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THE CRIMINAL:

HIS SOCIAL AND LEGAL STATUS AND THE PHILOSOPHY OF REFORMATION.

By William A. White, M. D., of Broome County.

OCTOBER 17, 1895.

[*Reprinted from Transactions of the New York Medical Association.*]

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Degeneration, among the specialists in psychological medicine, is the topic of the day. The various periodicals devoted to this and allied specialties are replete with discussions of its many results, and all departments of human thought are beginning to feel the subtle influence of the new hypothesis. Introduced to the scientific world by Morel[1] in 1857, its importance was for a long time unrecognised, until within the past few years its championship by the Italian school has brought it more forcibly to notice. During the years subsequent to 1857 much important scientific work was done, and many notable publications appeared, especially Darwin's "Origin of Species" and Spencer's "First Principles," thus furnishing invaluable data for the elucidation and further investigation of the problem of degeneracy, so that when Cesare Lombroso published in 1876 his "L'Uomo Delinquente," the world was not so slow in appreciating the true importance of the questions dealt with. In fact, at present, the unprofessional public are manifesting a surprising interest in the subject matter included under this denomination, and read with eagerness the many works which have recently appeared, dealing with its various branches. This universal interest displayed is perhaps the best possible thing which could happen, as degeneration is a danger which threatens the very safety of the social struct-

[1] Traité des Dégénérescences Physiques, Intellectuelles, et Morales de l'Espèce Humaine, et des Causes qui Produisent ces Variétés Maladives. Par le Dr. B. A. Morel, Paris, 1857.

ure, and threatens it in a form which advancing civilisation appears to favour rather than discourage. To estimate the importance of the problems connected with degeneracy we have only to stop and consider that all of our defective, dependent, and delinquent classes—that army of parasites which infest society—are largely constituted of degenerates; and great though it may be, statistics show, so far as they can be interpreted, that it is adding to its numbers year by year. Society is thus threatened by a sort of internal revolution, which, if not averted, augurs ill for the future. But let us hope that the efforts of our scientific benefactors have availed to bring the enemy out of his hiding-place into the light of the sun, where his operations can be observed, and where proper methods of attack may be organised and directed against him.

Society is an organism compounded of individuals, classes, and institutions, much after the manner in which the animal organism is composed of cells, tissues, and organs, and, like all organisms, is subject to be affected with disease and disordered functions. Such a disease is degeneracy, of which crime is a symptom, and the causes which produce it produce alike the criminal—a degenerate, out of harmony with his social environment and directly anti-social in his instincts.

The causes, degenerate in nature, which operate to produce crime, are manifold. Social evolution has proceeded during the last century with a rapidity never before known. With the rise of republics the people as a whole have been forced more and more into direct relations with the governing classes; problems of great magnitude have had to be met, dealt with, and solved; and the social organism has been subject to a stress of circumstances which it was ill-adapted to sustain. The natural result has been the production of an unstable condition—such, for instance, as is well illustrated by our present financial uncertainty coupled with the serious division between capital and labour. This condition produces its most deleterious effects upon the poorer

and humbler class—those least able to bear with adversity—and reacting upon the units thereof, produces degenerate and deformed individuals. No remedy for this condition of affairs presenting itself, the individuals upon whom the results of the social stress fall most heavily, reproduce their kind, and the vicious circle is established.

Every organism, individual or social, is composed not only of the matter which goes to make its form and consistence, but of force, without considerable proportions of which life would cease to be. Now it can be readily seen that a community whose forces are dissipated in an unduly hard struggle for existence, whose energies and whose bodies are consumed with the toil for the necessary means of subsistence, are ill-constituted to bring forth and support children. These children, ushered into the world under such unfavourable circumstances, lacking in a proper supply of the developmental forces, surrounded on all hands by misery, poverty, and the degraded and degenerate residue of former generations, become our future criminals. Is it strange? Would it not rather be remarkable if such children, with every possible inducement to wrong doing, uneducated, neglected, ignored by every higher influence, should develop into worthy citizens? Impossible! Cause and effect are as rigid in their sequence here as elsewhere, and under such circumstances, where the causes are so powerful, so overwhelming, the effects are inevitable.

