Insanity and criminality are nearly convertible terms. The difference is only one of degree and extent, and

the difficulty is where the line of demarcation may be drawn with certainty." The same writer adds, looking at the question theologically, "The old book declares the fact in representing the scriptural maniac, so clearly the representative of the criminal class, when brought under holy aspirations, as 'clothed and *in his right mind*;' and the prodigal son seeks his road homeward when 'he comes to himself.'" When we get such sentiments from a good lawyer and a sound theologian, we have hope at least that our subject will receive its due respect and consideration from the learned professions.

It is long since this revived subject of moral insanity was studied. "There is nothing new under the sun," and madness without disturbance of the intellect dawned long ago on the minds of the classic philosophers of Greece and Rome. The divine Plato and the reasoning Aristotle discoursed to their disciples on the alliance betwixt crime and madness—how far the acts of the criminal were voluntary or involuntary; how far moral diseases resulted from physical causes; and how far original organization affected or destroyed moral responsibility. Such high questions engaged the speculative sages and their disciples as they loitered and conversed—

"Through fair Lyceum's walk or green retreats
Of Academus and its thymy vale."

In our day the opinions held by Plato and Aristotle of the kinship of crime and madness are only being revived by psychologists, among whom we rank chief Pinel, Esquirol, and Prichard. On the subject of this paper—"Criminals"—we have the following testimony in the beginning of this century by the zealous and observing Pinel:—"One of the great objects of my life shall be to demonstrate to the judges of the land, that numbers of persons brought before them, found guilty and convicted as criminals, were only insane." And again he says further, "Can mania exist without lesion of the understanding? I have seen many madmen, who at no time had manifested any lesion of the understanding, and who were under the dominion of a sort of instinctive fury, as if the affective faculties had been alone diseased." To shew that these views are advocated by the best psychologists of the present day, the following quotation may be given from Dr. Maudsley in one of his Gulstonian Lectures just published:—"Another group (of the insane) might be made of those persons of unsound mental temperament who are *born with an entire absence of the moral sense, destitute of the possibility*

even of moral feeling; they are as truly insensible to the moral relations of life, as deficient in this regard as a person colour blind is to certain colours, or as one who is without ear for music is to the finest harmonies of sound." This strong statement by the eminent professor of medical jurisprudence in University College, London, and distinguished psychologist, deserves much respect; and all the more that it concurs largely with the study of Dr. Despine, who, of all writers, has propounded the boldest dogmas on the subject of moral insanity.

The gist of the three volumes of Dr. Despine lies in the following passage of his introduction, which it is meant should form the text of the present paper (auct. loq.). "*In reading without any preconceived notions the reports of criminal trials, I was struck with the constant recurrence, among those who committed great crimes in cold blood, of a mental condition marked by the absence of all moral remonstrance, before the act premeditated, and the absence, not less complete, of all remorse after the accomplishment thereof.*" Pursuing this inquiry, after long and diligent search into the details of crime, the author says he found the mental condition above described absolutely and invariably present, indeed an indispensable concomitant of crime. The conclusion is, of course, that great criminals are wholly destitute of the moral sense. A large series of cases are given in illustration, and we "sup full of horrors" in the histories of the "Wolf" Dumollard, and the horrid congeners of the French Revolution, who were little better than moral monsters and beasts of prey. But the same startling theory or defective moral sense is applied by the author to other classes or criminals, such as thieves and robbers, whose habitual life is abnormal and anomalous; being quite opposed to Justinian's normal state, "*Honeste vivere, alterum non lædere, suum cuique tribuere.*" Despine says, "Thieving is a crime that cannot be carried on as a profession, but by persons without the moral sense." An individual normally constituted may accidentally or occasionally be tempted to steal or rob; but to adopt thieving as a profession, to live by this crime, "*the thief must not only be without the moral sense, but without self-respect, and of course anomalous in regard to the instinctive faculties. Experience proves this to be really true.*"

With the first part of Dr. Despine's work we shall have little to do. It treats of the mental constitution, of reason, of will, of the moral sense, in a way that seems too speculative and metaphysical for practical uses. The entire first volume is

occupied with these mysterious topics, which, from the beginning of time, have puzzled and perplexed the wisest heads, and through all time must leave us "in wandering mazes lost."

The first volume would have been better as a separate essay; and that chief part of the work devoted to criminals should have been given entirely to those "*facts and instances*," which are the true foundation of philosophical study. It may not be out of place, however, to notice a few of the propositions, involved in the first principles of Dr. Despine.

One of the most valuable propositions is the importance attached to the division of man's mental faculties into the intellectual and the moral. The *moral faculties* he terms *instinctive*, as expressing the instincts necessary to a healthy normal mind. Man, therefore, is not merely a two-fold being composed of body and mind, he is a three-fold being, composed of a physical, intellectual, and moral nature. We have physical defects and diseases; we have intellectual defects and diseases, and also moral or instinctive defects and diseases. If then we have intellectual disease—which is insanity—why not also disease of the moral nature, moral insanity?

This view of our human nature corresponds very nearly with the phrenological system of Gall and Spurzheim, which Despine says originated with our Scottish philosophers, Hutcheson, Reid, and Dugald Stewart.

The following are leading laws held by Despine as demonstrated by his study:—

Law First.—When the instinctive faculties act simultaneously with the reflective, the latter are subject to the direction of the former; *i.e.*, the man thinks as he feels.

Law Second.—Man always wills to do that which he desires the most, when he does not feel himself obliged by the sense of duty, or when he is not constrained by a force or circumstance independent of himself, that is to say, by the necessity to do that which he least desires. This law is the law of interest.

Law Third.—No law has such power over the mind of man as his mode of feeling—the witness of his instinctive conscience.

Law Fourth.—It is impossible for a man to do voluntarily what is invincibly repelled by his instincts.

Such are the laws which govern the normal state of the mind, under the healthy guidance of the instinctive faculties, or the moral sense. But defective and abnormal and anomalous states of the instinctive faculties exist:—

The moral sense is absent in certain races of men, as the

Bosjesman and the Australian, who simply follow their desires and objects of interest; and not only in certain races, but persons in the best races are moral idiots; and further, sex and age and religious training modify the moral nature.

Criminals, who do great crimes in cold blood (*sang froid*), and betray no remonstrance before or remorse afterwards, are without the moral sense.

The intellect may be sane, and not the moral sense.

When a truly sane man commits a great crime, he must necessarily express his compunction and remorse of conscience.

Having premised these leading ideas of Dr. Despine in his great work, "Psychologie Naturelle," and keeping them in view as a text, I propose to offer some facts and figures bearing on the inquiry as to the psychology of criminals. Without metaphysical speculation, perhaps the first great inquiry of philosophy should be, "What are the facts?"

I.—Of the physical characteristics of criminals.

II.—Of their mental characteristics.

