must be a part of the natural history of the disease; and (4) that a reasonable degree of self-control should be exercised according to the capacity for it in each case.

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2. *Retrospect of Mental Philosophy.*

By B. F. C. Costelloe, B.Sc. and M.A., Glasgow.

Disease and Crime.—A Social Problem.

A recent reprint of the works of Dr. Samuel Butler, whose eccentric but brilliant novel "Erewhon" is less remembered than it should be, affords a good occasion for a review of some of the social paradoxes in which that work abounds, amongst which those which most directly interest us will naturally be such as group themselves about the question of the responsibility and the treatment of the criminal classes.

It will be remembered that shortly after the publication of "The Coming Race," there appeared another book whose title was an obvious anagram for "Nowhere," and which purported to describe a strange and hitherto unknown country whose institutions were a satire on our civilization. Even as a tale, the book was not without its merits, but its deeper meanings were far more important than the common herd of circulating library readers could be expected to see. The hero is supposed to start on a kind of commercial-missionary expedition to the unexplored interior of an unnamed colony, and to find himself suddenly in the midst of a people highly civilized in many ways and of extreme physical beauty, by whom he is immediately put in prison for the double offence of possessing an inferior physical organization and a watch. He has the good fortune, however, to be pardoned and sent up to the capital, where, by the favour of the Queen, he is well received and duly instructed in Erewhonian politics and philosophy.

Their cardinal doctrine was, in direct antithesis to our own, that the defects for which men should be punished were not what we call moral ones, but physical. Any one guilty of serious illness was tried by judge and jury and sentenced to any penalty up to the highest known to the law, which was that of imprisonment for life in the hospital for chronic bores. The suggested view is well expressed in the following summarized extract from a judge's sentence upon a man just convicted of a grave offence:—

"Prisoner at the bar, you have been accused of the great crime of labouring under pulmonary consumption, and after an impartial trial before a jury of your countrymen you have been found guilty. It only remains for me to pass such a sentence upon you as shall satisfy the ends of the law. That sentence must be a very severe one. It pains me much to see one who is yet so young, and

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whose prospects in life are otherwise so excellent, brought to this distressing condition by a constitution which I can only regard as radically vicious. For yours is no case for compassion. This is not your first offence. You have led a career of crime, and have only profited by the leniency shown you upon past occasions to offend yet more seriously against the laws and institutions of your country. You were convicted of aggravated bronchitis last year; and I find that though you are now only twenty-three years old, you have been imprisoned on no less than fourteen occasions for illnesses of a more or less hateful character; in fact, it is not too much to say that you have spent the greater part of your life in a jail. It is all very well for you to say that you came of unhealthy parents, and had a severe accident in your childhood which permanently undermined your constitution; excuses such as these are the ordinary refuge of a criminal; but they cannot for one moment be listened to by the ear of justice. You are a bad and a dangerous person, and stand branded in the eyes of your fellow-countrymen with one of the most heinous known offences. Whether your being in a consumption is your fault or no, it is a fault in you, and it is my duty to see that against such faults as this the commonwealth shall be protected. You may say that it is your misfortune to be criminal; I answer that it is your crime to be unfortunate. I do not hesitate, therefore, to sentence you to imprisonment with hard labour for the rest of your miserable existence."

Such is the criminal code of Erewhon, and the innuendo is not far to seek. The strange and elaborate address which the convict Fury read, or attempted to read, a few weeks ago, when he was tried and convicted upon his own confession of murder, might well stand beside these bitter judicial dicta. The question is forced upon us, How far is our own code more rational or more just than the Erewhonian? Do we in effect condemn men to the gallows and the treadmill for things that are as truly a misfortune as a phthisitic constitution or a congenital blindness?

The inquiry is a very wide one, but it is necessary that society should face it; and a journal devoted to psychological studies is not an inappropriate place in which to throw out at least a few hints for its consideration. The subject divides practically into three heads. First, what is the meaning and test of juridical responsibility, or *accountability*, as we might more fitly call it? Second, what is the office and the justification, as between society and the convict, of punishments great and small? Third, what are the limits and scope and nature of the influence exercised by antecedent circumstances such as heredity, nurture, education, &c., upon the moral character of all men, and particularly of the so-called criminal class?