There are many classes of criminals. A man aroused to passion by an insult reaches for the nearest available object and strikes his fellow. If that object be harmless, well and good; if not, he becomes a criminal. He is the "criminal by passion." With him we are not especially interested: he constitutes rather an accident than an anomaly. Substantially the same might be said of the "criminal by circumstance." Compelled to work, mayhap, for the miserably inadequate wages which the investigations of the Reinhardt committee in New York have shown are being paid, he is forced, out of sheer adversity, to thieving; or if a woman, to

that equivalent of crime in the male—to prostitution. With the "occasional criminal," the "habitual" or "professional criminal," and the "instinctive criminal," however, we have the closest interest. They constitute the criminal hierarchy, the origin of which I have been describing: these are the degenerate anti-social elements; these are the offenders who are constantly overriding legal prohibitions and warring upon social customs, and with these especially we must learn to deal.

The great importance of the criminal classes being now manifest, and the pressing nature of the questions connected with them being evident, it becomes of prime importance to formulate those signs and symptoms by which they may be recognised and differentiated from normal persons.

Inasmuch as force manifests itself through a material medium, it becomes evident—reasoning from first principles—that any great alteration in either the quantity or quality of the component forces of an organic unit will become evident through variations in its material elements. Further, we should expect to observe that these variations were greater in the most highly elaborated structures and became less marked as we descended the scale to structures of greater simplicity and stability. Accordingly it is in the brain that we should expect to find the clearest evidences of degeneracy; and while we do find such symptoms as moral obnubilation, emotional instability, vanity, egoism, and in general a low order of intelligence, yet, largely owing to our lack of definite knowledge, little is actually known respecting anomalies of cerebral structure, these symptoms bespeaking rather a disorder beyond the power of human eye to observe. It is rather in the skeleton, the component elements of which are pretty well known in all their details and which form a permanent register of the alterations in them, that we find the variations from the normal readily appreciable and easily recognisable. Thus we have anomalies in cranial and orbital capacity, anomalies in the various indices, angles, diameters, and circumferences

of the skull, the conditions known as oxycephaly, plagiocephaly, scaphocephaly, platycephaly, prognathism, strabismus, diastema of teeth, narrow palate, and many other variations from the normal.

These signs of degeneration, a few only of which I have enumerated above, constitute the individual possessing them a degenerate; his type of organisation is lower, more primitive, less highly organised than it should be, and, placed under unfavourable conditions, he is predisposed to commit crime.

The question of a criminal type has been much discussed. The degenerate class is a large one, and includes in its ranks geniuses, insane, criminals, paupers, suicides, idiots, imbeciles, and many other forms of deteriorated humanity, and the signs and symptoms which characterise this condition are fairly well known and pretty generally recognised. But whether it is possible by means of this knowledge to forecast the relative possibilities of a given person becoming a criminal, insane, or perhaps a genius; or, on the other hand, to distinguish the type as it exists in the prisoner at the bar, and utilise such knowledge as an aid in the administration of penal law, these are the vital issues. Many of our enthusiastic Italian collaborators believe they can, and Lombroso has even gone so far in one of his latest works on "Chirography" as to claim ability to distinguish not only the criminal by means of his handwriting, but detail the character of his crime. Be this as it may, the question of a criminal type is still a mooted one, and much might be said with good effect upon either side. It is certainly reasonable to suppose that a somewhat more exact classification of the degenerate class, on the basis of physical signs, might be arrived at, thus separating what is now a very large and heterogeneous admixture into subdivisions of approximate scientific accuracy. Certain it is that as investigation proceeds further and further we approach this result, and it is probable that although the present may not recognise a well-defined criminal type, yet that the near future may see its aspirations to this goal realised.

