

tion ling, the German *lein*, to express *smallness*, and, secondarily, contempt. But there is another gesture, very expressive of Contempt, which has been completely ignored, perhaps because it has a ludicrous side, though scarcely any gesture expresses so well the meaning intended to be conveyed, viz., *placing the extended fingers to the end of the nose*. To put it in the language of the sixteen Queries:—Is contempt expressed by placing the open hands, with extended fingers, at the end of the nose, the right hand being generally nearest the body, with the palm pointing to the left side? No one of the three “principles” seems adequate to explain it, so we are left to conjecture. It would be interesting to know whether, or not, Gaika would recognise the movement; also whether, or not, amongst the Kaffir women, contempt is shown by “the nose being slightly turned up”—to use some of the latest words of the Poet Laureate—“tip-tilted like the petal of a flower.”

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*The Treatment of Criminals in Relation to Science.* An Essay read before the Royal Society of Victoria, Melbourne, by H. K. RUSDEN. Melbourne, 1872.

We have frequently, as critics, to deplore the want of vigour, if not also of originality in the works which come before us for review, and when one thinks of the numberless medical publications which are issued from the press every year, the cause of the lassitude is not far to seek. Competition is so severe, and the ranks of the profession so overcrowded, that a certain class of our professional brethren have no other way of keeping themselves before the public than by writing windy books and essays. The consequence of this is that a sort of carelessness has crept into the ranks of the medical critics also, and the spirit of vigour and independence which distinguished the earlier writers have given way to a system of indiscriminate praise or unnecessary condemnation. In fact the critic just now is something like Byron's description of Peter looking after the gates of Heaven—

“St. Peter sat by the Celestial Gate—  
His keys were rusty and the lock was dull,  
So little trouble had been given of late.”

In such an indolent state of mind were we when this pamph-

let reached us for review. "Treatment of Criminals!" same old story, we suppose, and we proceeded to the perusal of it with a feeling of philosophic calmness which would have done credit to Zeno himself. However, on reading a few lines, we came to a quotation from Mr. Carlyle, which gave us hope, more especially as the quotation was given with a manifest smack of Mr. Rusden's lips as if he enjoyed it, and thought it a singularly brief and true definition of a criminal—"The Devil's Regiment of the Line." To pursue the comparison we have made between the critics and Peter, we will take the liberty of quoting a little more—

" St. Peter sat by the Celestial Gate,  
And nodded o'er his keys ; when, lo ! there came  
A wonderful noise he had not heard of late."

Mr. Rusden is not wanting in originality of conception, nor in a vigorous mode of placing his conceptions on paper. If his ideas are startling, and in some instances seem impracticable, we must not forget that this is the case with all discoveries, good or bad, and that it is not until theorists have ridden their hobbies to death that the more composed and judicious disciple revives and uses the good in them. We do not say that Mr. Rusden's theories are practicable, in fact some of them may perhaps raise a smile, but they are certainly worthy of a hearing.

Mr. Rusden begins by summing up the various plans which have been proposed for dealing with criminals, and after recounting a number of merciful or cruel ones, he proceeds to say that he believes "that this variety of opinion arises from want of clear perception of the nature of crime and of criminals, and of the relations of society to both. Most of those who are best acquainted with the subject agree, that there is a large and more or less distinct class of persons, who by birth, education, habit, and therefore inclination, subsist entirely, or mainly, by crime ; by systematically preying upon their neighbours' property, generally with small care whether their neighbours' lives become involved in the acquisition. It appears that though occasional accessions from without are received by this class, they are actually trifling in number, and comparatively easy to deal with ; it does not seem that the ranks of crime would thus be permanently augmented, but for the association with the criminal class which the adoption of such a career necessarily involves. On these points the evidence of experts is consistent as a rule, but one of the leading psychologists of

the day traces all such cases of apparent aberration from a moral type, either to hereditary taint or physical lesion.”\*

Now, for reasons which may be easily understood and appreciated, we have no intention of either praising or depreciating Dr. Maudsley in these pages, but it is no dispraise of him to say that he is not any more the original author of the idea quoted above than Mr. Rusden. Although it may be admitted that no one has clothed it in more fascinating and appropriate language, the theory itself is as old as the hills, and did he ever claim it as his own, which he does not, we should merely refer him to his own quotation from Jeremiah, who flourished about 2,500 years ago. The disclaimer used by Mr. Rusden, then, is quite unnecessary in the present case.