It will be best to consider these three topics in the reverse order. As to the effect of circumstance or character it is difficult, of course, to dogmatise. It has been strongly held that all men are born very much alike in possible character, and that their nurses and teachers

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differentiate them. But this cannot be true. "Heredity" is a vague name for something which is obviously a great factor in human life. Every drunkard's son is not a drunkard, much less is every great man's son a genius; yet how often do we see traits and propensities most sardonically recurring in the second and third generation. It is as impossible to deny that the fact that one's grandfather swindled or drank makes it statistically more probable that one would, given the proper surroundings, take to swindling or drink oneself, as to deny that insanity or consumption in a family makes it more likely than it would otherwise be that a given man will develop insanity or consumption. What then does such statistical probability imply? Perhaps we may put it most clearly by saying that such a man has inner temptations which go to meet the outward ones, whereas in another the outward devils will find no such allies. The lines are laid and the tracks prepared inside the fortress, or rather into it; and if the assailants once start upon them, there is found at once a formed line of least resistance. Whereas, in the other case, the line has to be furrowed out *de novo*, and it is only after various abortive essays that the direction of least resistance is found and worked out to the end. This view, it seems to us, is perfectly consistent with any reasonable theory of free-will. To say that A. B. is so constituted that vice is less difficult for him than for C. D., is not to say that A. B. is not free to be virtuous all the while. Only it will doubtless need more watchfulness, perhaps more earnestness and resolution. What then, it may be said, is *character?* Is it not that in a man which makes us say he is more likely to will this than that? No doubt; but here again character, if so described, is taken on its statistical side only. Character, in truth, means the whole man, with all the moral content which the experience of a life has put into him. His personality, when it begins, is a form as yet void—a possibility of moral good or ill. The organism through which that personality is to express itself, and to be impressed also, is anything but formless. On the contrary, it has taken up and holds latent numberless aptitudes or habitudes, which are the formulated results of past human lives, and these, in so far, are determinant factors in the filling in of the coming life also. A person whose organism wants the aptitude of speech will never be exactly the same as one who has it. And so doubtless with moral aptitudes likewise. But as against these latent materials, the personal will, the man himself, is an always active and decisive force. Somehow he can say yes or no at any, or rather at every point. By *attention* he can bring certain elements of possible experience into prominent play and throw the rest into the background. So by moral *election*, or willing properly so called, he can reinforce one motive or set of motives by an assent that changes desire into action. Such an assent is an uncaused cause, so far as it goes. A really decisive and strong volition causes that to be which otherwise would never have been. What then is character,

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in its relation to this decisive moral will? This is at once the hardest and the most vital question of all. In one sense, doubtless, a man's character is only another name for himself, as he has been completed and realized by the facts and surroundings of his life. "Myself" at the outset of life is little more than a formal possibility of character, if we set aside the physical aptitudes and heritages of the organism. "Myself," after 40 years of the action and interaction of life, is a very different thing. But it is only one half of this change that is accounted for by the fact that the organic frame in which it is set, has taken on or has developed within it hundreds of fixed tendencies, so that numberless things at first almost impossibly hard have become so easy that we do them without thinking. If we reflect what a change has come to us through the influence of habit in such things as reading, writing, music, &c., we can imagine how many things more intimately connected with the moral life must have changed also. Yet we ought to draw a great distinction. "Myself," my *real* self, does, in one sense, change, no doubt; but it is in a sense quite other than that in which the organic machine is changed. I make myself a character, and a bias for good or evil, by my moral acts and elections one after the other. Every election for good makes it easier next time to elect for good; at least it seems to be so, though by what law or in what manner psychology cannot yet pretend to say. But this is a cumulative result of volitions in themselves apart from the organism, whereas the organism itself, apart from our volitions or from moral matters altogether, is creating habitudes every instant of our lives in a hundred different ways at once. In a word, we have an *organic character* as well as a *moral character;* and the two are, no doubt, interrelated just as in every phase of life our minds and bodies must be.

If this be a true analysis of the moral side of life, it follows that sin and crime are not merely diseases. They may become chronic—indeed, they are always tending, like everything else within us, to become so. But at every stage they are the offspring and result of our own free election. We are what we are, because we have chosen to be so, or at least because we have assented to a temptation or a fate from which it was open to us to escape, if not at every point, at least in the beginning. Without saying anything of a supernatural government of the world, or of any spiritual forces other than those we take account of in psychology, it would be therefore just to punish criminals. Society has a right, if not a duty, to affirm the difference between right and wrong, and to affix to it whatever sanctions it profitably can.