The true criminal is then a degenerate, possessing certain characteristics, both bodily and mental, which serve to distinguish him from the normal man, and which indicate that his organisation is such as to predispose and even impel him to crime. This being the case, what should our attitude be toward him? What are the duties of society with reference to these anti-social elements? Before we can consider these questions, however, that most important and much-discussed problem of responsibility must be dealt with, for largely upon its solution will our future course of action be guided.

First of all, then, let me urge one consideration which applies here as it does to the insane,—in fact, to all of the degenerate classes, yes, even to the normal individual, and which for some unknown reason never appears to have firmly impressed itself upon the judicial mind—and that is, that the question of responsibility is a question of degree. Three factors are involved in its consideration: *First*, knowledge of the nature and quality of the act performed; *second*, the forces which impel to action; and *third*, the forces which tend to inhibit action. A proper relation, a proper balance among these factors, is necessary to constitute an individual as a responsible party, and disorder seriously affecting any one of them is sufficient to constitute him as irresponsible. They are what mathematicians would probably call three "independent variables," and they may bear one to the other, in respect to quality and quantity, any possible series of relations. That the existence of these factors in proper relations is necessary to constitute responsibility is a scientific fact, and not a pure psychological speculation, is proved by numerous instances of their disorder.

Little Marie Schneider,[1] whose case is cited by Dr. Paul Lindau,[2] a twelve-year-old school girl, robbed and murdered her companion, Margareta Dietrich, aged three and one half years. When questioned regarding her crime, she told a

[1] A full description of this case can be found in The Criminal, by Havelock Ellis, London, 1890.

[2] Dr. P. Lindau, in his Appendix to the German translations of Lombroso, "Der Verbrecher."

plain, simple, straightforward story in an entirely unassuming, childish manner, and without evincing the slightest remorse for her act. She was entirely ignorant of the distinction between right and wrong. The wretched sufferer from an impulsive homicidal obsession may kill his dearest friend and yet be for the time being so entirely controlled by the automatic action of those forces which impel him onward that resistance is impossible. The young woman who, yielding to the persuasions of an ardent lover, murders the product of her illicit intercourse, must indeed be lacking in those higher elements of mind, largely inhibitory in function, whose duty must always be to control the lower impulses of our nature.

These three factors of responsibility, to which and to the disorders of which I have directed your attention, are abnormal in the criminal; and their abnormality is in direct proportion to the approach of the criminal to the "instinctive" type. Yet criminal law takes no cognisance of these conditions unless combined with insanity, and even then only recognises the first, at least in this state, which may to all intents and purposes be taken as a fair representative.

Witness the following quotations from the Penal Code of New York state: "A person is not excused from criminal liability as an idiot, imbecile, lunatic, or insane person, except upon proof that, at the time of committing the alleged criminal act, he was labouring under such a defect of reason, as either 1. Not to know the nature and quality of the act he was doing, or 2. Not to know that the act was wrong" (Section 21). And further, "A morbid propensity to commit prohibited acts, existing in the mind of a person who is not shown to have been incapable of knowing the wrongfulness of such acts, forms no defense to a prosecution therefor" (Section 23).

Here we have concisely expressed the actual status of mental disorder as a defense in cases of criminal procedure, and with it the proof of how far in the rear of the frontier of medical science our legal brothers are. In the first instance, it seems to me, our law-makers never should have

presumed to codify those mental states which may be admitted as defense in criminal cases. The question of responsibility is entirely and purely a medical one, and only the trained expert who has spent years in the observation and study of mental states, both normal and diseased, is capable of passing upon it. Laws are very well in their place, but I think those which I have quoted overstep their natural prerogatives, and that for the purposes of justice, in the abstract at least, it were better had they never been written.

