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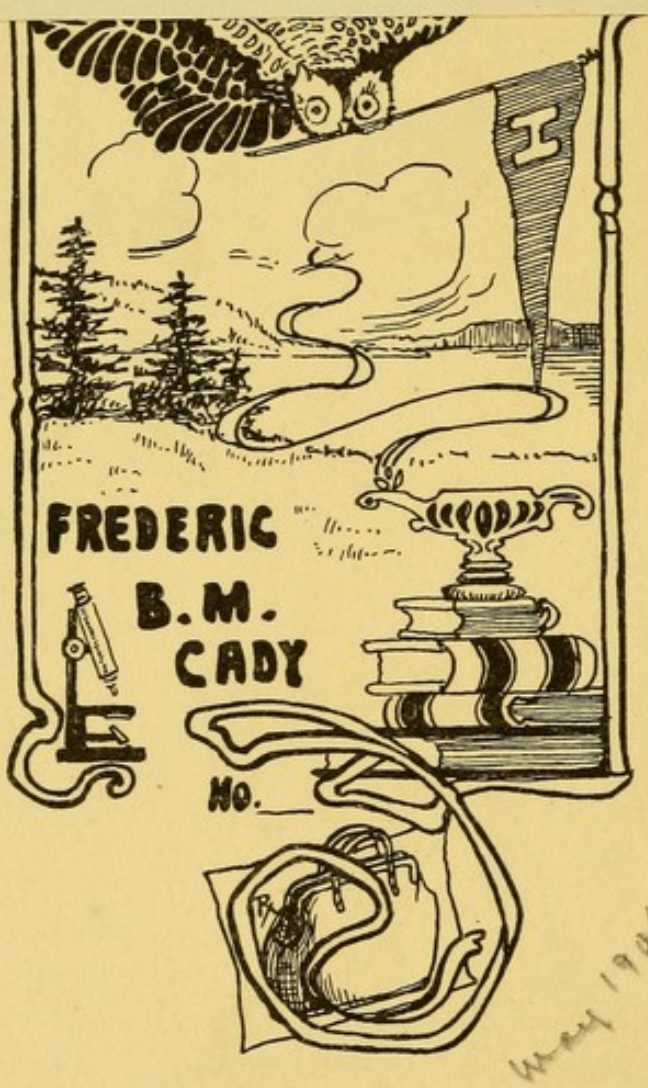

F. B. McCady

May 1906

THE DISEASES OF SOCIETY

SECOND EDITION

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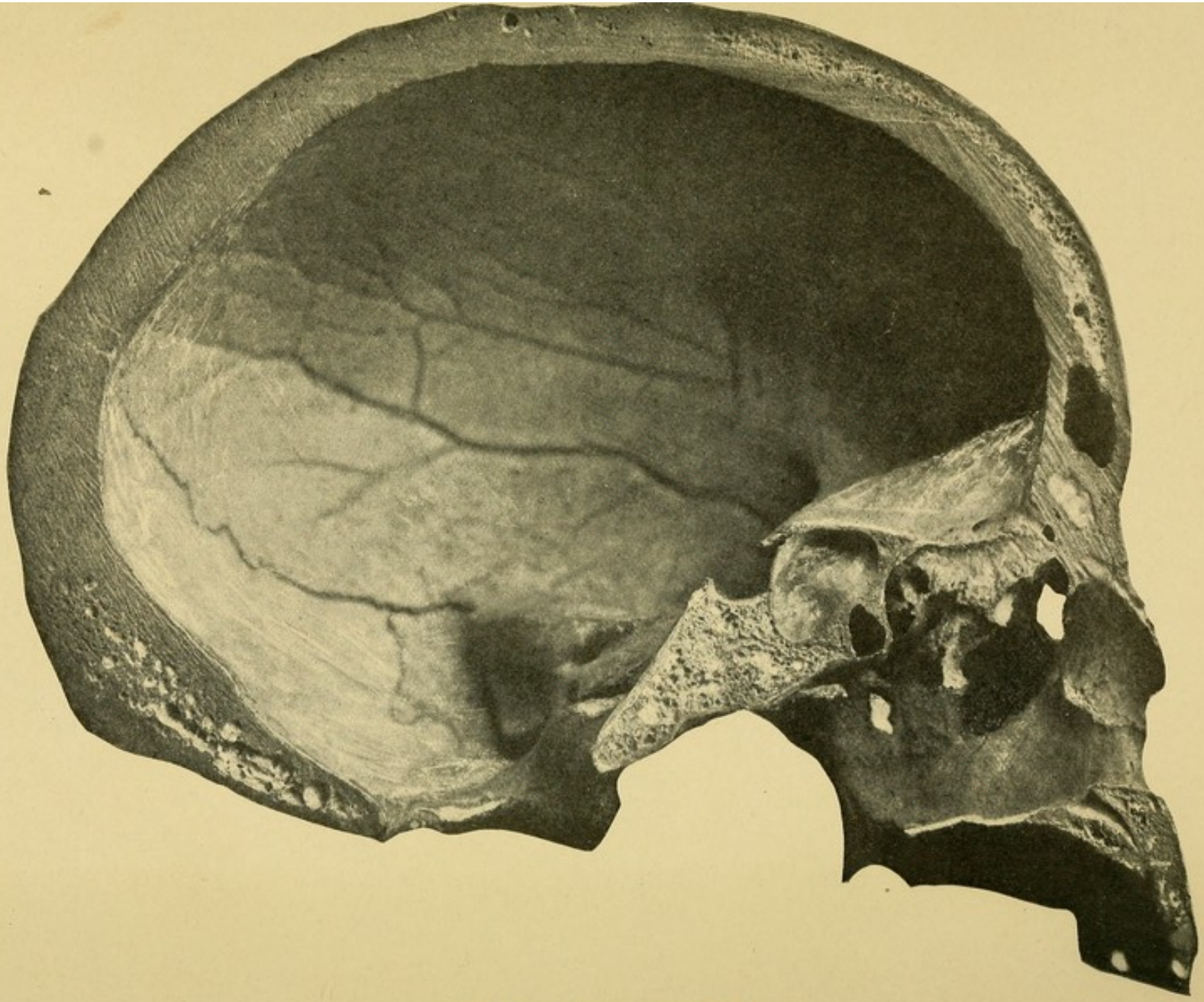

SKULL OF A NEGRO MURDERER.

THE DISEASES OF SOCIETY

(THE VICE AND CRIME PROBLEM)

BY

G. FRANK LYDSTON, M.D.

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TO

THOSE WHO ARE FRIENDS OF THE MAN BENEATH IN THE BATTLE OF LIFE, AND FOES OF THE CONDITIONS THAT PLACED HIM THERE, THIS BOOK IS CORDIALLY INSCRIBED BY THE AUTHOR

PREFACE

TWENTY-FIVE years ago I witnessed a legal murder,—the hanging of two unfortunate youths condemned for an illegal murder. Neither was over twenty-one years of age. The assassination was unprovoked, unpremeditated, and committed by stabbing. Neither man carried a weapon, the knife used being taken from a neighboring butcher-shop by the frenzied murderer, who, following an altercation with his victim, rushed after the weapon, returned, and killed him. Both of the men implicated in the killing were drunk on cheap whiskey—for the drinking of which society itself was indirectly responsible. They were ignorant toughs, bred in the Chicago stock-yards district. For their viciousness society was directly responsible, for it had made no effort to prevent them from becoming toughs and drunkards. The youths were poor and almost friendless. It was impossible that both could have been guilty; one must have been innocent. Each, however, accused the other of the stabbing. Society said, "They are of the better dead;" the law said, "Let no guilty man escape;" so both were hanged. I was much impressed by the judicial assassination, and ever after had a due and proper appreciation of the beauties of our penal system, and more especially of the occasional helplessness and fickleness of Justice, of which law is not always an intelligent agent.

Several years later I served for some time as Resident Surgeon to the Blackwell's Island Penitentiary, New York, where I had an unexampled opportunity to study the criminal and, in some measure, the absurdities of our criminal law and penal system. My interest in the crime question was thus excited early in my professional career.