After quoting Mr. F. Hill's objection to short periods of confinement for criminals, that gentleman being of opinion that such imprisonment is of no use at all, because they return to their vomit as soon as they are set free; and also quoting with much relish Mr. Hill's notion that all criminals should be confined for life without any distinction, Mr. Rusden goes on to argue in favour of this proposition. Let him speak for himself—

Mr. Hill speaks of the imprisonment for life of all our criminals at once, as very desirable, though scarcely practicable; and appears to regard the state of public opinion as a more insuperable difficulty than even the cost of their arrest and maintenance. The first obstacle must, I think, give way, if it be only plainly and often enough shown that the balance of results would be clearly and largely good. And if a criminal cost much more in plunder, surveillance, detection, conviction, and occasional imprisonment, than he would in detention for life, the latter course must clearly be the most economical. The diminished expense for detections and convictions in the future should not be omitted from the calculation. And even if ten times the present expenditure were found to be necessary for gaols at first, a large economy would thus inevitably result; while far more important objects would also be attained; namely, the increased security to society, of life and property; the fewer accessions to the criminal class from evil example and association; and the certain check to the proagation of criminal children. This, as the most perfect of all preventatives, is

\* Dr. Maudsley's address before the Psychological Section of the British Medical Association. "Lancet," 10th August, 1872. In justice to myself, I must state that with the single exception of the above allusion, any coincidence between my papers and Dr. Maudsley's invaluable address, is purely accidental. This paper was prepared for the meeting of the Royal Society of Victoria, on the 14th of October, and Dr. Maudsley's address was not received in Melbourne until the following mail.

an object of such transcendent importance, as should counterbalance many weighty objections, did such exist. But prevention has always been subordinated to cure, and to cure of the most imperfect and impossible description; instead of being adopted as *itself* the most perfect cure of all.

But it seems more than doubtful whether any extra expense would be involved for gaols—even at first. “No unreformed inmates of a prison,” says Mr. M. D. Hill (“Repression of Crime,” p. 465), “however extravagant its expenditure, cost the community so much as they would do—if at large. This fact has been so often proved that I must be allowed to assume it as undeniable.” It has been estimated that a criminal at large costs three or four times as much as when perpetually imprisoned. But even if the cost should be found to increase a little, that little would inevitably soon decrease; and before I conclude, I shall propose an expedient by which the cost—and every other real disadvantage—would be reduced to a minimum, while incalculable benefits would demonstrably result to the community, both physically and morally.

The broad proposition—that *no convicted criminal should ever be released*, is one which can scarcely be expected to gain ready acceptance on its first proposal; though I look upon its ultimate adoption as certain. The wisest and most beneficent suggestions have always met with strenuous opposition at first, and have never been cordially adopted, until the objectors discovered that the ends they *themselves* had most at heart, were actually being best effected in spite of their opposition. Man, however, never learns anything—except under compulsion. Few will contest that of all economic subjects, this is one—the solution of which is of the first importance, or that it has yet to be found; and fewer still will fail to recognise that the moral aspects of the question are more important still.

The present state of things is notoriously unsatisfactory, but the full extent of the mischief produced can scarcely be apprehended, for it is of daily increasing proportions. A worse than foreign enemy is maintained by us in our midst, and favoured with every advantage that our civilisation can furnish. We endow the criminal—known or unknown—with every protection from the ministers of the law which is accorded to the honest citizen, and actually assume that he has not done what we know he has done, until a certain method of proof has been fulfilled; and any loophole that a clever lawyer can find, is made effectual to save him from the legal consequences. But if—by force of circumstances, a conviction follow, the consequences tend rather to confirm him in his evil career, and perfect him in his profession. He lives as before, at the cost of his honest neighbours, with medical and every other attendance free; the most select of the society he prizes most, and no more work than is exactly calculated to keep him in health. He is far better fed, housed, and cared for, than many honest labourers.

Mr. Rusden now proceeds to his definition of a criminal, in which occurs the striking instance of literary coincidence, to which he refers in his disclaimer. Everyone knows Dr. Maudsley's address to the Psychological Section of the British Medical Association, delivered on the 7th August, 1872; the pamphlet we have at present under consideration was read before the Royal Society of Melbourne, on the 11th November, in the same year, or just three months after the publication of Dr. Maudsley's in the "British Medical Journal," for the 10th of August. Mr. Rusden's paper was, as he says, ready for a previous meeting of the Society, and was consequently prepared before Dr. Maudsley's reached Australia, so that the great similarity betwixt some of the passages is accidental. We copy here the remarks made by each gentleman, not so much in the light of a contribution to science, as in that of a remarkable instance of how two writers, at the Antipodes from each other, may not only have the same ideas, but also express them in very similar language.