III.—Of their moral characteristics.

IV.—Of their liability to brain diseases, accompanied by intellectual as well as moral insanity.

I. *Of the Physical Characteristics of Criminals.*

The relations of the material framework to the mental manifestations, the physical to the psychical, are admitted and studied by all who give themselves to Mental Science. The Philosophy of Mind has only made distinct progress since it was followed by physico-psychologists.

The old philosophers said "a man becomes depraved through his habit of body, and the diseases of the soul result from the habit of the body;" or, as Dupaty says, "the physical is the foundation of the moral man." Despine, frequently in the course of his work speaks of it as a settled point in physiology that the condition of the criminal mind is to be traced to the abnormal state of the organization. The learned Dom Permetty wrote a treatise with the title "La connaissance de l'homme moral par celle de l'homme physique," a title very good but of which the work was not worthy; being almost forgotten, and scarcely known, except by name among "The Curiosities of Literature" by the elder Disraeli. The anomalies of the idiotic and the insane are marked in their

features : as Dr. Bucknill says, " the lunatic is lunatic to his finger ends." And so it will be found that crime, among the criminal class proper, pervades the whole man, and is seen in physical characteristics.

We never think of disputing that the small brain of the idiot indicates imbecility of intellect ; as little can we doubt that the *morale* is manifested through matter. Yet the general law of "*mens sana in corpore sano*" seems to the Christian moralist—even the followers of John Calvin—a hard saying, and to strike at the existence of voluntary power, and the exercise of moral freedom. But we must take facts as they are, and not twist them to what we think them to be. One of the acutest and most extensive observers among the ancients, Plutarch, says, " the children of vicious men are derived from the very essence of their fathers ; that which lives, nourishes, and constitutes their very thought and speech is previously given to their children ; nor is it difficult to believe that there is betwixt the generator and the generated a sort of occult identity capable of subjecting one to all the consequences of an act committed by the other." Dr. Gregory, treating of temperaments in his "*Conspectus Medicinæ*," has the same idea of natural inheritance—" *Hoc modo parentes saepe in prole reviviscunt, certe parentibus liberi similes sunt, non vultum modo et corporis formam, sed animi indolem et virtutes et vitia. Imperiosa gens Claudia diu Romæ floruit, impigra, ferox, superba ; eadem illachrymabilem Tiberium, tristissimum tyrannum produxit ; tandem in immanem Caligulam, et Claudium, et Agrippinam, ipsumque demum Neronem, post sexcentos annos, desitura.*" "Individuals" (says Morel) "shew in early life great insensibility of character, extreme callousness, tendency to thieving and other vices : *they have hidden in their organism the germs of their fatal disposition of which they are the victims.*" We must, therefore, expect to find in the caste and class of criminals distinct physical characteristics.

Criminals form a variety of the human family quite distinct from civil and social men. There is a low type of physique indicating a deteriorated character which gives a family likeness to them all. One of the most able and experienced observers of them says—"I believe I have looked about as many scoundrels in the face as any man living, and I think I would know all such, and their particular sort, wherever I should happen to meet them. The thief appears to me to be just as completely marked off from honest working people, as blackfaced sheep are from other breeds. Their look

is more a want than a possession ; we know it more by what they have not of other men's looks than from anything they have." It is singular enough how detectives know them ; and in a public theatre, if in search of a particular offender, the one that is wanted may not be taken, but generally one of the class. In a recent report of the State Charities of America, it is stated—"There has sprung up a *criminal class just as distinctly marked as the slave class.*" Physical deterioration in the criminal as well as in the pauper class is strongly insisted on, and in America as well as here reports note the extreme nervous debility and defective vital energy peculiar to both. When a director or prison manager goes his rounds visiting each criminal in his cell, it is curious how readily he at once detects a prisoner of the better sort—not an *habitué* with the stamp of the caste upon him, not—

"A fellow by the hand of Nature marked,
Quoted and signed to do a deed of shame."

The reason, no doubt, of this likeness in the class is that they form a community—never levelling up by intercourse in marriage or otherwise, but retrograding from generation to generation by geometrical retrogression. They are a tribe, like the Ishmaelites, opposed to all others, whose *hand* is against civilised men.

The low physical condition of the criminal is very well marked in the juveniles seen in groups at exercise or in school ; they appear in form, in complexion, in a stupid bearing and scrofulous diathesis, very different from the glowing, healthy, active children of other schools. The Government Inspectors of schools for juvenile offenders at Parkhurst have noted these facts in their public reports. They are very well described by M. Legrand-du-Salle, in an article published in "The Gazette des Hospitiaux," in 1827, entitled "*Les enfants devant la Justice.*" They are spoken of as a class of young persons, puny, sickly, scrofulous, often deformed, with shabby heads unnaturally developed, sluggish, stupid, several having had fits, and altogether mean in figure and defective in vital energy. Irritable, violent, incorrigible, the children of criminals generally, these young wretches grow up the *arrières*—the pest of society. No less than ten or twelve thousand of such imperfect beings are said to belong to France ; and we find them congregated in numbers in our large cities, as London and Glasgow, in the low haunts which are their *locale*. Happily in this country reformatory

schools have gathered up numbers of these waifs and strays, but we must not be disappointed if it takes generations to improve their deteriorated physical systems.

Scrofula, engendered by the foul places in which they live, and by their poor diet, as well as their congenital degradation, is a common characteristic of criminals, and (although at times due no doubt to bad hygienic arrangements in some prisons), is characteristic of the low and degraded physical state of the criminal class.

Montesquieu, the philosophic author of that immortal work, "Esprit des Lois," traces the diversity of tempers and of passions in mankind to external influences, such as climate, food, *locale*, and the like; and shows that physical constitution underlies the manners and morals of all nations and communities. In northern climates the invigorating air gives a physical organism robust and heavy, seeking excitement in hunting, travel, war, wine. As you go further north you have fewer vices and more virtues; in the south you leave the region of morality, and find the people seeking after the indulgence of passion and fiercer crimes, while in the temperate regions, the climate having no quality determinate enough to fix the virtues or vices, you have a people inconstant and uncertain in their manners and in their morals. If it be true, as the philosophic historian clearly proves, that the character of the mind, temper, and passions, are so ruled by the different climates and conditions of men, can we wonder to find the same law ruling social men? Who can doubt that the poor and the criminal classes, born and brought up amidst the foul and poisoned air of the lanes, wynds, and closes of over-crowded cities, have a physical deterioration, and are a class of men and women totally different from the rich and great communities in the well ventilated streets and squares of the West End? Some recent reports show that the low haunts of the wretched poor and the criminal afford only 120 cubic feet of air (and such air!) to each person. The barrack soldier has recently been advanced from 400 to 600 cubic feet, which is little enough; the prisoners' cells are from 700 to 900 cubic feet. Such a depression of the vital powers as is necessarily consequent on the atmosphere and low living of the poorer classes, is clearly a great engendering cause of poverty and crime; the physical state breeding moral degeneration. Hear Charles Dickens, who being dead yet speaketh—"These poisoned fountains flow into our hospitals, inundate our jails, and make the convict ship swim deep, and

overrun the land with crime, and from the thick sullen air of these haunts is rained down tremendous retribution on the children of men."