My subsequent work in the field of criminal anthropology and allied subjects is familiar to the medical profession, and in a less

degree to the legal profession. My first paper, "The Pathogeny of Vice and Crime," appeared in 1883.[1] Since then have appeared various essays on criminology and corelated subjects from my pen. "Studies of Criminal Crania;"[2] "Materialism *versus* Sentiment in the Study of Crime,"[3]—the public address before the Kentucky State Medical Society in 1890; "Sexual Crimes Among the Southern Negroes;"[4] "Asexualization as a Remedy for Crime;"[5] "Aberrant Sexual Differentiation;"[6] "Sexual Perversion and Inversion;"[7] "Nordau and his Critics;"[8] and "Criminology in its Sociologic Relations,"[9]—the public address before the National Prison Reform Association in 1895,—are among the more important of these. My paper on the emasculation of criminals as a remedy for crime was one of the earlier disquisitions on that subject. Some years since, a chair of Criminal Anthropology was tendered me by the Chicago-Kent College of Law, affording the opportunity of promulgating to excellent advantage the views set forth in this volume. Some of my published material has been deliberately appropriated without credit to the author, but this has been accepted as an evidence that criminology in America is daily attracting more and more attention. The good work has been going steadily on, and I am reconciled to the fate of some of my labor,

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[1] Chicago Medical Journal and Examiner, 1883. Papers on the same subject appeared in the Western Medical Reporter, August, 1889, to December, 1889.

[2] Chicago Medical Recorder, May, 1891. Alienist and Neurologist, May, 1891.

[3] Transactions Kentucky State Medical Society, 1890, and "Essays and Addresses," 1892.

[4] Virginia Medical Monthly, May, 1893.

[5] Medical News, May 17, 1896.

[6] Weekly Medical Review, November 2, 1889.

[7] Philadelphia Medical and Surgical Reporter, September 7 and 18, 1889.

[8] Medicine, September, 1895.

[9] Transactions National Prison Reform Association, 1895.

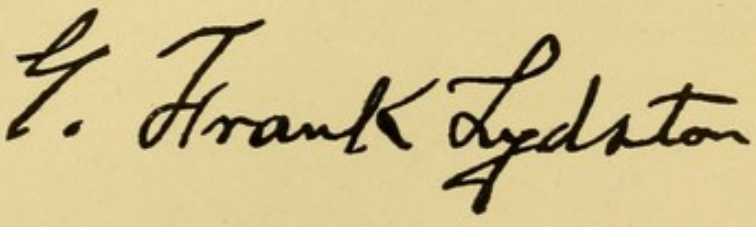
even though its identity has been lost and compilers of criminologic bibliography have overlooked it.

This work has been in process of preparation for many years. The sole reason for deferring its publication until now was the purely practical one that the surgeon, who must needs "live by the knife," has little time to devote to any efforts, literary or other, outside of the limits of professional work. Especially is this true in these modern days of specialism.

No apology is offered for the radical tone of some of the ideas expressed in this volume, nor for what may seem to be sociologic pessimism, displayed here and there. I have presented what I believe to be truths, gleaned from study and observation. The chapters on Anarchy, and Sexual Vice and Crime, in particular, contain ideas that are not consonant with those entertained by the great majority of people. Nevertheless, I believe them to be well grounded, and if my premises are not correct, human nature and psychology have presented themselves to me *en masque*. Whether or not it is easy for human nature to masquerade before the physician is left for my professional brethren to answer.

It is hoped that the volume may do a little missionary work for an important cause, but, as it is intended primarily for professional readers, it has been impossible to avoid the use of many technical terms that may not be comprehended by the layman. The subject of sociology, however, has attracted so much attention of late, that most of the language of criminology, at least, is familiar to the reading public.

It will be understood that the views of the vice and crime problem presented in this volume are based mainly upon the conditions prevailing in America. The American view-point must necessarily be somewhat different from the European. Special environmental influences operating for ages in the development of the criminal class are responsible for much of the apparent radicalism of Lombroso and his school. The same is true of the work of other European criminal anthropologists.



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THE DISEASES OF SOCIETY

CHAPTER I

SOCIAL PATHOLOGY

General Considerations.—Society is composed of human integers, upon the physical and psychic health of which its integrity depends. Morbid phenomena affecting the social body exist analogous to those affecting the individual integers. Just as diseases affecting certain areas of cells—the individual integers of the animal body—may vitiate the health not only of the neighboring cells, but of the entire body, so may the mental, moral, and physical diseases of the human body entity react injuriously upon other individuals, and also upon the society of which they are a part. In like manner, a constitutional disease may produce secondarily diseases of remote cell areas of the body, whether the cells be general or special in their function, and serious disturbances of the social body may produce disastrous effects in the physical and psychic constitution of individuals, whether taken alone or as specialized groups or classes.

There is, then, a pathology of the social body, comprising most of the evils from which society suffers. Crime, prostitution, pauperism, insanity in its sociologic relations, anarchy, political corruption, and adverse economic and industrial conditions and their causes, congeners, and results will be discussed in this volume as the most important phases of social disease. The fact that social diseases are often due to actual physical disease in offenders against society in itself justifies the use of the term, social pathology.

This work, then, is not a treatise on sociology, criminology,

criminal anthropology, penology, nor yet upon that latest omnibus to which some assign all moral or psychic aberrations,—degeneracy,—but is intended to comprehend all of these subjects, in so far as they bear upon social disease in its various divagations.

Vice and crime are coeval with the human race. There is no race so low that it does not have word equivalents for "good man," "bad man," "thief," "murderer," and "prostitute." Man has evolved, physically, mentally, and morally, and his necessities, desires, and ambitions have correspondingly varied. The social systems that he has established have evolved proportionately. As evolution has progressed in these directions, there has been a variation in moral standards, by which they have been adapted to the necessities of man for self-protection against his kind,—*i.e.*, against the other atoms of the social fabric of which he is a part. Out of the necessities of man's environment has been developed conscience. The capacity for development of conscience varies with different races and different individuals of the same race. It varies with environment and with the physical and mental attributes of the individual. Its basis is largely physical, but when viewed along broad and comprehensive lines, there are many other factors to consider. These factors are often subtle, and are intimately associated with the pathology of the body social. The evolution of conscience and morals will be specially considered later.

The orthodox explanations and methods of study and repression of crime are based upon the old-time fallacy of human equality, which laid the burden of responsibility for vice and crime upon the individual will. They are out of date, because founded upon principles originally formulated by man in his primitive state. Human environment has broadened with human progress, and *vice versa*. The view-point of the penologist and sociologist has, however, in the main, remained narrow, so far as crime and its causes and remedies are concerned. Science is gradually broadening the social view, and hopes to eventually improve the methods of society in its efforts at self-protection from its own vicious products.

The philosophic, materialistic study of crime is one of the newer phases of advancement in sociologic and medical science, and is the best evidence at our command of general progress and enlightenment. Time was when it would have been dangerous to advance such views as are being promulgated to-day. When reasoning upon the crime question was based entirely on sentiment, the study of the criminal was governed chiefly by dogma and moralistic sophistry. That the question is a practical, not a sentimental one is shown by the expensiveness of the criminal to society. Most of the disbursements of a community in times of peace are for the suppression of vice and crime. All the machinery of justice is necessary to protect the good from the evil. The cost is between three and five dollars per year for every honest man in America. The nation expends annually two hundred million dollars on this account. The depredations and non-productiveness of the crime class bring this up to about five hundred million dollars. The direct expense to the family, due to the criminal, is about twenty-five dollars. This tremendous cost is increasing, and the cost *per capita* is more than we pay for our children's education. As Dumas once said of mendicancy, criminality is an organized body, a kind of association of those who have not against those who have. Those who have must bear the burden.

The census of 1890 showed that our principal degenerate classes—criminals, paupers, and insane—numbered about two hundred and fifteen thousand. This is almost as large as the army organized by the United States during the war with Spain. It is larger than the population of some of our flourishing States. It is almost half that of Colorado. Approximately, one person in every three hundred and twenty in this country is criminal, insane, or a pauper, and is confined in some public institution. This takes into account only the 73,045 paupers in almshouses; the entire pauper estimate is three millions.

Facetiously and otherwise, Chicago has been said to be the wickedest city in the world. If statistics count for anything, there is more truth in this assertion than is comforting to our civic pride. This much is true—viz., there is no better place to study the crime question than here.