Dr. Maudsley, 7th August, 1873—

Crime is not always a simple affair of yielding to an evil impulse or a vicious passion which might be checked were ordinary control exercised; it is clearly sometimes the result of an actual neurosis which has close relations of nature and descent to other neuroses, especially the epileptic and the insane neuroses; and this neurosis is the physical result of physiological laws of production and evolution. No wonder that the criminal *psychosis*, which is the mental side of this *neurosis*, is for the most part an intractable malady, punishment being of no avail to produce a permanent reformation. A true reformation would be a reforming of the individual nature; and how can that which has been forming through generations be reformed within the term of a single life? Can the Ethiopian change his skin, or the leopard his spots?

Mr. Rusden, 11th November, 1873—

I would define a *criminal* as one whose acts are *habitually* predatory, and in contravention of the laws which protect property and person. If a criminal act were shown to be incongruous with the character and previous habits of the perpetrator, I would not call him a criminal; but if his criminal act were shown to accord with his habits and disposition, I would at once class him as a criminal upon his first conviction. A second conviction should be taken as decisive—as to criminal habit and disposition under any circumstances. One criminal act may not *prove* a habit or disposition; but its recurrence *is* proof of a liability which *must* augment with repetition. A habit is only a more

advanced stage of the same course. But habits are formed and confirmed under ordinary conditions of life; and there can hardly be a more glaring or mischievous fallacy than the supposition, that conduct produced by the discipline, and exhibited within the precincts of a gaol, will probably be maintained under opposite conditions outside it, and in the face of habits which were the outcome of previous longer life, and which are stronger in proportion. "Can the Ethiopian change his skin, or the leopard his spots? Then may ye also do good, that are *accustomed* to do evil." (Jer. xiii. 23.) Experience and statistics combine to prove the strict truth of this wise saying, and that it is impossible to make good citizens out of confirmed bad ones. In fact, they must be TRANSFORMED physically, before moral reform can be possible. Every tree is known by its fruits, and good deeds should no more be expected from bad men, than grapes from thorns, or tenderness from tigers. Vice to the vicious, and crime to the criminal, are as natural as heredity, habit, and association can make them; and if their subjects are temporarily susceptible *under certain conditions* to corrective influences, they are inevitably more so to the predeterminations of inheritance and habit, when the conditions are renewed under which they were originally developed. Every individual is as much an example of the PERSISTENCE OF FORCE, as is any other object in the universe. The force of habit is as certain and necessary as that of gravity. And this is admittedly a fact, proved by the statistics of crime, so far as they have been investigated.

Mr. Rusden then proceeds to argue in favour of Mr. Hill's suggestion that criminals should, without exception, be imprisoned for life, at any rate after the second conviction. He says—

*A criminal should never be released.* It is characteristic of the criminal classes, that they are both unscrupulous and improvident, and set at nought the restrictions which society imposes upon the numerical increase of morally-disposed persons. An enormous impediment to the moral progress of the people would be at once removed, were convicted criminals never liberated to propagate their evil kind; the honest poor would be so far relieved from competition—at an immense disadvantage—with others who do scruple not to avail themselves of means of subsistence from which honesty excludes; a part more or less—of the burden of foundling and reformatory asylums would be saved to society; the proportion of uneducated—or rather mis-educated—children would be largely reduced; and the first direct step probably in the history of the world would have been taken to improve, or rather to stay the deterioration of the race of human beings. For it must be obvious that if those below the general average of morality and intelligence multiply—as we know they do—far more rapidly and promiscuously than those above it, the tendency *must be* to lower the general average. And that tendency is enormously en-

hanced by the consequently increased competition, against which the honest poor have to contend in living, and in educating their children. And the highest authorities agree, not only that the majority of criminals are the children of criminals, but also that the large majority of the children of criminals become criminals themselves. And this is only what might naturally be expected by those who believe in cause and effect. It is inevitable—by that law of the persistence of force, which is as much the explanation of habit as the cause of heredity. And for all these reasons a criminal by *habit* should never be released under any circumstances.

Mr. Rusden, after saying that he believes that the expense of feeding and lodging our criminal population would be more than provided by the smaller expense we should have to be at for police, magistrates, and the other machinery of the administration of the criminal law, and after saying that he would do away with prison labour, if remunerative, for the reason that the criminal, if his labour is remunerative, is fed and treated in a manner better than the honest labourer with whom he is made to compete, and whom he thus indirectly helps to starve; after saying this, goes on to suggest what use he would make of them. He says—

Though perpetual imprisonment would prevent convicted criminals, after their conviction, from contaminating Society, and propagating criminals, it is still *open to grave objections*. For the honest starving poor who contribute to their support should not be so mistaught that crime will entitle them to State maintenance and solve all their difficulties; and if criminals were made by their labour to pay for their keep, they would so far compete with honest labour, which would thus be placed at a disadvantage, though entitled to a preference for any employment or expenditure. It therefore remains to be shown that there is a sure means both of preventing an increase of the expense of maintaining criminals, and of avoiding, at the same time, the slightest appearance of offering to *them or to others* the premium to commit crime; these being the defects of the system of perpetual imprisonment. If, in attaining perfectly these ends, my proposal can be proved to present also the means of acquiring knowledge of the most important character, unattainable otherwise, and which would confer unprecedented benefits upon the human race generally, it is difficult to see what more could reasonably be desired. Nevertheless, I undertake to fulfil all these conditions, and also leave no room for the common complaint of competition with honest labour. More than this, my expedient has already been tried on a small scale, and with perfect success.