The physical peculiarities of criminals are very easily explained by their low living, their associating in a community forming as it were but an enlarged family circle, and almost entire isolation from the higher classes of civilised beings. The same family likeness and occasional degeneration belong to the gipsy tribes, the miners, the fishermen on some of the Scottish coasts, who for generations have inhabited the same region, followed the same vocation, and intermarried only with those of the same race or tribe.

The physical organization of criminals is marked by a singularly stupid and insensate look. The expression in the countenance is not that of the "human face divine," but stupid, sullen, and diabolical. The colour of the complexion is bad, as if the "sweet juices of life" were poisoned, and no doubt bad passions and bad living will do this. The heads and outlines are harsh, angular, clumsy. The women are positively ugly in features, form, and action; beauty of colour, regularity of features, or grace of mien is rarely seen among them. We are speaking of the *habitués* born in crime, born into crime, and whose vocation is crime, by a physical and psychical proclivity in general quite irresistible.

The diseases of criminals are a proof of their low type and deteriorated systems. On examination of the physical diseases and causes of death, it is found that the tubercular class of diseases stands prominent in numerical importance, and next to this diseases of the nervous system. Most of the criminal class die before the meridian of life, and scarcely any see old age. More than 50 per cent., according to my mortality bills, die in prisons below 30 years of age, and only 1 per cent. in old age. The post-mortem inspections show a series of morbid appearances very remarkable, almost every vital organ of the body being more or less diseased, few dying of one disease, but generally "worn out" by a complete degeneration of all the vital organs.

These observations lead us to the conclusions:—

That there is a physique distinctively characteristic of the criminal class, and

That their physical condition is indicative of a deteriorated organisation. The causes of this seem to be not only habitual vices, privations, and imprisonments, but chiefly hereditary deterioration. In all the old countries of Europe it is very

evident that we have a community of crime which, if not stayed by extirpation or transportation, must extend; and by the abolition of transportation in Great Britain it is of late years becoming more distinct. Even in the new American States this association of criminals is attracting much notice by the transmission of a marked hereditary breed. The same tendency to degeneration has been clearly proved among the pauper as well as the criminal population, and demands state-attention. What is the cure? Improvement or abolition of the parent stock. The Samnites had a good custom for improving their people, founded on this principle. The people of that small republic assembled together, and their conduct was discussed. He that was held to be the most deserving of the young men had leave given to choose the finest girl for his wife; so that merit was united with love, beauty, virtue, birth, or riches. The second in merit chose after him, and so we doubt not the good and glory of the republic were sustained. On this principle the criminal would be denied a wife, as undeserving one.

The lesson lies in the laws of natural selection so well set forth by Mr. Darwin. When a race of plants is to be improved, gardeners "go over their seed beds and pull up the *rogues*, as they call the plants that deviate from the proper standard. With cattle this kind of selection is in fact always followed; for hardly any one is so careless as to allow his worst animals to breed." Why, then, should incorrigible criminals, at the healthy, vigorous period of life, be at large; why should they go into prison for short periods only, to be sent out again in renovated health, to propagate a race so low in physical organization?*

* The following physiological facts, although not bearing directly on the subject before us, may interest some readers.—

AVERAGE WEIGHT and HEIGHT of 500 Male Criminals.		
324 Scotch . . .	151lbs. 6ozs.	5ft. 6·95in.
15 Highlanders .	154lbs.	5ft. 8·5in.
106 Irish	147lbs. 7ozs.	5ft. 6·65in.
55 English . . .	149lbs. 1oz.	5ft. 6·23in.
COLOUR OF THE EYES.		COLOUR OF THE HAIR.
In 18 black.		In 11 red.
„ 27 brown.		„ 14 sandy.
„ 80 hazel.		„ 14 light brown.
„ 178 blue.		„ 45 fair.
„ 197 grey.		„ 78 black.
		„ 26 grey.
		„ 248 brown.
		„ 64 dark brown.

One of the most marked physical characteristics of female prisoners in the General Prison for Scotland is the luxuriant heads of hair which they have. The observing matron first drew my attention to this fact. The hair does not seem so silky and fine as that belonging to the better classes, but thinness and deficiency are very rare in criminals. Except where fevers, and sometimes syphilis, have affected the scalp, baldness is rare among the male, and scantiness of hair among the female prisoners.

II.—*The Low State of Intellect* among criminals, as a class, is one of those distinguishing characteristics obvious to all who know them. Under this head we do not mean to refer to those certified Insane, but to the numbers who, in various degrees, manifest a low calibre of intelligence. The low physique naturally points to this result. "A knave is always a fool," says the proverb, and it is quite a puzzle to prison officials, and especially to the prison surgeon, whether a prisoner is more rogue or fool. Dr. Despine not having seen, but only read of, criminals, does not advert to this, but all who know criminals, and have studied them *en masse*, admit the fact; and not a few, as well as Pinel, insist that the weak-mindedness of the class is entitled to consideration in Courts of Judicature, as it has been acknowledged in the discipline of prisons.

The vulgar opinion, countenanced by sensational dramatists, novelists, and the periodical writers of the day, encourages the gross error that criminals are superior in talent to other men. This is not the case. A curious fact has often struck me that of all the thousands of prisoners known, we have not found one who shewed any æsthetic talent. A pen sketch, a clever poem, an ingenious contrivance, has not been known to emanate from one of them, during their long years of cellular confinement. Directors of prisons, Governors, Chaplains, Matrons, Medical Officers, and warders, all concur in the opinion now expressed as to the low mental endowments of prisoners.

The young criminal is slow to learn. Sir John Kay-Shuttleworth and the Government Inspectors of Schools say of the Juvenile Offenders at Parkhurst, where they used to be sent in England, that they by no means show the same aptitude for teaching or training, as the common industrial classes. My own observation leads to the same conclusion, and the teachers in Scotland who used to have large numbers of them in prisons, before the establishment of reformatories, agree

“that more than one-third of the juvenile criminals appear to be of imbecile mind, make little progress comparatively, are self-willed, and with few exceptions, learned slowly.” These juveniles reminded me strongly of the children of the mining population in some Scottish districts, who never could keep pace with the teaching and training of the factory operatives, the miners being decidedly the lowest in caste of any of the industrial operatives. I offer no dogma on the causes of this. I merely state a fact. In the Reports of English convict prisons generally, we have it stated that one in every twenty-five of the males is of weak mind, insane, or epileptic; this being the residue, after the elimination of prisoners from time to time sent to Lunatic Asylums.