This leads us to the second problem above suggested—what justification can or does society plead against the individual when it inflicts an apparent injury upon him by way of punishment for crime? There are and have been many different answers. One is already hinted at. My real self is not an isolated, merely individual entity,

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related only by way of exclusion and negative rights to the other members of the universe. Society is a solidarity, not metaphorical but real. My fellow-citizen has part in me, and I in him. "We are members one of another." If so, the State, as the exponent, however imperfect, of this unity, is bound to vindicate the social truths —to prevent murders, injuries, thefts, and libels; to disallow slavery, cruelty to animals, drunkenness, obscenity, &c.; and for these ends to outlaw to some extent the offending member, even to the extreme point of taking his life if it seems expedient. The opposite view of society, which makes it a kind of mechanical resultant of opposing selfishnesses, and therefore sacrifices everything to individualism, can still justify punishment in another way, by the theory that every individual's right to absolute freedom is conditioned by the obligation to respect the freedom of all others. If this condition is broken, the erring freeman must be constrained. But the question still arises, What is or ought to be the *object* of punishment? Is it merely, for the general good, a kind of moral proclamation—a nemesis showing forth to the world how transgression results in mischief and violence in violence? Is it for the benefit of possible evildoers—a warning example and deterrent, an added motive of fear to reinforce their defective consciences? Or is it, lastly, for the benefit of the condemned themselves, that they may be impressed with a sense of their error, may be deterred from repeating it, and may be meanwhile trained by all proper moral medicines into a healthier frame of mind? One or other of these it must be, unless perhaps in those cases where the punishment amounts practically to the sentence passed upon a dangerous lunatic, confinement during the pleasure of the State, only with the sanative element left out. Such cases are different from the rest, for they are not so much a punishment as a precaution. Society eliminates its troublesome elements—to Botany Bay or New California, to a lunatic asylum, a convict prison, or a foreign territory—simply that it may not incur the risk and cost of watching them. Cetewayo was interned in the Cape Colony, not because he did wrong, but because he was thought to be a difficulty. Count Arnim was banished by Bismarck for a like reason. But although less obvious, it is equally true that very many of the long sentences of penal servitude which it is now the practice to pass on criminals previously convicted, imply exactly the same attitude on our own part. "This man has been found stealing three times; we cannot be worried with him any longer; send him away for seven years."

This may be a very cheap and handy arrangement for society; but is it not a little hard upon the thief? The other three theories have all something to say to him. The first says, "You have done wrong, and this is the eternal logic of wrong, that it brings a nemesis." The second says, "You have by your example so far disorganized society; we must make you an example in order to undo that mischief." The third says, "You are in a bad way; at whatever discomfort to you, we

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must in charity try to improve you for all our sakes." The last says, with a brutal simplicity, "You are a nuisance; we must get rid of you."

This is no real judicial sentence. It is a declaration of war. And however feeble the criminal class may be, it is doubtful wisdom, even if it were tolerable morality, to outlaw them in such a way. The other theories are not inconsistent with each other. Indeed, all three will perhaps be recognised in the Utopian penal code, if crimes are possible in Utopia. The only difficulty is to determine whether between two possible penalties we should choose the more deterrent or the more curative; and this depends intimately on the solution of the remaining problem we laid down in the beginning—the nature and criterion of criminal accountability. This, however, we must postpone to another time, for it is a subject of independent importance, hitherto, we take leave to say, too little considered either in the theory or the practice of the English law.

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3. *Italian Retrospect.*

By Dr. T. W. McDowall, Morpeth.

Report on Pellagra.

The "Gazzetta del Frenocomio di Reggio" is more than an ordinary asylum report. Besides the usual account of the condition of the asylum, with the necessary statistics for 1881, it contains short notices of public meetings at which the asylum was represented, as at the International Medical Congress in London. But to these we do not desire to direct attention, for there is in this pamphlet some information about pellagra which may interest English readers. This disease seems to be in Italy what general paralysis is in this country, a scourge whose origin is unknown, but which prevails in certain districts, and seems to depend on some unwholesome mode of life. To discover this error in living the Italian physicians have resolved to devote their attention, and though the results cannot as yet be said to be very great, and are, indeed, in some degree problematical, still it is worth while to show what has been done, and the method of work. We English physicians might take a lesson and begin a systematic enquiry into the conditions of general paralytics. Without doubt most valuable results would be obtained.

I.—*Results of Inquiry by the Committee of Directors of the Reggio Lunatic Asylum.*—In 1879 the directors began an inquiry relative to pellagra in the province of Reggio, and forwarded to the Communes a list of questions, with the object of procuring data as to the cause and spread of pellagra in the different districts. The chief questions were:—

1st. The number of insane afflicted with pellagra in the years 1875-9.

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