In the English Cyclopædia, under the head of "Inoculation," it is

stated that that preventive of a deadly disease was very slowly adopted in England, after its introduction from Turkey in 1721, by Lady Mary Wortley Montague, "and it was not until after it had been practised on six criminals (whose liberty was promised to them if they recovered, which they fortunately [!] did) that it was generally received." My proposal is, to adopt this expedient and apply it generally; not, of course, to inoculate our criminals with small-pox, still less to liberate them afterwards; but to utilise as subjects for physiological, medical, and surgical experiment, *all our criminals without exception*. They should be divided into, say three classes; of which the first might be simply made subjects of experiments in diet, or in the trial of the effects of drugs of such a character as to produce the least inconvenience or pain, and extending over long or short periods. The second class might be used for experiments of a more critical or important character—if, indeed, any experiments involving such results as the improved health, longevity, and morals of the human race should be called other than important. The last class should be reserved for experiments in which life might be risked or taken. But the welfare of society in the advancement of medical and physiological knowledge should always form the prime consideration, and every other should be entirely subordinated to the scientific perfection of the experiments. No unnecessary pain should be inflicted; in fact, it would be generally indispensable to avoid it by means of anæsthetics. But even without their use, I confidently appeal to competent physiologists to say whether a capital surgical operation, in sound tissues, causes nearly as much actual pain as one ordinary gaol flogging;—a mere revengeful barbarity—which is barren of all good results that would not be far better and more amply attained by my proposal. Judges and juries would have solely and simply to determine the class to which any particular criminal should be assigned; and a felon of the deepest dye might thus be privileged to become the means of conferring unequalled benefits upon the human race. In the selection of subjects, I should, however, be inclined to allow the skilled experimenters as much latitude as the exigencies of science might demand or suggest, if subjects of experiment were required for any particular purpose. Every organ and function of the human body might thus be brought under direct observation and scientific experiment far more completely and advantageously than in the case of Alexis St. Martin.

We have quoted at so great a length from this pamphlet that we have only space for one other extract. Mr. Rusden has been answering the objections which he anticipates to his proposal, and winds up as follows:—

A fourth advantage is the enormous reduction of cost in the final disposal of criminals which would obviously result; as all the worst criminals would be utilised for experiments, involving so much risk or



certainty of death, as would speedily reduce their numbers. I believe that the present cost of disposing of criminals would be reduced far more than fifty per cent., and that the supply of subjects for experiment would soon fall far short of the demand.

Far be it from us, in the present transitory nature of all earthly things, to say that Mr. Rusden's proposals are extravagant, but the last quotation, in the quiet gravity with which it is urged, puts us very much in mind of Swift's modest proposal for preventing the children of poor people in Ireland from being a burden to their parents and country, and for making them beneficial to the public, in which he proposes to eat a certain per centage of them up. We are not the less deterred from criticising Mr. Rusden's pamphlet, because in the edition of Swift before us, we see an ominous editorial note to the title of the "Modest Proposal,"—"A foreign author is said actually to have regarded the 'Proposal' as serious, and to have quoted it as an instance of the extremity under which Ireland laboured."

R. W. B. W.

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*The Physiology of Man. Nervous System.* By AUSTIN FLINT, Jr. M.D. Appleton and Co., New York, 1872.

The present volume was written as one of the series of volumes which are, when completed, to constitute a complete "Physiology of Man." The publishers having, however, lately issued a Treatise on Nervous Diseases by Professor Hammond, were desirous of presenting a complete work on the "Physiology and Pathology of the Nervous System." The two volumes are intended to fulfil this purpose. Dr. Flint has endeavoured to make his work a satisfactory representation of the present state of knowledge with regard to the anatomy and physiology of the nervous system. What strikes us at the outset as not a little extraordinary is, that in a volume which is presented as a work on the Physiology of the Nervous System, the anatomy and physiology of the special senses should be entirely omitted. This is almost as bad as the play of Hamlet, with the part of Hamlet left out. However, for some reason, satisfactory doubtless to publishers or author, the consideration of the special senses has been deferred to another volume.

To one who looked at the present volume simply on its