My own statistics, taken from a prison population in Scotland of nearly 6,000 prisoners, show that 12 per cent. appear on my register, for mental weakness—imbecile, suicidal, epileptic; and all this, besides those afterwards to be noted who becoming insane were sent to the Lunatic Department for criminals.

Some reasonable doubts may be entertained whether long and frequent imprisonment, rather than natural infirmity of mind, may have led to this. To shed some light on this question it was shewn that of 323 who were found imbecile or weak-minded and unfit to stand the separate confinement of a prison, the weak-mindedness was chiefly *congenital*, appearing on admission or shortly after admission to prison.

On admission, or under 3rd month of imprisonment	123
During 3rd and under 6th month	59
” 6th ” 9th ”	64
” 9th ” 12th ”	37
” 12th ” 18th ”	38
Above 18 months	2

323

So far as could be determined *the majority were congenitally weak-minded*. The Medical Officer of Millbank, in his official report, says that of 943 convicts, the number of weak-minded amounted to 218, besides epileptics, and 34 insane, which is one out of every twenty-seven insane, apart from the weak-minded and epileptic. It is added that the great majority of these prisoners are more or less originally feeble in mind and body, “by some inherited physical infirmity or defect of intellect.”

The reports of the American prisons and State Charities testify to this same mental condition, and trace it to a degenerate physical condition. Take the following quotation:—

“In some communities there have sprung up social evils, which necessarily create a *criminal class*, just as distinctly marked as the *slave class*; and those evils bear so strongly upon the children of that class, that they cannot escape out of it any more than the children of the slaves can escape out of Slavery. In considering the causes which lead to the growth of a criminal class, it will be found that the *inherited* tendencies play an important part. The children of the vicious and the criminal have an inherited tendency to activity of certain faculties, while *there is a torpor of those higher faculties and sentiments* whose office it is to control the lower ones. Providence seems to set a limit to bodily deformity. Bodily monsters may not perpetuate their monstrosities, but spiritual monsters multiply like him who took to himself seven other devils.”

In this same report the physical deterioration by inheritance is strongly insisted upon, and justly, I believe, spoken of as plainly shown in the pauper* no less than the criminal classes in defective vital energy and nervous debility.

In Scotland there are not wanting facts and figures to prove that the Habitual Criminal classes are distinctly forming into an increased community of crime, and especially so since the abolition of transportation; and this seems to be an important concern for the Legislature, who have been of late more than ever perplexed in regard to criminal discipline.

The Governor and Prison Surgeon are often perplexed in prisons with the extraordinary conduct of those who commit prison offences; and the question of responsibility in regard to prisoners and how far they ought to be punished is a daily matter of serious consideration. A large number of them are notorious for having an outbreak now and then, and they conduct themselves like insane persons, suddenly smashing and destroying cell furniture, breaking windows, assaulting fellow prisoners or officials without any obvious reason. They have a notoriously irritable temper, a tendency to turbulence and

* It is stated in a sketch of the life of Dr. Temple, the present Bishop of Exeter, in No. 1568 of the *Illustrated London News*, that the Bishop had adduced statistics, shewing that $\frac{1}{5}$ ths of the pauperism of England was hereditary, one chief cause of this, no doubt, being the low haunts and polluted hovels they live in, depressing and destroying the vital energy essential for active life and labour. Many of the homes of the poor in large cities are only fit for “foul toads to knot and gender in.”

impulsive fury, apparently beyond their control. No punishment short of injury to their health, and even their life, seems to check this prison mania. Take one or two examples of what daily occurs in all large prisons, and *crimine ab uno disce omnes*.

J. R. has been punished in prisons under different sentences, not less than 100 times severely, by bread and water, dark cellular confinement, guard bed, restraints of various kinds. She has hurt herself, often seriously, by her violence, yet goes out of and into prisons as incorrigible as ever. Benevolent ladies have tried all humane means in vain, and have concluded that only life-confinement can be recommended for this hopeless imbecile. Still the law holds this class of criminals altogether responsible.

E. M. K. was punished forty times; still given to break out, destructive, turbulent, dangerous.

C. J., a female convict under four years' sentence to penal servitude, after a trifling quarrel with a fellow prisoner on her way from chapel, suddenly rushed to an upper gallery and threw herself from a height of three stories. She suffered concussion of the brain, fracture of bones of left arm and forearm, but at length recovered. This woman made a similar attempt before this. I look upon such violent and impulsive acts as the potential results of an unsound nervous system—the common failing and feature of convict women, and attributable to diseased moral heritage. Take another example: E. G. or K. This woman was formerly a convict in Brixton; feigned insanity; was violent, incorrigible. She attempted suicide in various ways, and nearly hanged herself. She threatens to destroy every officer and then herself. No one will associate with her. She is separate, and often restrained. Punishment has no more effect upon such persons than mild treatment. They injure themselves without any purpose, and seem to be even without the instinct of self-preservation.

To be without any distinct purpose guilty of violence such as described—to destroy cell furniture, smash dishes, assault officers, and the like, shews weakmindedness, self-control being entirely wanting. And yet this is common, and repeated twenty, fifty, a hundred times in the course of penal servitude. The name of prison-mania has been very properly applied to such stupid motiveless conduct.

There is little doubt that if medical testimony were received by judges, especially in regard to old incorrigible offenders, the law would recognise doubtful responsibility and a low

state of intellect in many habitual criminals, to such a degree as to affect the sentences awarded. One class above all others—the epileptics—labours under actual disease and mental debility, especially about the time of the epileptic seizure. Out of a prison population of 6273, the percentage of epilepsy in the general prison of Scotland was one per cent. A calculation taken from the death-rate in England is given at 0·009 per cent. among the civil population; and Dr. Balfour shews the army statistics to be much the same. So that epilepsy is a marked disease among criminals. The causes were found to be chiefly congenital, traced to constitution probably *ab ovo*, degraded and deteriorated by the nature of the parents, and afterwards aggravated by habitual vices. In these epileptic criminals, the tempers were wayward and irritable, the intellect enfeebled, violence and assaults were the common offences; and when the latter occur a short while before or after an epileptic seizure, can we for a moment hold such patients responsible? Yet these poor moral idiots are frequently re-committed and held in the eye of the law to be common offenders. Unfit for regular employment, debilitated in mind and body, all epileptic criminals ought to be taken under the public charge, and placed in a hospital where they can be treated carefully, and prevented at least from going into prisons, and injuring themselves and society by criminal acts.