In a recent document the State's attorney substantiates the claim that Chicago offers a profitable field for the criminologist:

"In volume of business and number of convictions, the Criminal Court of Cook County is the greatest criminal tribunal in the world. More prisoners are arraigned at its bar than in any similar court in the world, including London, with a population of over four million. In the latter city, during the year 1898, the total number of convictions for felonies and misdemeanors was 2659. The total number in Cook County from March, 1898, to March, 1899, was 2819; the following year it was 2837. During the year 1898, there were 3234 persons arraigned in the London court, while from September, 1899 (the court year), the total number of indictments found in Cook County was 3501. From December, 1896, to October, 1900, the grand juries passed upon 16,518 cases, being an average of over four thousand cases each year, and resulting in an average of over three thousand indictments a year."[1]

The total number of arrests by the police of Chicago in the last five and a half years is as follows: 1897, 83,680; 1898, 77,441; 1899, 71,349; 1900, 70,438; 1901, 69,442; first six months of 1902, 32,139. Of those taken into custody in 1901, 3912 were arrested for assault, 1709 for burglary, 32,469 for disorderly conduct, 1306 for gambling, 5307 for larceny, 599 for malicious mischief, 29 for murder, 859 for robbery, and 750 for vagrancy. However much we may blush at our civic and legal defects, we have no occasion to feel ashamed of our reform methods, as shown by the records of our Juvenile Court and of the John Worthy school, and our State laws for the protection of childhood.

While acknowledging the flaws in our administration of justice, we are proud of some features of our police department. The Bertillon anthropometric system was first adopted in this country by Chicago, through the efforts of my talented friend, Major McClaughry. Our Bureau of Identification is second only to Paris in its number of records. It contains the histories, descriptions, and photographs of nearly sixty thousand criminals, as the fruit of twenty years' labor.

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[1] Annual Report of Hon. C. S. Deneen, State's attorney.

Criminology was once a very simple subject for study. The entire field of research was covered from the inquiring, searching eyes of science by a blanket of dogma and egotistic reasoning—or, rather, lack of reasoning. How simple the Pharisaic doctrine that the delinquencies of criminal man are due to the fact that he is bad—that he is not so good as we are. And how simple the remedy,—to punish him, preach to him, and make him as good as we are. The self-conceit and absurdity of this dogmatic view are sufficiently obvious to the thinking mind.

But what of the result? What has been accomplished through this simple and childlike reasoning? The statistics of our jails and penitentiaries show an increased proportion of criminals in every social system, as compared with that of past years, and an increasing cost of correction of crime, that are not reassuring. Increasing refinement of civilization should have produced an improvement in our criminal statistics. The intelligence of our legislators has not been above reproach, or they would have seen that our penal system was radically wrong, else it could not have been such a colossal failure. The efforts of the reformer have been, on the average, no more fruitful of results, chiefly because he has endeavored to accomplish the desired end by moral persuasion, with an almost total disregard of the physical conditions underlying the perverted psychology of the delinquent. His intentions have been good, his theory and methods wrong. The fallacy of the old method of study and reform of criminals lies chiefly in the fact that their bodies have been forgotten.

The social pathologist should concern himself with the moral aspect of the question only in so far as it may be one of the many factors in the etiology and cure of crime. That the element of morals is to a certain degree potent in the causation and cure of crime is admitted, but the function of science is to inquire into all the circumstances leading up to the physical, mental, and moral degeneracy of social offenders, of whatever kind. Science is indifferent as to whether the moral aspect of the question is minimized or not, seeking only the cold facts, without fear or favor. The true investigator has no desire to discourage the

efforts of the sentimental, non-scientific moralist. The true scientist, more than other men, believes that he should "render unto Cæsar those things which are Cæsar's."

The scientific criminologist should not deny the importance of that often indefinite quantity termed morals, in its relations to social disease. His function is (1) to show that moral qualities are ultimately dependent upon physical conditions, even though these conditions are not always demonstrable; (2) to harmonize existing theories of the causes, prevention, and cure of crime; and (3) to reduce the subject to a material, scientific, and, so far as possible, evolutionary basis.

It is unfortunate that some who pretend to be abreast of modern scientific thought, and accept evolutionary law as applied to biology, consider the social offender as something apart from the general scheme of nature, to be measured only in the moral balance, according to his relative degree of deliberate wickedness. This is fallacious, for after making due allowance for the elements of family influence, religion, and social habit, there is still a wide margin of vice and crime to be accounted for. To cover its causes exhaustively it would be necessary to follow minutely all of the religious, political, and moral conditions of each social system.

Reasoning on the crime question must be broad to be effective, and too much must not be expected from advanced ideas. As George A. Winston, President of the State University of Texas, once remarked,[2] "Even if we could prevent by legislation the production of offspring by the criminal, the vicious, the defective, and the diseased, and even if we could secure by education the mental, moral, religious, esthetic, and physical culture of every child in the land, crime would not be prevented unless we also controlled the social, political, industrial, and climatic environments. All the forces of civilization enter into the causation of crime." Ferri covers this point very comprehensively when he says, "The volume of crime will not be materially diminished by codes of criminal laws, however skil-

[2] Transactions of the National Prison Reform Association.

fully they may be constructed; but by an amelioration of the adverse individual and social conditions of the community as a whole. Crime is a product of these adverse social conditions, and the only way of grappling with it is to do away, so far as possible, with the causes from which it springs."

Punitive, corrective, and repressive legislation has hitherto failed absolutely in diminishing the volume of crime, and will always fail, in great measure, unless it grapples with final causes which, try as it may, it can never completely control. It can, however, ameliorate them to a certain degree, even though the disease is too deep-seated to be eradicated. Social disease cannot be completely extirpated and the patient—society—live.

The various phases of social evolution are familiar to every student of history. For example, we may read Hallam, May, Buckle, and Guizot, and follow the people of England through her erratic phases of progress from the days of the chaste and goutless Saxon to the enlightened, gouty, and physically deteriorated aristocracy of to-day, without increasing our confidence in human nature; nor will we be able to see any great moral or physical benefits occurring to Europeans in general from their progressive civilization, if statistics count for anything. If the last of the Saxon kings were to return to earth to-day, he would have little of morals, although much of civilization, to learn from the latter-day courts of Europe.

The assumption that the criminal, in particular, is a product of evolution, is in absolute harmony with the evolutionary theory in general. Evolutionary law is evidenced all along the line of the physical, intellectual, moral, and social development of man through the long vista of years that lies behind us, through which the human species has evolved from its most primitive type to what is alleged to be the acme of perfection, as seen in the Indo-European and Semitic races of to-day.

Modern criminology is paying its attention chiefly to the body of the criminal, in the belief that if bodily defects and physical depravity are corrected, the mental organization—the "soul"—will do something in taking care of itself. No advance in criminology and penology has been, or will ever be, made that is not

founded mainly upon scientific materialism. To this materialism moral persuasion must be subservient and secondary, else we shall drop back into the absurdities hitherto prevailing in the study of the crime question. "Try to reform your man, try to purify and elevate his soul, and if he doesn't come to time, lock him up or hang him." This has been the war-cry of the average reformer through all the ages. "Make a healthy man of your criminal, or prospective criminal, give him a sound, well-developed brain to think with, and rich, clean blood to feed it upon, and an opportunity to earn an honest living,—then preach to him if you like." This is the fundamental principle of the scientific criminologist. Which is the more rational?

As civilization advances and theology and religion become enlightened in theory and methods, a corresponding improvement in the moral tone of the social body should naturally be expected. Unfortunately, however, there has been thus far no improvement, so far as available statistics show, sufficient to encourage the efforts of the moralist. Not that he does not do individual good, but the factors which he ignores more than offset such results as he attains. The futility of moral measures alone in reducing the mass of crime, as demonstrated by past experience, is explicable only upon the ground that there is something more than free will to account for criminal development. Free will is operable only in the case of the individual, and incidentally the circumstances that sway the conduct of the criminal. It accomplishes little or nothing in correcting the evolutionary influences responsible for the production of the criminal class.

The failure of moral means of repression alone may be readily shown. We will suppose, for example, that a certain portion of the human body is affected by disease, dependent, to a greater or less degree, upon a depraved constitutional condition. Measures of local correction,—*i.e.*, correction of the local depravity of tissue,—although useful to a certain extent, must fail, unless the general and constitutional influences that enhance the local trouble are corrected. The individual is but an atom of the social fabric. When he is depraved, logic demands the correc-

tion of the morbid general influences pervading the social body, which cause perversion of thought and action in the individual. Moral persuasion acting alone is usually almost impotent; the law cannot cope with the question, and punishment is futile, so far as mass results are concerned, because these influences operate upon the isolated integer, and not upon the law of causation. Granting that certain criminals are so by reason of structural peculiarities and evolutionary development, the inefficacy of moral persuasion as a panacea is evident.