Further than this, the methods of eliciting and interpreting expert testimony are everywhere at fault. Too little public interest is shown in the organisation of juries, and many of the men best fitted for such duties, if not already legally exempt therefrom, are the most willing to escape them, and other means lacking, there are but few, in this newspaper-reading community, who, without serious shock to their conscience, cannot gain exemption on the ground of "actual bias."[1] But with all the faults of the jury remedied it still seems highly illogical that any body of laymen should be called upon to listen to, and decide the comparative merits of, various expert opinions of medical men. Certain it is that they can, in a technical case, understand but a small portion of such evidence, and are further especially poorly qualified, from their very lack of education on such subjects, to appreciate its several bearings. Add to this that the testimony elicited from the medical expert does not always, by virtue of the present methods, express his very best opinions, and we have a procedure bristling in faults, and of such a nature that we should not be surprised at the frequent miscarriages of justice. The principle of "presumed innocence"[2] is a proper one, but it should be the duty of a judicial body in a given case to use every endeavour to get at the actual facts; but with the present methods of utilising the expert such is not done. Either counsel is at liberty to ask such questions as he may see

[1] N. Y. State Code of Criminal Procedure, 1893, Sec. 376, Sub. 2.
[2] N. Y. State Code of Criminal Procedure, 1893, Sec. 389.

fit, provided always that no legal objections be entered against them, and he utilises this privilege to endeavour to the best of his ability to bring out all points favourable to his side, and suppress all those unfavourable, and further, recognising the importance of the effect produced upon the jury, he is frequently able to so adjust his questions as to compel the witness to give answers which produce an impression entirely contrary to the opinion he really holds.

Do not think that I am endeavouring to tear down the judicial fortifications. I am rather only endeavouring to point out some of their weak spots, to locate their pregnable points, so that they may be strengthened and repaired and offer a security to society sufficient to guarantee its quiet repose within their protection.

That the question of the treatment of the criminal has until the present time been ineffectually answered is everywhere manifest. Every civilised community affords indisputable evidence of the inability of the judicial body to deal with him. In almost all countries crime is increasing. Such being the case, the crying need for a solution to this problem is painfully manifest.

We must not forget, however, that the causes of crime lie largely in the environment. Lacassagne has said "Every society has the criminals that it deserves." That there is something radically wrong in the organisation of the state, we have had occasion only too strongly to suspect in the unhappy results of our recent strikes; results which M. Tarde would undoubtedly denominate as "crimes of crowds."

These are errors for which the judicial body is not responsible, and which it cannot remedy. It may only deal with the results of these unfortunate conditions. But to deal most effectually with them it should be as free from error in its organisation as possible.

To this effect I think more attention should be given in our schools of law to the scientific departments—to sociology in particular. Experts should not be pitted against one another, and thus indirectly made parties to the issue, but

should be retained by the state, not the individual. They should be men of recognised ability and their evidence not detailed to a lay jury, but after a careful and elaborate examination into the case in all its minutiae, made out in the form of a report to be presented to the court, and their decision regarding the prisoner's mental condition should be final and afford a criterion by which to regulate the nature and extent of the sentence imposed. The public should be aroused to a deeper sense of their responsibilities as citizens, and no longer shirk the duty which the community asks of them when it empanels them as jurors.

After all this is done the question still remains, as to the best method of dealing with the convicted criminal. This is the question in which we are especially interested, and the one which, from a criminological point of view, it is our special function to discuss.

In the first instance we must never lose sight of the fact, that, as a rule, we are dealing with a degenerate, abnormal, illy-balanced, poorly constituted, individual, and that though he may not be wholly irresponsible, yet he is certainly much less responsible than a normal man. We are dealing with a man who has performed an anti-social act—an act, the ultimate causes of which lie far back of the immediate perpetrator, in the very organisation of society itself. Bearing these facts in mind, we will see that there is but one method to be employed in approaching this question of the treatment of the criminal—the method of science. We must approach the subject in a purely impassioned spirit, convinced that we have a social evil to deal with, and desirous only of advocating those reforms which will best meet the requirements. Anger and the spirit of retaliation should have no place in our system: they are alike valueless for reform and harmful in their results. In fact, directed against the "instinctive criminal," punishment in all its varieties is of little utility. Lacenaire,[1] a typical French criminal, said to the judge,—"I have always been lazy; to

[1] Abnormal Man, by A. McDonald, quoted in review of Les Habitués des Prisons de Paris, by Dr. Emile Laurent.

work is an effort. I am incapable of it. If it is necessary to work, I do not care to live. I prefer to be condemned to death." Punitive measures, however, have their place, and undoubtedly operate as deterrents from crime, and subsequently as a means to reformation, but such effects are produced upon the individual only in direct proportion to the distance which he is removed from the "instinctive criminal" and approaches the normal type.