To all these facts Dr. Despine offers his testimony from individual cases. “Is it not” (he says) “the mental state that makes the criminal? A fellow called Didier killed his old master for the sake of plunder. In his infancy he was a thief—at the age of puberty the vice increased along with idleness and vagrancy. His father was insane. M. Godfrey killed his *fiancée* to procure her life assurance. He tried the same with another female. His maternal grandmother and his paternal uncle died insane. What (auct. loq.), what but the absence of the moral sense—what but mental weakness can explain acts like these?” One more example from Morel, shewing how crime and mental disease alternate in families; of five children from an insane mother and a drunken father, one was suicidal, two suffered imprisonment, a daughter became insane, the other imbecile. Such cases explain how a class of criminals propagate—as we shall afterwards more clearly show—not only a class of criminals, but a community of men and women low in intelligence, and being originally weak in mind, lapsing in large numbers into insanity. Without enlarging further here, we conclude there is ample proof

in this country and in America that, as a class, criminals are of low intellectual calibre; and that in many cases, and especially in the case of epileptics, the low degree of intellect calls for inquiry how far many criminals ought to be held responsible in the eye of the judges and legal authorities.

III.—*Of the Moral Insensibility of Criminals.*—Dr. Despina would have headed this division of my study—“Of the entire absence of the “sens moral,” or conscience, in criminals.” The difficulty, however, of this part of the subject is, to say whether a large proportion of criminals merely suffer under what may be termed moral perversity, moral depravity, or moral insanity. It would be easy (as Despina does in large numbers) to give individual cases of moral insanity among criminals held responsible by law; but my business is to treat the criminals in masses as large bodies, and speak of their general psychological peculiarities and anomalies.

The moral insensibility of criminals I shall try to shew chiefly:—

(a) By the *frequent re-committals* of the habitual, and especially the female convicts of this country—the thieves.

(b) By the *apparent absence of all remorse* in high-class criminals, Murderers, Homicides, Infanticides, &c.

(a) By the frequent re-committals of the criminals we may judge of their extreme moral insensibility. The motto of this page might well be—“per scelera semper sceleribus tutum est iter.”

The female convicts since 1855, in consequence of the abolition of transportation, have been all confined in penal servitude, and have been under my charge in the General Prison for Scotland. They go through their sentences from five years to life, and offer a complete study. The number admitted since 1855-68 amounted to 1034, of whom have been re-committed 458, known to have suffered repeated sentences to transportation or penal servitude in the General Prison, as follows:—

345	have been twice	under convict sentences.
103	„	thrice
7	„	four times
3	„	five

Therefore their number of re-committals as convicts must have been—

$$\begin{array}{r} 345 \times 2 = 690 \text{ times.} \\ 103 \times 3 = 309 \text{ ,,} \\ 7 \times 4 = 28 \text{ ,,} \\ 3 \times 5 = 15 \text{ ,,} \\ \hline \end{array}$$

Total re-committals of 458 } = 1042
convicts since 1855

But the half is not told by this startling sum. The average number of committals to small local prisons of every female convict, I find to average at least four times before she is sent to suffer long confinement in the convict prison; and some have been ten, fifty, one hundred times under short sentences. Let us take four as an average for these 458, and we have—

$$\begin{array}{r} 458 \times 4 \text{ times in local prisons...} \quad \dots \quad \dots = 1832 \\ \text{To which add the re-committals to General} \quad \left. \vphantom{\begin{array}{l} 458 \times 4 \end{array}} \right\} = 1042 \\ \text{Prison or Transportation} \quad \dots \quad \dots \end{array}$$

$$\begin{array}{r} \text{Total re-committals to local prisons—Trans-} \\ \text{portation or Convict Prison—of 458} \quad \left. \vphantom{\begin{array}{l} \text{Total re-committals} \end{array}} \right\} = 2874 \\ \text{female convicts} \quad \dots \quad \dots \end{array}$$

Can anything express more strongly than these figures the extreme perversity and moral insensibility of the criminal class of *habitués*? What hope is there of disciplining such a set into honest ways of living? We earnestly enquire with Despine, are these utterly without the moral sense? Are not such anomalous states of mind proofs of moral insanity? We are half inclined to accord with the following commentary:—"How, in the presence of facts like these and others equally conclusive, can we suppose that those who do such things are in the possession of the moral sentiments common to others? How can we fail to recognise in these unfortunates a moral idiocy—a monstrosity—opposed to the higher human sentiments? There is no moral conscience manifested in such criminals."

Allow me to offer a remark or two on the foregoing figures.

First. Note the fewness of our criminals compared with the reported numbers of committals. The admissions to prison were 1034, but of these 458 cases are more than once

included in that number; so that the number of our female convicts in Scotland is only a few hundreds after all. If these *habitués* were confined for life, the residue outside would be small, and the propagation of the criminal class prevented.

Again. Note the enormous expense these 458 habitual criminals cost the country. Their commitments amounted to 2874. I have tried to come at a reasonable estimate of the expense of each trial; taking into account police apprehensions, transference to seat of local prison, official fees for precognosing, reporting, and attendance on trials, time of judges, juries, and other officials valued, expense of witnesses, escorts to convict prison; all being calculated. The cost of each trial could not be less than £30, which being multiplied by the number of trials, 2,874=£86,220. To this must be added the prison keep, considerably above £20 per annum, say for an average of five years, and we have:—

£20 for five years=£100 × 458=	£45,800
Expenses before and after trial =	86,220
			£132,020
Total expenses incurred by 458 female convicts			£132,020

What a stupendous expenditure is that for prisons and criminals, with what a poor and miserable result!

The moral insensibility of criminals is further shown by their continued tendency in prison to offences. The history of their punishments in prison is a most singular one, showing extreme perverseness, great irritability of temper, tendency to steal, to destroy articles, to strike, to do all manner of mischief, in fine, to show complete want of principle and self-control. Instead of penitence we usually have sullen discontent, violence, arrogance, recklessness of disposition, indicative of moral insensibility. When I was first called to the charge of the convict prison for Scotland, I can well remember how I felt awed to enter by night to visit a patient, and in my simplicity thought how many hundreds of wretches lay around me, as I supposed, tossed on a troubled bed, haunted by the memories of the past. There is no such thing. The criminals seem to me to sleep upon their hammocks as soundly as other people.

(b) The moral insensibility of criminals is marked by the apparent absence of remorse in high class criminals, murderers, homicides, infanticides, &c.

When I read Dr. Despine's conclusion, that the moral sense

was utterly and invariably absent in all criminals who committed violent crimes in cold blood, I confess it startled me as a most extravagant proposition. I had been long assured that a large number, even of those called sane, were weak-minded, congenitally imbecile, and epileptic, whose moral sanity might well be questioned. I also had found that all who committed assaults upon the person with violence and acts *contra naturam*, generally lapsed into insanity, and that many criminals, who seemed responsible to the legal mind, were moral idiots in the eyes of the medical man; but I could not entertain the bold proposition that the moral sense was invariably absent in such cases. The result of my investigation into the fact astonished me much, and shook my incredulity not a little.

I have had for the last twelve years under my charge the following high class criminals, whose atrocious acts of murder, homicide, and infanticide have been generally done in cold blood, and belong to those Despinae studied.