That criminality is due to certain influences operating by a fixed law has been claimed by several more or less recent eminent historical and statistical authorities.

Buckle [3] and Quetelet [4] have advanced some striking arguments bearing upon the influences modifying the moral conduct of the human race. They claim that many of the actions of mankind which we attribute to individual free will and independent action are really the result of a fixed and immutable law controlling the moral world, almost as definite and arbitrary as the laws controlling the physical world.

It has been shown by the statistics of Great Britain and France that there is a constant proportion in the ratio of criminal acts to the number of population in those countries.

Rawson [5] says,—

"No greater proof can be given of the possibility of arriving at certain constants with regard to crime than the fact that the greatest variation in the proportion of any class of criminals at the same period of life during a period of three years has not exceeded a half of one per cent."

Quetelet says,—

"In everything which concerns crime the same numbers recur with a constancy which cannot be mistaken. This is the case with those crimes which seem quite independent of human foresight,—such, for instance, as murders, which are generally committed after quarrels arising from circumstances apparently casual. Nevertheless, we know from

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[3] History of Civilization in England.
[4] Sur l'Homme, Paris, 1883.
[5] Statistics of Crime in England and Wales.

experience that every year there takes place not only the same proportionate number of murders, but that even the very instruments with which they are committed are employed in the same proportion."

Buckle says,—

"Suicide is merely a production of the general conditions of society. The individual's volition only carries into effect what are the necessary consequences of preceding circumstances."

As showing how regularity in the course of human events may manifest itself in the most trifling details of every-day life, one of Buckle's statements is very interesting:

"It is not infrequent for individuals to drop undirected letters in the mail-box. This might naturally be attributed to individual carelessness, but statistics show that in Paris and London, due allowance being made for varying circumstances, increased population, etc., there is practically the same number of undirected letters found in the mails every year."

The subtle influence suggested as causative of crime by the investigators quoted assumes a material aspect in the light of modern research. Assuming a physical basis for the acts of human beings, it is fair to conclude that under past and present conditions every social system has, of necessity, a certain proportion of degenerates and persons of unstable nervous equilibrium. That this proportion is not necessarily fixed in any given social system, is shown by the increase of crime, not only in America, but in other countries of recent years.

The profundity of the crime question is nowhere better illustrated than in the relation of weather to crime. There is little reason to doubt that thermometric and barometric changes exert a profound influence on the quantity and quality of criminal acts in any given community. The crime wave, especially so far as crimes of impulse are concerned, has a curve which corresponds fairly well with the temperature curve. It is traditional in Spain that the crime wave rises when the east wind blows. Burglary and robbery, especially of the "hold-up" variety, are more frequent in winter. Murder and suicide occur most often in the summer months. During January, February, and March of

1901, twelve hundred suicides were reported in the United States, as against sixteen hundred during July, August, and September. In the same periods the number of murders was seventeen hundred for the cold, and two thousand five hundred for the hot months. The number of lynchings in the hot months was double that during the cold. The hot weather increased the murderous mob instinct. Leffingwell has written very convincingly on the relation of seasons to crime.[6]

Hot weather seems to have an effect chiefly in increasing crimes of impulse. Neuropathic individuals adjust themselves with great difficulty to changes of climatic environment. The predisposition to crime existing, anything that destroys the already unstable mental equilibrium, and at the same time makes the nervous centres hyperesthetic, has the same effect. Hot weather is in no wise different in this respect from alcohol. Indeed, the greater consumption of alcoholic beverages during the summer months is inseparable from the effects of the weather *per se*. Auto-intoxication, which, as will be noted later, I believe to be a prominent factor in the etiology of crime, is in some subjects more marked in summer, despite the increase of skin activity, because of a relatively great increase in tissue metamorphosis that over-balances elimination. The effect of direct sunrays upon neuropaths is well known. Sunstroke and subsequent criminality by impulse is not rare. The increase of robbery during the winter months is due, not to the effect of temperature upon criminal neuropathy, but to the increased necessities, both of the criminal and the working class. The struggle for adjustment of nervous equilibrium during the depressing weather of spring and fall, and especially the former, is productive of a marked increase in suicides.

Increase in suicides is often associated with an increase in diseases of various kinds. The grippe season in Chicago generally shows a marked increase in suicides. Whether the same atmospheric conditions that favor grippe also act unfavorably

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[6] Illegitimacy and the Influence of Seasons upon Conduct, Albert Leffingwell, M.D.

upon the unstable brain of the neuropaths in the community is an open question, but it is to me a logical explanation. Cases of suicide of actual sufferers from grippe or other "season" disorders are, of course, easily explained.

The tonic effect of cold weather in maintaining the nervous and mental equilibrium of neuropaths, and thus inhibiting crimes of impulse, is obvious. The physiologic turmoil in the sexual system ushered in by Spring is well known. Poets have sung of it, and rapists have been hanged for it. It bears a relation not only to sexual crimes, but to all crimes of impulse, such as murder and suicide.

In special localities crime in general is decreased by cold weather. The "red light" districts and the sections of our large cities devoted to low places of amusement show a great diminution in the criminal record during the cold months. Here, especially, warm weather and drink co-operate. The denizens of the "levee" district in Chicago are much less active during cold weather, but this local decrease of crime must be discounted, so far as robbery is concerned. There is no profit to the denizens of the slums in robbing each other, and, as curiosity and "thrill" seekers with money do not visit the levee in cold weather so often as in summer, the denizens of the levee hie them to the sand-bag and the belated home-goer of the outlying sections of the city.

The street-walkers of the levee are much less in evidence during cold weather, and fewer of them are arrested. They, too, seek more profitable, if less congenial, fields.

Lombroso[7] lays especial emphasis on the race factor in crime. In India the Zacka-Kail tribe makes a profession of robbery. Certain tribes of Bedouins are parasitic and distinguished as adventurers and freebooters. In many provinces of Italy, brigandage is a profession. The Gypsies are a lazy, brawling, thievish class, who assassinate without remorse. The Jewish race is singularly free from criminality.

I will not enter upon an exhaustive discussion of the relation of race in general, and of climatic and geographic environment

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[7] L'homme Criminel.

in particular, upon social disease. It is obvious that the energy, industry, and mental capacity of a people, and consequently of its individual integers, are greatly modified by climate. Climatic and geographic conditions modify the means of subsistence. Where nature is prodigal, as in the tropics, the races she supports are slothful, sensual, and violent. Where she is ultra-parsimonious, as in the frigid zones, people are sluggish, inactive, and occupied altogether with their subsistence. In temperate climes alone the desirable balance of intellect is seen. It is here we find the out-croppings of genius, the most beautiful and unstable flower in the garden of life, and that most sturdy plant, normal man. Nestling at their roots lurk the evil things of society, nourished, like the parasites they are, by the life-juices of the normal plants. Genius-flowers above and fungi below draw their substance from the same source. They feed upon the vital forces of society.

Granting that social disease has a physical basis, materialistic dogmatism carried to extremes in the study of crime would be even worse than moral dogmatism, for it would exclude all social, psychic, moral, toxemic, religious, educational, legal, industrial, and political factors in vice and crime, simply because they could not be reduced to a pathological-anatomic basis. The exclusion of all these factors would leave us helpless in the battle against social disease, and at the tender mercy of the half-baked dogmas of alleged scientists, whose bigotry is several shades more dangerous than was the dominance of religious fanaticism. The bigotry of some so-called criminal anthropologists is, as a distinguished American physician has intimated, a monster which, if we do not have a care, will destroy the very foundations of society.[8]

The first flush of enthusiasm is quite likely to infuse the student of criminal anthropology with a spirit of ultra-materialism. There is something so fascinating in the reduction of moral obliquities to a materialistic ultimate represented by a twisted cranium or an aberrant cerebral convolution, that the temptation

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[8] The Modern Frankenstein, George M. Gould, M.D.

to close our eyes to the fearful complexity of the crime problem is not to be wondered at.

I fear the pendulum of progress has swung too far in the material direction, and believe that a halt should be made for the purpose of reviewing the work already done and sifting the chaff from the wheat. The public should understand, however, that while criminal anthropology needs to be saved from the misdirected zeal of some of its over-enthusiastic though honest friends, there has recently sprung up a class of *dilettante* scientists and alleged criminal anthropologists, whose views do not merit the slightest attention. They are panderers to sensationalism, whose range of vision does not extend beyond the bounds of self-glorification in court trials and the daily press.