One of the most difficult problems of treatment concerns itself with the method of dealing with the recidivist. What shall we do with the habitual offender, who has been committed to prison time upon time, who resists all applications of punishment and all methods of reform, who spends, in fact, nine tenths of his time in prison and the other tenth getting there? Many advanced thinkers—in fact, no less a person than the eminent Italian criminologist, Baron Garofalo—believe that such individuals, who have proved themselves entirely incorrigible and a constant source of danger to the community, should be quietly deprived of life.

Now while I fully appreciate the nature and strength of the arguments educed in favour of capital punishment, I wish to assert myself as most emphatically opposed to its use for any reason or under any circumstances. I believe that its employment in any case is no less than brutal and barbarous.

If crime is a social disease, and I believe it is, our treatment of it should be in accordance with those same general principles which we adhere to in our dealings with the human organism. In other words, before we can expect to accomplish much good, we must remove the cause. In the face of this, I ask you wherein lies the justice of society which calmly allows and even supports the causes of crime in its midst, and then in cold blood takes the lives of the criminals which its errors have produced? Certainly this method has no inherent rationality to support it, and as for results, I believe it to be entirely futile. It is assuredly not

reformatory, and I think not deterrent. A certain learned criminologist found as a result of his investigations that every criminal condemned to death whom he had visited had been present at several executions.

Further than this, the evil influences of this form of punishment are manifest throughout the community. Witness the morbid interest which the public takes in every murder trial and the details of every execution, an interest enhanced and goaded on by the villainously sensational accounts which appear in our daily papers.

The criminal has always been, and is now by a certain weak-minded element, erected into a sort of hero, and there are a thousand cranks on the face of the earth to-day who have only to have called to their notice the detailed sufferings of some homicide to have their morbid tendencies, which lie dormant within them, stirred into terrible activity, and in their attempts at emulation society dearly suffers. In this sense, as Dr. Aubry[1] has explained, murder becomes contagious, and I think we can all recall one or more epidemics. These results are widespread in their effects, and, taken in connection with the fallibility of human judgment, many painful instances of which might be cited, far outbalance any immediate good which might supposedly accrue from the execution of some poor, miserable, weak-minded wretch.

Let us not jeopardise the best interests of society by inflicting upon the community these disgusting and barbarous practises; let us not, by legally sanctioning such acts, also sanction the egoistic and animal-like emotions which accompany them. Our advance to a higher grade of morality can only occur by the production of such conditions as to admit of the unhampered development of the higher ethical emotions, which are largely altruistic in nature, and we can ill afford to hinder this progress in such a manner, especially when no excuse exists in the nature of an immediate good.

[1] La Contagion du meurtre, étude anthropologique criminelle. Le Dr. Paul Aubry, Paris, 1888.

We now come in due course to the consideration of the prison problem. For hundreds of years the recognised method of dealing with the convicted criminal, when he was not actually executed, has been to incarcerate him, for some arbitrarily chosen period of time, within prison walls. During his imprisonment he was sometimes employed, but more often left in idleness, and the treatment he received at the hands of jailers and petty prison officials, whose power in times gone by has been well-nigh supreme, was frequently positively cruel. Nowadays things are changed. Our prisons are marvels of cleanliness, good order, and discipline, and our prisoners are uniformly employed, usually at some useful and productive occupation. Still we are not satisfied, and I think the most superficial observer realises that the prison is not equal to the occasion, and the facts of the increase of both crime and recidivity would tend to support this view. That we may appreciate to advantage the terrible incompetency of our present methods of dealing with the criminal classes, let us look at our statistics,—