Some who have committed murder and become sane, but being found insane at the time of the offence, or in bar of trial, are sent to the lunatic department for criminals during her Majesty's pleasure. Such are dipsomaniacs, subjects of puerperal mania, homicidal maniacs, most of whom are not only sane, but many have been so for a series of years, and from the date of the offence. The number of these classes in the Lunatic Department of the General Prison for Scotland whom I have known is about 40.

There is another class—not insane, and who never have been so—the male and female convicts who have been charged, tried, and found guilty of homicide in its various forms—infanticide, concealment, exposure of child, and other acts of violence, and who are subjected to penal servitude. These, I find, amount to—males, 240; females, 150. The sum, then, of murderers whom I have had in charge is about 430 in all, which is considerably within the mark.

Of those who belong to the Lunatic Department for Criminals, who have become sane since the act of murder, and are now confined during her Majesty's pleasure, I have seen or known *but one* who discovered the slightest remorse for the act of murder. This is most strange, seeing that the dreadful acts were done upon their fathers, mothers, aunts, brothers, and sisters, or near and dear friends, the result having been exile from home and breaking up of all domestic ties. They write often to relatives, and avoid the subject; they meet

their friends, and no expressions of compunction or grief are heard; and it really does seem as if they felt no moral sense for what they had done. The exceptional case is that of a man who committed a triple murder, killing his father, mother, and aunt in one night. He is a truly religious lad, and his awful deeds were done through religious phrenzy, and he is often overcome with the most poignant and penitential grief.

The Dipsomaniac murderers who have been sane from the very date of their heinous deed, astonish me much by their callousness and insensibility. They are men who have come from the better ranks of society. I have three of this class, of intelligence and good education, above the industrial classes: one was an inspector of poor, another a sailor, a third was a respectable shopkeeper; one killed his own child, one his grandmother, and the third his wife, in a dipsomania fit. The restoration to sanity was immediately consequent upon the act, and during long years of sanity, in one twelve years, not a sigh, not a mark of compunction, has ever been seen or heard of since the direful tragedy. They seem thinking men, yet neither to governor nor chaplain, nor visiting friends, do they ever speak a word of remorse or repentance. On the contrary, they are often discontented and displeased to think they should be doomed to imprisonment, and say they are cruelly used by being debarred from the privilege of freedom among the civil populations.

The puerperal maniacs, who destroyed their own children, are equally apathetic. Of these I have four who have been long in a state of sanity; they are banned and barred from their husbands and homes: three of them have families, and yet no pang of remorse is ever expressed by them; they enjoy the comforts of the lunatic department of the prison without even longing for home, and seem as gay, thoughtless, and happy, singing and dancing often, as if they had no thought of the past, nor care for the future.

The convict class, whose minds have never been affected by insanity, are equally devoid of moral sensibility. The female convicts convicted of infanticide, numbering at least 150, have been many years under penal servitude, and exhibit the same remorseless nature. The infanticides of Scotland for some years back average about 10 per annum. In all these I have known nothing but the same heartlessness, yet they are not the habitual class of criminals, but often respectable servants or daughters of decent families of good condition. From such, who had killed their own offspring, we should naturally expect deep

penitence and sorrow. It is not so, and only in two instances has this been known. In the males, who double the number in homicides and similar acts of violence, observation shows no sign of remorse. Here then is the fact. After enquiry at the governors, chaplains, matrons, and having visited them regularly, seen them in sickness as well as health, of from 400 to 500 murderers, only three have I ever known to have compunctious visitings of conscience, or show the slightest sign of remorse for the heinous acts they committed. These, it must be admitted, go to corroborate strongly the views of Despine, that the moral sense is wanting in such great criminals as he describes.

In reference to this same class, I may mention the psychological fact, that they sleep as soundly as the other criminals I have spoken of: nor do I learn that any of them ever knew the torture of conscience in the loneliness and darkness of night, and "in the affliction of those terrible dreams" which are alleged to shake nightly the guilty soul. I have asked night-watchers, and they declare the sleep of the criminal in his hammock to be as sound as that of the rural cottager, the simple peasant, or the most innocent in the quiet homes of social men.

There are other characteristics of the class at which I may briefly glance.

The want of control over their irritable temper has always appeared a marked feature, especially of the female criminals; it belongs to their morbid and diseased constitutions. It is seen in frequent prison offences, which go on in spite of all discipline. The *outbreaks* in prison are proofs of a strange spirit, quite anomalous and strongly significant of moral imbecility. Ask any matron or other official, and they tell you "these breakings out have no meaning, no motive but sheer mischief and wickedness. Criminals in prison must so display their wild passions; they defy all restraint and rule: they are possessed by what may well be called prison-madness, defiance of law, morbid fancies, fury of temper, suspicion, love of riot for its own sake, without a shadow of reason at the time." The history of these outbreaks and of prison offences would afford the most substantial proofs of mental and moral weakness. Notwithstanding these strange outbreaks, the want of *manly courage* is noticeable as a criminal characteristic. The criminals remind one of the wild and unsocial savages who are known to tremble at a leaf shaking in the wind, and to fly from their own shadow. The causes of

fear in both are similar. The criminals have really no social bond uniting them to each other. They have no faith, no skill or power of combining, for each only trusts himself. Therefore it is that we see in open airing grounds such large gangs of stalwart convicts at exercise, keeping six feet apart, prevented from speaking or signalling, under the charge of a small number of unarmed warders. In chapel it is the same, and there these restless criminals are kept in almost quiet and orderly control by the officers. When an outbreak does take place, it is done savagely and rashly, without organized system, and not more marked by rashness than by want of true courage.

Lying is in criminals a disease: they seem to look upon telling the truth as a wrong thing. Social men are bound together by the tie of truth; but the criminals seem to be bound by an opposite rule: of course to be an habitually dishonest person, to steal, to rob, to cheat without scruple, all point to the same moral defect. Some one says that the Latin word *mentiri*, *i. e.* contra mentem ire, means to go and act against the conscience; but the criminal, in this case, Despine would say, lies because he has no conscience.

The last, and perhaps the strongest proof of the moral insensibility of criminals (the habitual criminals, I refer to), is that they seem not amenable to moral treatment. All the appliances of chaplains and teachers, with all the discipline of prison legislation, are not known to turn any from the error of their ways. The criminal goes out of and into prison many times, and the hopeless imbecile is not reformed if a professional criminal. Such are set at large, after short sentences, to my seeming, with as much judgment as guided the Knight of La Mancha, when he in his morbid philanthropy set at liberty the wild galley slaves going to punishment. I have asked all the principal governors of Scotland if they can point to a converted thief, but they never knew an habitual thief, man or woman, who became honest and industrious. A distinguished writer, who has, as he says, looked more criminals in the face than any man in Scotland, and has well studied their characteristics, says "*As to reforming old thieves, find me the man who has made an honest working man out of an old thief, and I'd next set him about turning old foxes into house dogs. The fact is impossible.*"

Would not life-confinements be at once a wise economy to the country and a mercy to the criminal?