The foolishness that has been perpetrated in the name of criminal anthropology has perhaps added something to the gayety of nations, but it has done more to prejudice logical thinkers against a great principle,—*i.e.*, the material factor in vice and crime. When, as once happened in Chicago, an "expert" testifies that a murderer is insane because he shows certain stigmata of degeneracy, it is certainly time to call a halt. The slurs cast upon the witness by the State's attorney in his address to the jury were but a reflex of the impression that such absurd testimony has upon both lawyer and layman.[9] One such irrational exhibition on the part of a would-be scientist does more harm than can be offset by a dozen logical treatises upon criminal anthropology. Whatever the motive of such witnesses may be, the damage done to science is indubitable. That the murderer was really insane does not lessen the absurdity of the testimony. The same individual glibly recounts his feat of making an anthropologic study and comparison of ten thousand persons who passed him in review on a busy London corner.

The exploits of some criminal anthropologists are suggestive of the story told of two rival French savants. One of these learned men invented a machine for detecting hairs on eggs.

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[9] See testimony in the case of Prendergast, the murderer of Mayor Carter H. Harrison.

The other, nothing daunted, forthwith invented a machine for shaving them off.

The faculty of discovering things which, as Josh Billings said, "aint so," is becoming epidemic in medicine. It is one of the fruits of a desire for notoriety in original research that is strangling medical philosophy. It will last until a Voltaire arises above the muck of "scientific" nonsense to ridicule, satirize, and lampoon some of our laboratory microcephali to death. Then will come the reaction that shall restore the balance to science.

The work of some of our celebrated authorities in the field of Criminal Anthropology is sadly marred by unessentials and absurdities. The statement of the admittedly great Lombroso, that the conservative tendency of women in questions of social order "is to be sought in the relative immobility of the ovule as compared with the zoösperm," [10] should excite the risibilities of the Sphinx, and his naïve assertion that "fifty per cent. of assassins and twenty-five per cent. of poisoners blushed at mention of their crimes, while forty-five per cent. received any allusion to them in absolute silence," should go thundering down the corridors of Time with reverberations louder than those of Sampson's guns at Santiago.

The present trend of scientific thought upon the crime question is itself open to adverse criticism, in that it is too much concerned with the material conditions and cure of the individual criminal of to-day, rather than with the remote influences that produce criminality in general. The study of these influences is the axis upon which criminology should revolve.

It is fair to say that the human being is an animal primarily possessing instinctive tendencies to vice and crime, but who is subjected under civilized conditions to certain inhibitory influences that have accumulated through the ages, and which prevent the average man from becoming vicious or criminal. When these inhibitions or restraints are removed, criminal acts result.

Crime and vice are in general simply a harking back to primitive impulses. Were there no society and no family, vice and

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[10] The Female Offender.

crime could not exist. Scriptural writers, inaccurate though they were, recognized this. When Adam was alone there was no crime; Eve came, and with her, curiosity, and then a broken law. Crime and immorality entered the human scheme in general, only when communal interests developed. As soon as social selfishness began to dominate individual selfishness, crime and immorality became possible. So long as individual selfishness is not completely submerged, but struggles to the surface from time to time, crime and vice will continue to exist.

Each social system is directly responsible for its own criminals, and in no less degree for its paupers, prostitutes, inebriates, and insane. They are the flotsam and jetsam of the social stream. They are, so to speak, the excreta of society—the products of retrograde social metamorphosis. They bear the same relation to the social body that certain excrementitious products of physiologic change bear to the animal body. The sources of these products should be considered, and the aberrations of the social body that produce them corrected, else no measures of repression of resultant evils can be successful. The conditions producing these excrementitious social products are more potent for evil, yet more amenable to correction, than the analogous conditions in the human body. In the animal body certain excrementitious products of physiologic change are absolutely unavoidable. There is, however, no necessity of allowing these products to remain in the system and contaminate it, nor of permitting them to be so placed as to injure other animals after discharge from the body. Is not the same true with regard to the social body?

All of the conditions that produce the criminal class are furnished by society.

As Lacassagne remarks,[11]—

"The social environment is the culture medium of criminality; the criminal is the microbe, an element that becomes important only when it finds a medium which will cause it to ferment. Every society has the criminals it deserves."

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[11] L'homme criminel comparé à l'homme primitif, 1882.

Society's method of fulfilling its obligation to its integers is to notice and punish the criminal after he becomes a menace to the safety, comfort, and commercial interests of society—not before. The results of the poisonous stream of degeneracy as it sweeps through some particular part of the social system are taken cognizance of, and an attempt made to correct them. Is this logical? Would it not be far better to turn the stream harmlessly aside, dam it at its source, or antidote its contained poisons, if such a course be possible?

In the matter of the regulation of matrimony alone, society is woefully at fault. Man is not so wise as the bull in the fable: A magnificent Durham bull was quietly munching the juicy clover in a field, one fine morning, when he was observed by a man who was passing. The man went up to the fence near which the bull was grazing, gazed at him admiringly, commenting audibly upon his fine points, and exclaimed,—

"What a magnificent animal! Really, nothing could be nearer perfection in his species."

The bull turned his head, gazed at the man pityingly, and, much to his amazement, replied:

"Yes, you poor little degenerate shrimp, I am a fine animal, but if half as much pains had been taken in selecting your father and mother as were taken in choosing mine, you'd have been a fine animal yourself, instead of a measly little two-legged nothing."

Does society owe the criminal anything? Is he worthy of sympathy? Has he any organic right to partake of the milk of human kindness?

It is not long since church, state, and private savagery combined to give the criminal a foretaste of the orthodox hereafter by making his life a hell of torment. The nineteenth century witnessed a change in the attitude of society towards him. Barbarities of punishment began to be unpopular. The futility and brutality of the old-time methods of punishment and reform began to dawn upon penologists. The view that the criminal in general had some rights which society was in duty bound to respect gradually dawned upon humanity. This advanced idea

has gained ground, but is not yet upon a firm footing. The situation is, however, hopeful. John Howard, the great prison reformer, could he but return to earth fifty years hence, would find himself enshrined in the affections of humanity side by side with Pinel, the master alienist, who redeemed the insane from the brutalities to which they had been subjected from time immemorial. The Biblical and savage idea of casting out devils is, theoretically at least, a thing of the past, however often it may be put in practice by occasional barbarians.

If the criminal is a product of certain conditions of heredity and environment over which he has little, if any, control, and for which our social system is directly or indirectly responsible; if these conditions are remediable by society, then society's responsibility and duty are clear. If an individual is born with criminal tendencies, escaping his destiny only by chance; if he is a criminal from lack of opportunities of physical and moral training, to which easily preventable evil associations are added; if the childhood of the criminal-to-be is undisciplined, untutored, and undirected; if his virtues—microscopic though they be—are unnurtured or allowed to lie dormant, while all the evil in his make-up is allowed to be brought out and developed by vicious environment; if the soul of good that lies in all things evil is not cultivated,—then, indeed, has he a cause against society; then, indeed, is he entitled to the deepest sympathy and commiseration. This without denial of the right of society to protect itself against him and his kind.

The prospective criminal once born, what does society do to prevent his becoming a criminal? Practically nothing. The child of the honest poor is allowed to run the streets and contract evil habits and vicious associations. The result is eventually a criminal, a drunkard, or a prostitute, in a large proportion of cases. The child with hereditarily criminal propensities is allowed to follow the same course. The diseased or degenerate child, whose parents are unable to care for it, is allowed to be exposed to pernicious influences and vicissitudes which, unless he be fortunate enough to die young, eventually make him a burden upon the community.

What is the remedy at present in vogue? Society punishes the vicious child after a criminal act has been committed, and sends the diseased one to the hospital to be supported by the public, after he has become helpless. Even in this, the twentieth century, the child who has committed his first offence is in most communities thrown by the authorities into contact with older and more hardened criminals,—to have his criminal education completed. The same fate is meted out to the adult "first offender." We have millions for sectarian universities, millions for foreign missions, but few dollars for the redemption of children of vicious propensities or corrupting opportunities, who are the product of our own vicious social system. Every penal institution, every expensive process of criminal law, is a monument to the stupidity and wastefulness of society,—an expenditure of money and energy to cure a disease that might be largely prevented and more logically treated where not prevented.