Year.[1]	Total prisoners in U. S.	Ratio to population.
1850	6,737	1 in 3,442
1860	19,086	1 in 1,647
1870	32,901	1 in 1,171
1880	58,609	1 in 855
1890	82,329	1 in 757

These figures show only too clearly how miserably our prisons fail as either deterrent or reformative institutions. In fact, the prison does worse than fail, it creates that which it was intended it should check, it is in reality a hot-bed for the production of crime, and is constantly turning out into the community men who are depraved, debased, and skilled in all the vices of criminal art in place of men received who were comparatively harmless citizens, as Emil Gautier writes:[2] "The prison, indeed, as it is organised, is a sewer

[1] Taken from the U. S. Census reports by W. D. Morrison, and quoted by him in his introduction to The Female Offender,—Lombroso and Ferrero, New York, 1895.
[2] The Criminal, Havelock Ellis.

throwing out into society a continuous flood of purulence, the germs of physiological and moral contagion. It poisons, brutalises, depraves, and corrupts. It is a manufactory at once of the phthisical, the insane, and the criminal." Why is this? It is largely because our criminal is essentially and naturally lazy and fond of debauch. The struggle for existence necessitates a certain amount of hard work of which he is incapable, and he takes to crime as the easiest means of obtaining at once the necessities and the luxuries of life. Discovered and convicted, he finds that prison, after all, is not the worst of places. Heretofore wholesome food, a comfortable bed, and a warm room were almost unknown luxuries; now he finds them all assured, and being very moderate in his requirements for happiness, what wonder that he feels content, especially as these comforts are maintained by a very moderate expenditure of energy on his part?

In fact, the prisoner sinks into the lethargy of a purely animal existence: he becomes a moving automaton, the ordinary necessities of life are furnished him, and by and by the prison itself becomes a necessity.

"A German criminal,[1] who had just been released from prison, attempted rape. He received a sentence of eight years imprisonment. He rose, thanked the court for the sentence, regretting, however, that it was not for a longer period, and adding that he had only committed the offense as an agreeable way of returning to prison, where alone he found pleasant society and a life free from care."

Unfortunately, this is not the worst of the results of confinement in prison. Dr. Aubry's[2] remark is only too true,—"As to the reformation of the criminal, that is a myth; the prison is still the best school of crime which we possess." The prisoners are hustled in together with no semblance of a rational classification. The youth who, while not essentially corrupt and degraded, may have committed his first offence, and needs only a little encouragement to reclaim

[1] The Criminal, Havelock Ellis.
[2] Ibid

him from the path whereon he has started, is, on his entrance to prison, thrown into immediate contact with the lowest, most desperate class of society, and, continually surrounded by their evil influences, soon learns to look upon crime with an indifferent eye; and when his sentence expires, we find him leaving prison a confirmed enemy of society.

These are the evils for which present methods must answer. How are they to be overcome and wholesome results ensured? To this question it is the business of the criminologist to reply.

In regard to this question of treatment, the prime factor in the make-up of the criminal, the factor upon a consideration of which are founded the principles of rational treatment, is the factor of the criminal's lack of adaptation to his environment.

The criminal, like other degenerates, is essentially an individual out of harmony with his environment, and, in order that he may become a useful citizen, we must create within him that adaptation which is lacking. To this end are our reformatories organised. Here an environment is created lacking in all those elements which tend toward evil and containing only those which tend toward good. Within this environment the criminal is placed.

Now there are two defective conditions in the mental organisation of the criminal which must be dealt with in this artificially produced environment. *First*, the adaptability of the organism to surrounding circumstances presupposes on the part of the nervous substratum of mind a certain permeability permitting of the formation of channels of association answering to novel experiences. This permeability is lessened in the criminal. *Second*, many of the associations which have been formed by him answer to disadvantageous environmental relations, and inasmuch as by repetition these tend to become organised into fixed habits, he presents a number of such on admission.