Habitual criminals may be very justly regarded not only as

incurable, but, viewed in the most humane and Christian light, their acts are inexpiable. So at least was the opinion reached by the great master of philosophic history in his "Esprit des Lois;" "*our religion, while it gives fear and hope to all, makes us sufficiently sensible that though there is no crime in its own nature inexpiable, yet a whole criminal life may be so; that it is very dangerous to affront mercy by new crimes and new expiations.*"

Under this head—the Moral Insensibility of Criminals—without, perhaps, going so far as Despine would have us—we find that the frequent re-committals of the habitual criminals indicate the greatest possible weakness of the moral sense; that there is an apparent absence of all moral sense in those who have committed the most atrocious crimes.

Further, that the incurable character of the habitual criminal is painfully conclusive as to the moral insensibility of that class.

IV. The most remarkable characteristic I know of the criminal class is their *liability to brain disease and complete insanity.*

I have spoken of their degeneration as expressed in their physique, psychique, and moral insensibility; and the "foregone conclusion" must have been reached by every psychologist, that insanity is a necessary sequence. How far this result may be derived from heredity, due to dissipated, imbecile, criminal parents; how much is due to being not only born *in* but bred *into* vice and crime, how much to habitual dissipation and degradation, and how much to frequent imprisonment, I am not at present inquiring; I merely deal with facts and figures.

Dr. Despine himself gives a long and dark catalogue of criminals who became insane during the horrors of the French Revolution. There can be little doubt that many of the great criminal actors in the tragedies of those days died in a lunatic asylum; but it may be fairly questioned whether their insanity might not be the natural result of revolutionary excitement. Chandelet, Joannon, and Verger, along with many others who escaped the punishment of death, were originally marked by extreme cruelty and moral insensibility; they lay long years in prison, and at length sunk into mania. La Teroigne, the most furious man of the Convention, after a long course of violence, died in the Salpêtrière, and the Marquis de Lade, proverbial for his lewdness, died at Charenton;

both lapsed into dementia. It quite accords with all experience that extreme lewdness and libidinous practices uniformly end in brain disease. Drs. Ferrus and Lerut have verified to their own satisfaction that madness among criminals in prisons is extremely frequent, compared with what takes place in free communities of men. In this opinion Despine says all the authorities of France agree—magistrates, prison directors, and other officials conversant with malefactors.

In Scotland, in 1869, I find the average daily number of criminals amounted to 2,690, and the existing number of insane known to myself was 57, and there may be a few more scattered over the small prisons and lunatic asylums. This would give the proportion of 1 lunatic criminal to every 47 of the entire criminal population. But this 2,690 must have the same persons repeated by re-committal at least once, so that the actual proportion of lunatics to the population would be doubled. Over all England and Wales, according to the elaborate statistics of Dr. Lockhart Robertson, there was estimated 1 insane to every 432 persons; and perhaps the case is rare of any community giving a higher ratio of insanity than about 1 in 300.

In the General Prison for Scotland I find, during the decennial period 1860-69, that 1 out of every 140 prisoners became insane, and during the latter five years, viz. 1865-69, there has been 1 out of every 113 criminals, a material increase upon the average number of former years. During the decennial period 1860-69 the prisoners averaged 7,031 admissions, of whom 50 became insane; but if we consider that the same prisoners have been re-admitted once at least, then the proportion becoming insane would be 1 in every 70 prisoners; and this seems a near approach to the actual proportion becoming insane in the General Prison for Scotland. There is clear proof that within ten years the same prisoner is more than once re-committed to this prison.

But, surprising as this statement is, the ratio of insanity among the habitual convicts—the thieving class—especially the females, is much more striking. I have already stated of the female convict class, that all since 1855 have been confined under sentences of penal servitude; let me refer to my statistics of re-committals. The total admissions up to the end of 1868 amounted to 1,034; but the re-committals of those known were 458; some twice, thrice, four, and even five times admitted in these years. It seems,

then, very clear that there are only a few hundred of this class after all; let us take them at 500, which is certainly beyond the actual number. Of these no less than 14 have become insane, which is at the rate of 1 insane to every 36 of the female convict class. Here, then, is perhaps the most astounding fact known in all psychological history.

Some particulars of these 14 cases of insane female convicts are worthy of notice:—

Their ages were, from 20 to 30 inclusive ...	10
" 30 to 40 " ...	2
" 40 to 48 " ...	2

So that the greatest number occurred in early life. The number of re-committals to various prisons I have not been able to ascertain; but the average could not be less than 7 or 8 times; and almost all had been twice at least under sentences of penal servitude; four died of brain disease; the majority were worn out in very early life by depraved constitutions, from hereditary taints and habitual vices.

The offences of which they were convicted were—in one case child murder; in all the others, habitual thieving. The short history of one or two is that of all the others. C. Mc K., imbecile congenitally, was at one time a convict in Brixton, and afterwards at Millbank; violent, threatening herself and others, with divers delusions about filthy animals haunting her room.

C. C. has been twice here insane; has been eight times in Glasgow Prison; violent, noisy, given to strike, destructive.

A. C., or T., subject to attacks of acute mania, has been often in prisons and asylums; noisy, intractable.

These remarks will show that such cases are not only congenitally weak, but that all their lives these criminals ought to have been held of doubtful responsibility. They were so held by me, for they were associated from their admission, and considered unfit to bear the discipline of the separate system of imprisonment. They were placed in a ward of associated imbeciles.

And here I must observe that the *characteristics of the criminal insane are peculiar to the class*. This I have always maintained in opposition to the opinions of several experienced practitioners in the treatment of lunacy. I have found that when convicts become insane they are a most intractable class, and must be admitted to be more so than the ordinary inmates of Asylums. In all my cases, as a rule, violence is a marked feature of the insanity. To my own experience I am

now able to add that of the late Dr. Meyer, in his last report. "In the management of the convict class (in the State Asylum at Broadmoor), they associate and combine together for mischief; they are much given to violence, planning deliberately attacks upon officers and servants; they are often wilfully destructive of clothing, bedding, and furniture; they defy discipline, &c.; they incite misconduct in others; are filthy in the extreme, and it is frequently impossible to allow these persons to associate with other patients. Common prudence demands their separation for lengthened periods. The money value of bedding and clothing destroyed within the year, and of damage done to the building, is estimated at £512 14s. 7d. This destruction," continues Dr. Meyer, "has been for the most part wilful; it is an evil which at present I confess myself unable to control." These statements characterise as a distinctive feature the convicts who become insane—a proof of the anomalous state of the criminal moral nature.