To deny that many criminals have been reformed would be unjust, but that both moral persuasion and punishment have shown meagre aggregate results in the suppression of crime must be admitted. The proportions of various crimes to the population has varied comparatively little in the recent past. Modern statistics, however, tend to show that crime is now increasing faster than population. A comparison of the census of 1850 with the census of 1890 showed that the population had increased one hundred and seventy per cent., while the proportion of criminals had increased four hundred and forty-five per cent.

It must be acknowledged that the actual increase of criminality should be discounted somewhat by legislative increase of crimes. Murder, to be sure, was once frequent, and capital crimes were numerous, but the total number of acts that were legally considered crimes was small. In modern life many acts that were taken for granted in older systems of civilization are pronounced crimes. Comparing present statistics with the more recent past, this source of fallacy is, however, of little moment.

The city of New York has grown wickeder, as shown by the last estimate for ten years. The annual report of the city magistrates showed that the population of the city had increased thirty-

three and one-third per cent. in the ten years from 1886 to 1896, while crime had increased fifty per cent. Nine magistrates tried 112,160; held 73,537 defendants, and discharged the other 38,623.

Arrests for all offences had increased fifty per cent., with an increase of nearly ninety per cent. in felonies. In 1886, the felonies reached 7021. Female prisoners more than kept pace with the general average, increasing from 412 in 1886 to 722 in 1896.

Seventy-two women suicided in 1896, as against twenty-five in 1886. The increase of male suicides was from sixty-four in 1886 to one hundred and forty-seven in 1896. Ten years ago eight female burglars were captured. Last year the number was sixteen. In 1896 1219 males were charged with burglary, as against 697 in 1886.

Women murderers reached the limit in 1895, with nineteen cases. In 1896 there were ten cases of homicide by females, as against one hundred and sixty-nine by males. In 1886 eight women and one hundred and six men were arraigned for homicide.

In considering the question of the increase of crime in this country, present conditions should be compared with the recent, not the remote past. As compared with the classic and medieval epoch of history, our social system has occasion for pride. Prostitution and unnatural vices were openly practised and defended by the philosophers of ancient Rome. In the Middle Ages men were chiefly occupied in defending their lives or killing others, while women busied themselves principally in protecting themselves against outrage.

The era of the Reformation and Puritanism in England was so repressive of happiness, and incidentally of immorality, that a reaction of absolute moral abandonment finally occurred. This period again was gradually substituted by another in which a certain degree of moral balance prevailed.

Whether America will ever pass through a period of decadence, during which the rapidly increasing vice and crime of the present epoch will arrive at its maximum, is open to question, but statistics are, to say the least, suggestive. Ancient history

affords precedent, and modern France is striving to assist history in repeating itself.

In the consideration of the vital question of the management of the criminal class, the legislator, the penologist, the sentimentalist, and his natural ally, the social reformer, have joined hands, and to them the world has looked in vain for the reformation they have blithely promised. Such practical treatment as the question has received has been chiefly in devising ways and means to punish the criminal,—the building of penal institutions and scaffolds, with the expensive law machinery that leads thereto. Society has said to the criminal, " We will punish you thus and so, if you commit such and such crimes." And then society has set about devising ways and means to save the elect from its own laws, and has split hairs to such an exceeding degree of fineness that there lies between the thieving corporation or the absconding banker—who lives to steal—and the petty larceny fellow—who steals to live—an impassable gulf; one, at least, across which Mammon alone can build a bridge.

As Wines [12] says,—

" Many of the maxims and practices of the business world are essentially dishonest, and they are glibly cited by convicted criminals in justification of their own misconduct. Criminal law, paradoxically enough, often catches the little fish and lets the larger ones escape through its elastic meshes."

Our prevalent methods of criminal management are largely based on tradition, sentiment, and selfishness. Society should concern itself, not so much with the criminal as he is, but with the conditions that produce him. The habitual criminal is indeed a " fellow by the hand of nature marked, quoted and signed to do a deed of shame." We cannot often cure or reform him, but we may, in a measure, prevent his propagation. When bred in spite of all, we may prevent the development of his innate criminal tendencies by proper training and protection from evil influences.

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[12] Punishment and Reformation, F. H. Wines, LL.D.

Society is at a disadvantage in considering the criminal of to-day the most important factor of the crime problem. Dr. Oliver Wendell Holmes struck the keynote of criminal repression when he suggested that we reform a man by beginning with his grandfather.

The lack of interest in the scientific study of the criminal in America is easily demonstrated. Desiring to compare observations, I recently wrote a large number of letters with formulated inquiries to the chief officers of the principal penitentiaries of the United States. The paucity of answers and the evidence of unsystematic and superficial observation, although not a matter of wonderment, were very suggestive. In some instances the replies were written by lay officials, in others by prison physicians. There was an absolute lack of homogeneity in observations. The most intelligent and valuable letter of all came from the warden of the Wisconsin State Prison, who, though a layman, is evidently possessed of some ambition above drawing his salary. Some of the opinions expressed by the various prison physicians were what might be expected from men whose faculty of observation and generalization has not yet risen to the plane of their intelligence. Havelock Ellis met with a similar experience in England. He says, " Some of my correspondents, I fear, had not so much as heard that there was a criminal anthropology." [13]

So far as reform in the management of criminals is concerned, progress has been slow, and by no means uniform in different parts of the world. It has been especially slow and unequal in the various States of the Union. Brutalizing influences and barbarities in the management of criminals are still at work in this supposedly enlightened country. Prisoners are confirmed in crime and degraded in some instances below the level of brutes,—almost to the level of the alleged human beings who devised the beastly system of criminal management and reformation. Practically no classification of criminals is made, criminal contagion being allowed to go on unimpeded.

The State of New Jersey, for example, should be somewhat

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[13] The Criminal.

civilized and at least abreast of the times in reformatory methods and institutions. Here is her status, according to a recent publication:[14] "The county jail in New Jersey as a school for crime is a great success. As a part of the State's correctional programme, it is a farce. In only one jail of the State is employment afforded. In the entire State, except eight probation officers, there are no public reformatory influences for girls and women. Continual recommitment of course plunges the poor creatures into deeper degradation. Feeble-minded girls come again and again to the alms-house to give birth to feeble-minded children. The Prosecutor of Middlesex characterizes its jail as notoriously insecure, and loaded with filth, vermin, and disease germs. Enforced idleness (the inmates are not even compelled to wash themselves) and the mixture of young and old offenders add to the horrors of this medieval barbarism persisting in supposed civilization. To make reform impossible, the larger the number of prisoners, the greater the profits of the twenty-one sheriffs of the State, who make each year a clear profit from board of prisoners amounting to from thirty thousand to sixty thousand dollars."

Sad to relate, New Jersey is not alone in her horrible methods. Mr. George Kennan, the noted Siberian traveller, grows maudlin over the horrors of the prisons in which exiles and criminals are confined *en route* to Siberia. He describes in disgusting detail the dusky red dado of crushed vermin on the walls of these crude prisons, demonstrating the chief nightly occupation of the unfortunate prisoners. Captain Powell, of the Florida Convict Camps, shows that the prison stockades in that State are precisely like the Russian kameras, even to the red dado, save that in the latter the prisoners are allowed the freedom of the room, once they are locked in, while ours are chained.[15] It will thus be seen that such points of difference as exist are in favor of the Russian system.

The foregoing illustrations of the horrors and primitive

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[14] Charities.

[15] The American Siberia, J. C. Powell.

methods that still exist are alone a sufficient stimulus to the scientific study of criminology, leading, as it does, to improvements in reform and penal systems based upon a better understanding of the nature and cause of criminality.

The repression of crime should be practical. Sentiment, if exhibited at all, should be in behalf of honest people, not the criminal. The maudlin, hysterical emotions that impel fashionable women to present bouquets and frosted cake to imprisoned criminals should yield to the pressure of criminologic materialism.

Mendicancy and crime go hand in hand as products of physical and social degeneracy. The distinction between the professional mendicant and the criminal cannot often be drawn, nor indeed, is it logical to draw it, for both alike are fungi upon the body social. It has been claimed that nine-tenths of the mendicants seen about our streets have criminal records. Most of them make fraudulent claims to sympathy by assuming ailments, poverty, and deformities that do not exist. That the professional hobo steals or murders on occasion is well known.

America has for many years furnished conditions peculiarly favorable to degeneracy. The strenuous life of the average American, certainly of every ambitious citizen, has many aspects bearing upon degeneracy in general, and vice and crime in particular. Lust for wealth, desire for social supremacy, ambition for fame, love of display, late hours, lack of rest, excitement, the consumption of alcohol, especially by women—all these factors combine to cause what Beard termed a distinctively American disease.[16] The body social is growing more and more neuropathic. In the train of this widespread neuropathy comes degeneracy, with all its evil brood of social disorders.