In order that these two defects—namely, defect in permeability and in quality of association of the nervous elements—

may be remedied, cerebral nutrition must be advanced to the highest degree of efficacy, indirectly through the effect of a general increase in bodily health. This having been accomplished by means of well-known principles of hygiene, gymnastics, dietetics, etc., we have a basis upon which to build.

That the defect in permeability may be remedied, the defective is placed at first under conditions of comparative simplicity, and of such nature that he is able to adjust himself to them; being lazy, he must have habits of industry inculcated within him, and so is allowed to choose a trade, into the simpler departments of which he is ushered. As he advances his surroundings become more and more complex, further requirements are made upon his powers of adjustment, new fields of work and thought are gradually opened up to him, and he is thus slowly but surely harmonised with surroundings more complex. That the faulty habits acquired before admission may be destroyed, there are no incentives to the continuance of the associations on which they were founded admitted to him, and the trend of his education must be such as not only to exclude them but to build in their places virtues and an enlightened intelligence which recognises their fallaciousness.

That these results, which I have sketched in only a very general way, may be brought about, a considerable deal of time is required,—an amount directly proportionate to the difficulty connected with the individual case—and, that time may not be wanting, the criminal's reform should not be hampered by any arbitrarily determinate sentence. In other words, the criminal should be sent to the reformatory to stay until cured, and he should not be allowed to reënter the community until he can do so with safety.

The offender, upon admission, is firmly impressed with the fact that his ultimate discharge rests wholly with himself; that for every success he will reap the proper reward and advance, and for every failure a corresponding punish-

ment; and that he will not be allowed his liberty until he has attained to a certain standard. During his residence he is carefully observed and studied by competent men selected for that purpose. When it is concluded that he is probably cured, he is paroled, and if he does not abuse the privilege, at the end of a reasonable time he is discharged as soon as a self-supporting situation can be obtained for him.

These, then, are the requirements which in the main must be fulfilled by any system of treatment which aims at the reformation of the criminal. The artificially created environment of the reformatory must resemble as closely as possible the outside world. The process of adaptation to it must resemble in detail the struggle for existence, rewards and punishments following in the natural course of events, and adjusted to the relations of the case in such wise as to follow inevitably upon conduct which is good or bad.

Cure under this method of treatment is only accomplished when the individual shall have reached such a stage of development, and shown such ability to adapt himself to the most varied and novel circumstances, that it may with reason be expected that he will be able to fulfil the requirements of a self-supporting and reputable citizen.

Such methods as these, where they have been carried out, commend themselves to us by their success, both in lessening recidivity and in creating good and useful citizens. Probably Elmira, of all places in the world, exhibits this scheme of reformation in its most advanced stage of development, and a reference to their "Nineteenth Year Book" shows that since the opening of the institution in July of 1876 they have received a total of 7,047 prisoners; of this number 5,933 have been discharged. Of the number discharged 3,628 are estimated as probably reformed, or 51.48 per cent. of the total admissions, or 61.16 per cent. of the total discharges, there remaining September 30, 1894, 1,143 under treatment. Certainly, if these figures are even approximately correct, we must admit that Elmira, as an experiment in penology, is a success.

In 1880 the total cost to New York city alone of the mere maintenance of its police department was $3,266,057.[1] It is tempting to speculate to what advantageous purposes such an amount of money might annually be appropriated. Such speculations must, however, remain unrealised so long as the criminal class is as numerous as it is to-day, and it will ever remain as numerous until the criminal is recognised for what he is, a degenerate, produced by natural causes, and until his treatment is based upon rational and scientific principles. The spirit of retaliation by punishment is no longer admissible; the perpetrator of crime is more often to be viewed as the unfortunate result of circumstances over which he had no control; but the forces which produced him must be deviated into other channels ere society can rest safely from his encroachments.

[1] Report on the Defective, Dependent, and Delinquent Classes of the Population of the United States, as returned at the tenth census (June 1, 1880), by F. H. Wines, special agent.