The liability of criminals to excess of insanity has been illustrated by the judicial statistics for 1860-8. In England and Wales there were 1,244 criminal lunatics under detention, and of these 799, or 64 per cent., are reported to have become insane *after* sentence. From the same set of statistics we learn that from 1857 to 1867 there were tried for murder 664 persons, and of that number 108 were found legally insane. How many were really insane and not proved to be so, we have no means of knowing, but such important statistics are a grave lesson upon the question of capital punishments.

I might extend the proofs under this head, but shall now recapitulate the main facts which have been given, viz. ;—

That in Scotland the proportion of the criminal insane in 1869 was 1 to every 47 of the criminal population of that year.

That for the decennial period 1860-9, 1 out of every 140 of the average prison population of the General Prison *became* insane in prison.

That for the last five years the ratio of insane was 1 out of 113 prisoners.

That the prison population, calculated on these ratios, must have been twice counted at least by the re-committal of prisoners; therefore the ratios would be, during the last decennial period, 1 insane out of every 70 prisoners, instead of 140.

That of the female convict class of *habituées* 1 out of every 36 has become insane.

Further. That peculiar characteristics of violence and destructiveness characterise convict lunatics.

So far I have tried to establish that there are certain psychological characteristics belonging to criminals, viz. :

1st. A low physique indicating physical degeneration.

2ndly. A low state of intellect among criminals as a class.

3rdly. A low condition of the moral sentiments.

And, 4thly. Great liability to insanity with brain disease.

These are singular anomalies of the criminal class, distinguishing them physically and psychically from the free population, and perhaps justifying us in classing many of them along with the insane. Dr. Despine goes further than this, and concludes that the high class criminals are, as a rule, entirely destitute of the "*sens moral*," morally insane. His great mass of valuable instances, added to my own statistics, have not led me so far as this. Yet it does appear that among all the murderers I have known, amounting to nearly 500 cases, only three could be ascertained to have expressed remorse; and as for the *habitués* of crime, the moral insensibility seems so lost and gone that, in the presence of bad desires, there is no self-control against crime; and they are from time to time re-committed to prison. But to say whether such persons are wholly without the moral sense, or only defective to a great degree, is the question. Who can draw the line betwixt light and utter darkness? Who can say where the light of reason is wholly gone and the mind is left in "the blackness of darkness?"

A very experienced prison surgeon, Dr. Rendle, of Brixton Prison, tells us in his report for 1869:—"The insanity in the case of G. T. may undoubtedly be attributed to the combined influence of her crime and her sentence,—manslaughter, for life. I have, in former years, known insanity occur in similar cases; and further, I have witnessed what some persons may perhaps question. I have seen death occur without indications of insanity—death from *mental anguish*, consequent on the crime mentioned, manslaughter." Such cases I think rare, but the *non-expression* of remorse is not a sufficient ground for concluding its *non-existence*. Our own internal consciousness that there is a moral conscience in all, is the best proof of it, and has been so held heretofore as the accuser of crime in all, even abandoned criminals. Lucretius tells us, and all philosophers downwards, that the guilty, under sleep and disease, suffer the stings of conscience:—

"Multi per somnia saepe loquentes aut morbo delirantes peccata dedisse." And so the great master of mental science, in his tragedies, describes his villains, like the regicide Macbeth and his fierce lady, lying "on the torture of the mind, in restless ecstasy."

The notorious Helen McDougal, one of the most cold-blooded wretches ever known, an associate of the infamous Burke and Hare, fled from Edinburgh and tried to hide herself and her guilt from the world. The proverb says, "Murder will not hide." In her "terrible dreams" she revealed who she was. Her secret came out, and even her low associates expelled her from their company, and she was driven from place to place "seeking rest and finding none."

Besides, we often find certain faculties of the mind for a time suspended, but not lost. In sleep it is so on a large scale. Memory of events, even of languages, may be gone for a time and revive; and of this last faculty many philosophers hold, not without good grounds, that although there seems a complete oblivion of much of the past, the record is still extant, and so indelibly fixed as to be our judge of all deeds done in the body in the great day of account.

In fine, all analogy, reason, experience is against our author's view of an entire absence of conscience. He himself says—*"ce qui aurait été contraire aux idées que l'enseignement et la tradition m'avaient données sur la conscience morale, réputée universellement ressentie et sur le remords considéré comme un châtiment infligé aux criminels."* There is a universal time-honoured axiom, "*nemo nocens absolvitur*," which we are called upon to treat as a superstition. From the history of Cain down to Judas Iscariot, we find in experience what our consciousness tells us—

"Remorse—she ne'er forsakes us—
A blood-hound staunch—she tracks our steps,
Through the wild labyrinth of youthful folly,
Unheard, perchance, until old age has tam'd us;
Then comes her deep-mouthed bay, announcing all
Of wrath and woe, and punishment that bides us."

Notwithstanding our objection to accept the strong dogmas of Dr. Despine as to moral insanity, we learn from his work, aided by our own study, some invaluable lessons, viz. :—

That criminals are, as a class, of low type in physique and of low psychical nature.

That these characteristics of criminals expressly point to a hereditary degeneration of the class.

That the instinctive or moral faculties in great criminals and in the habituals, are so weak as to make their tendencies to crime often irresistible, indicating a great defect in most and in many a total absence of the moral sense.

That the original low state of the physical, intellectual, and moral nature is probably the *point du depart*, leading to organic disease of the brain, and complete insanity.

And further:

That the low congenital characteristics of criminals, their frequent re-committals, their liability to complete insanity, are elements entitled to serious consideration in adjudging their sentences; and

That many, especially epileptics, who seem intractable in prisons, ought to be placed permanently in asylums for the morally insane.

The views set forth in this paper may appear extreme, but they have been reached after much study of the psychology of criminals, and are by no means peculiar to the writer. Two authorities may be quoted to confirm the chief corollary drawn from this study. Mr. Frederick Hill, for many years an Inspector of Prisons, and most zealous in the duties of his office, says in his work on crime, "According to evidence, collected by the Poor Law Commissioners, crime often proceeds from father to son, in a long line of succession. This circumstance is favourable for its extinction. One of the most serious evils, perhaps, of short confinements is, that it allows the perpetuation of a race of criminals." And Professor Laycock, who has given this subject much attention, concludes: "They (the criminals) are for the most part moral imbeciles, so that, however frequently subjected to prison or other discipline, the moment they are set free they resume their vicious and criminal course. They are weeds, but like weeds, they multiply their kind, and thus continually keep up the breed. The law of hereditary transmission of mental and moral qualities in them, as in all organisms, is inexorable. And as they are, for the most part, of the fertile age, and naturally propagate their kind, they must of necessity do so unless restrained by law. I might point out how such vicious imbeciles, tainting their offspring to the third and fourth generations, add to the imbecile, vicious, and degraded part of the population."