The general neuropathic state to which I have alluded is behind much of the violence of the American mob, and also sometimes underlies that many-sided, often illogical entity called public opinion, in its attitude towards certain social conditions and criminal acts. Special environmental conditions operative

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[16] American Nervousness, George M. Beard.

in the causation of crime in this country are the varying phases of the struggle between capital and labor. Here the relation of degeneracy to crime does not at first sight seem clear, but, as will be shown in the special chapter devoted to that subject, degeneracy is quite as potent here as elsewhere in the etiology of crime. Another equally important special factor of environment in America is our political conditions. All political and governmental systems offer facilities for and temptations to crime, but the political, office-holding "thief trust" is an institution peculiarly American.

Yellow journalism is not to be forgotten in the discussion of etiologic factors of crimes that are distinctively our own.

The most important recent advance in criminology has been developed by the study of the physical and psychic peculiarities of the degenerate classes, of which the criminal is chief. Modern criminology, however, does not claim that deformities and various deviations from the normal type are necessarily indicative of criminal tendencies. In brief, its tenets are these:

1. The criminal and vice classes are the product of certain influences of heredity, congenital and acquired disease, and unfavorable surroundings involving pernicious teaching and example, physical necessities, and other social maladies.

2. These influences result in a class of persons of low grade of development, physically and mentally, with a defective understanding of their true relations to the social system in which they live. Such persons have no true conception of that variable thing called morality, and, in the case of the criminal, no respect whatever for the rights of others, save in so far as it may be compelled by fear of punishment. Some become criminals, some paupers, and still others prostitutes, inebriates, or insane.

3. These subjects are characterized, upon the average, by certain anomalies of development that constitute the so-called stigmata, or marks, of degeneracy. In them, vice, crime, and disease go hand in hand.

All degenerates are not criminals, but born or typic criminals and many occasional criminals are moral or physical degenerates. The apparent physical exceptions to the rule are not necessarily

exceptions. Degeneracy of brain and nervous structure is not always manifested by external peculiarities. This is a very important point for consideration by the student of criminology.

The physical peculiarities of criminals will be considered later on. Some are very important and have a practical bearing upon the scientific study of the criminal; others, again, are of no moment save in so far as they bear upon the question of degeneracy as a whole. Crooked jaws, twisted heads, and deformed ears do not necessarily indicate a criminal, but marked and frequent deviation from the normal type, showing with especial frequency in any class of persons, indicates degeneracy. The degenerate is not necessarily a criminal, any more than a person with a predisposition to tuberculosis is necessarily a consumptive. Degeneracy may develop criminality, prostitution, pauperism, inebriety, or insanity. From the ranks of the degenerates these classes are recruited. It may, on the other hand, develop genius of high order, associated or not with a healthy moral balance.

In considering the abnormal integers of society MacDonald says,[17]—

"If the average man in the community is taken as the normal type and individuals are classified according to their degree of likeness or unlikeness to him, there will result in general the following divisions:

"1. The normal class of individuals, who greatly exceed all other classes in number. These in every community constitute the conservative and trustworthy element and may be said to be the backbone of the race.

"2. The dependent class, as represented by the inmates of almshouses, charity hospitals, asylums for orphans and the homeless, and similar charitable institutions.

"3. The delinquent class, found in all penal and reformatory institutions.

"4. The defective class, comprising the insane, feeble-minded, idiotic, and imbecile.

"5. Men of genius or great talent."

After considering the total number of the first four classes given by the census of 1880, MacDonald says,—

[17] Abnormal Man, Arthur MacDonald.

"This will give an idea of the comparatively small number of distinctively abnormal individuals,—less than half a million out of fifty million inhabitants. It is surprising that so small a part of the community can cause so much trouble, danger, and expense. But in social mechanism, as in mechanical, one little part may throw the whole into disorder. Yet the importance of this part does not lie in itself, but in its relations to the others. Thus one crank or one criminal can throw a whole community into excitement, often causing great injury."

It has been urged that the modern criminologist has been pointing out errors, and assuming an attitude at once pessimistic and iconoclastic, but that nothing has come of it all. It is at once admitted that our results have been meagre. The explanation is simple, however. The science of criminology is still in its infancy. Its weakness does not lie in its philosophy, but its inability to frame and enforce laws and turn philanthropy into the proper channels. It can only blaze the way. Legislators will follow or not, as they see fit. Great reforms in the way of prevention and cure of crime cannot be effected save by a combination of scientific sociologists, wealthy philanthropists, and intelligent legislators. Society is selfish, and imbued with old fallacies and traditions. Politics is corrupt and venal. While everybody is interested in the crimes of to-day, the average man takes care of himself, and grants posterity the same privilege. The result is self-evident. The safety of the society of to-morrow depends on the enthusiasm and intelligence of the law-makers, sociologists, and penologists of to-day. They are doing very little to support the devoted band of scientific pioneers who, at the expense of labor, time, money, and ridicule, have endeavored to place criminology on a firm, logical basis, and protect society against itself. Maligned and misunderstood,—wilfully misunderstood, on the one hand, and ignorantly, on the other; wilfully misrepresented, on the one hand, and ignorantly, on the other,—handicapped by the bad logic of quasi scientists, the modern criminologist has fought his way towards a hearing which is as yet almost confined to the chosen few. The public looks on with curious eyes, attracted by the novelty of the subject, while startled by its heresy. The pulpit is rarely in genuine sympathy with it, while our law-

makers, jurists, lawyers, juries, and police authorities practically ignore it. When the lawyer really interests himself in criminology, it is only too often with a view to the corruption and prostitution of expert testimony. Even were our judges *en rapport* with modern criminology, they would be almost helpless. Under present conditions they cannot rise above the politics that makes them, nor superior to the traditions and customs of our present system.

The chief reason why the results of modern scientific criminology have been meagre is the short time that advanced ideas have existed, and the great length of time necessary to the accomplishment of practical results along philosophic lines. Lombroso's great work first appeared in 1876.

Many generations will have passed before the efficacy of the application of modern ideas can be fully demonstrated. The battle against degeneracy could not be won in a day, even though the scientist had the full co-operation and sympathy of the public at large.

Despite all obstacles, the dawn of a new era is at hand. Some of our modern reformatories; the growing sentiment in favor of the classification of criminals; the establishment of juvenile courts and the separation of youthful from adult criminals; the parole system, and the increasing favor with which the indeterminate sentence is regarded, certainly augur well for the future development of criminal anthropology and a still more enlightened penology.

Punishment will probably always have a certain rôle to play in criminal repression, yet it has been said by very high authority that "the time will come when every punitive institution in the world will be destroyed, and be replaced by hospitals, schools, workshops, and reformatories."[18]

When prisons are so regarded, and men trained in psychologic, pathologic, sociologic, and anthropologic research are put at their head and allowed full scope and plenty of time for research, the general intelligence of mankind will have moved forward with a mighty bound, and man's humanity to man will have acquired a meaning beyond mere wordy sentiment.

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[18] Year Book, Elmira Reformatory, Dr. Hamilton D. Wey.

CHAPTER II

THE PRINCIPLES OF EVOLUTION IN THEIR RELATIONS TO CRIMINAL SOCIOLOGY AND ANTHROPOLOGY, AND TO SOCIAL DISEASES IN GENERAL

THE principles of evolution have been so generally accepted by progressive thinkers that their application to every phase of human interests is almost universal. Anatomists, sociologists, statesmen, politicians, psychologists, and churchmen have alike come to recognize the cogency of evolutionary principles, irrespective of personal bias due to scientific dogmatism or creed bigotry. Consciously or unconsciously, the moulders of modern thought are being swayed more and more, as time passes, by the principles enunciated and demonstrated by those immortals of science who have stood for the liberation of humanity from the ball and chain of ignorance, dogma, and superstition. The intuitive perception of man recognized the biologic principle involved in the theory of evolution long before the immortal Darwin established its organic proofs. Early in the thirteenth century, Jalal-ad-Din, a Hindoo poet and philosopher, outlined the entire organic scheme of evolution in some sixteen lines of exquisite verse. There was no flavor of pessimism in this poem, which, after describing the evolution of the inorganic into the organic, and of vegetable into animal life, concludes:

> "Then the great Creator, as you know,
> Drew man out of the animal into the human state;
> Thus man passed from one order of nature to another,
> Till he became wise, and strong, and knowing as he is now.
> Of his first souls he has no remembrance,
> And he will be again changed from his present soul."[1]

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[1] Book IV. of Masnavi.

Here was the earliest recorded hint of the developmental possibilities of evolutionary progression in human affairs, and especially in ethics.

Evolution was suggested by Aristotle, and passed on to posterity by the immortal poem of Lucretius. It was submerged in the obscurity and superstition of Hebrew mythology and pernicious philosophy in medieval times, and was rescued by the hand of Lamarck, to be eventually made substantial by the great Charles Robert Darwin. All honor to the pioneers of philosophy and science, both before and after Darwin, to whose labors the present status of evolution is due. Treviranus, the poet-philosopher Goethe, Erasmus Darwin, Wallace, Emerson, Spencer, Huxley, Tyndall, Haeckel,—what a galaxy of stars for the gallery of the Immortals!

Look where we may over the field of human progress, we see the chariot of science rolling resistlessly on, impelled by the hands of those great workers for humanity now living and the spirits of those numbered with the dead. Bigotry, superstition, fallacious scientific dogma, and creed have alike been brushed aside, until now he who would intelligently study humanity in any of its relations must proceed in accordance with at least the fundamental principles of evolution. Evolutionary principles are as potent in the affairs of man as they are in the organic world. Organic continuity is the ultimate basis of all vital phenomena, and, controlling as it does the organic constitution of man, evolution must necessarily control his psychology and sociology in all their various aspects.

EVOLUTION OF CONSCIENCE, MORALS, AND WILL

The evolution of vice and crime is inseparably connected with the evolution of society, beginning with its most primitive form, —the family. The evolution of society is in turn inseparable from the evolution of mind and morals, and that human attribute without which morals would have been an unknown quantity,—conscience. Before communal interests began to rise superior to selfish individual interests, crime, in the strict interpretation of

the term, was unknown. *Pari passu* with the development of the principle of social defence, criminal codes have developed.

In speaking of conscience as a human attribute, I am simply paying deference to the ordinary acceptation of the term, chiefly because criminal sociology is concerned only with the human variety. A complete understanding of the evolution of conscience and morals, however, is, in my opinion, impossible without a recognition of the possession of a rudimentary capacity for the development of conscience in all of the more complex orders of animal life, lower than man in the scale of development and differentiation. Hair-splitting differentiations of the higher non-human mammals and the lower orders of humanity, from the stand-point of "soul" and conscience, are incomprehensible to me. Many animals occupy a higher plane, in this respect, than do the lower types of human beings, whether the latter are degraded because they have never evolved, from atavism, or degeneracy.

Man is born without a conscience, but with a greater or less capacity for its development. He has no moral sense or will at birth, but has a varying capacity for the development of both. He may be born with an atavistic incapacity for their development that harks farther back even than the types shown by the animals immediately below him in the scale of life. The development of man's conscience may be perfect or imperfect, late or early in life, according to his inherent organic quality of brain, and the environment in which he is placed. Once developed, the conscience and moral sense may be suddenly or gradually abolished by disease, injury, or environment. The force of pernicious incidental or accidental influences is modified by individual and hereditary brain stamina and the duration of the evil conditions.

A blow upon the head may instantaneously obliterate the conscience and moral sense,—indeed, all the higher attributes of man,—while leaving his vegetative functions unimpaired. A hair divides the "soul" attributes of man from the brain attributes of the lower animals. Once the higher centres of ideation are inhibited, the soul of man is seemingly helpless; he sinks lower in the mental and moral scale than his next of kin among the lower mammals, and becomes the prey of his animal instincts. These

instincts are more dangerous than in the brutes, because of man's intellect, which gives him ambition, a multiplicity of desires, superior cunning, and capacity for inventing crime and ways of escaping its penalties.

As is the law of organic continuity to biology, so is the doctrine of conscience evolution to sociology and psychology. It is the only logical working theory of development of the qualities that raise the mentality of man above the dead level of ordinary brute intelligence. Out of social necessities the mind has evolved the human conscience. From the conscience of the individual integer, that of society has gradually developed. The young of the lower animals, the primitive infant, and the child of civilization begin life on a parity, from the stand-point of morals and conscience. They differ only in inherent capacity of development, and even this must be discounted somewhat when we consider the possibilities of degradation of the higher type and elevation of the lower by environmental influences. If each were kept continuously during the period of growth in an environment in which it would not be influenced by the actions and reactions incidental to association with others of its kind, the difference in conscience and morals would be practically unappreciable.

The adult savage, even of the most primitive type, has a conscience, such as it is,—a conscience sufficient unto his limited needs. Theoretically he is naturally immoral, perhaps, from the stand-point of civilized man, but he is practically more moral because of his ignorance and undeveloped altruism. For the very refinements of vice and crime we must turn to civilization. The category of vices and crimes swells with advancing civilization. Civilized man falls farther than the savage when he sins against society, because of the greater strength and variety of his inhibitions and the centuries of civilization behind him. He has, of necessity, farther to fall and a greater variety of moral transgressions to choose from. His needs are greater, his habits more complex, and he is the victim of greater stress of environment. The pretty fable of Eden says that our primitive parents knew no sin until they had acquired wisdom. So it is with the savage, in a measure. No race of savages can suddenly become a civil-

ized entity, and the more we attempt to civilize and Christianize it along the customary lines, the more sinful it becomes. Our American Indian gained nothing as a race from civilization. He lost his manliness and self-respect and his "primitive" standards of truth and honor, was despoiled of his property and his right to solve the problem of life after his own fashion, and received in return the indigestible unassimilable theology, fire-water, loose morals, and multitudinous diseases of his conquerors.

The faults of the savage of which advancing civilization has chiefly complained have been due in the main to his opposition to the effort to despoil him and adapt him to a civilization in which he is necessarily a misfit. When atavism develops the moral attributes of the savage in white degenerates, the latter simply assume the same inharmonious relations to civilized society as is occupied by the savage of to-day. Could our own savage forebears be brought back to earth, they would be as decidedly out of harmony with modern civilization as is any extant savage. It is admitted that the capacity for assimilation of civilization by savage races varies, but the principle holds true, and is nowhere more pertinently illustrated than by the criminal atavism of the negro, a race that has shown an average capacity for adaptation to civilization superior to almost any other with which the experiment has been tried on a scale extensive enough to put savage adaptability to the crucial test. It is well known that so-called semi-civilized races, like the Chinese, while less criminal, are less adaptable than the negro. This is because they are of a type quite as highly differentiated as our own, which passed the plastic stage of adaptability to alien civilization centuries before the conceited Caucasian had arrived at a plane higher than that now occupied by the barbarian. This suggests that the Chinaman's ethics would better be let alone; his code fits him better than would ours, and weighs quite as heavily in the balance of morals and conscience.

The Jolas of South Africa have a peculiar social system in which every man does as he likes, the most successful thief being the greatest man. This is natural enough, and is pretty close to the primitive law of self-preservation. The wolf has no code of morals, neither have the Jolas. Whether Jola or wolf suffers

in comparison with civilization is largely a matter of view-point. Who was the greatest general the world ever knew, not even excepting the great Alexander or Hannibal? Napoleon Bonaparte, who, possessed by the lust of conquest, and dominated by an almost insane ambition, caused more murders and suffering than any character in history, and in comparison with whom Herod was a saint. From Joshua down the wholesale thief and murderer has been extolled by history, both sacred and profane, while petty thieves, and murderers of single individuals have been hanged or incarcerated.

Some of the great ones of our own social system are men who would corner the earth and all contained therein, if they could thereby fill their own pockets and escape all penalty. The man who amasses great wealth by grinding down the poor, by cornering the necessities of life, or by sucking the life-blood out of the toiler or the honest farmer; the unscrupulous banker, or dishonest corporation stock-jobber, who robs his credulous dupes by the score by watering stocks, by a so-called failure or an actual defalcation,—these are among the great "Napoleons of Finance" and respected leaders of civilization. The savage pays reverential homage to the chief who has the most scalps or skulls of enemies as trophies of his prowess. Civilized man doffs his hat and bows his neck to the man who has the millions,—the scalps and skulls of civilization.

The great "financier" salves his conscience and prepares for the hereafter by giving millions to charity—millions recouped the next day by a fractional advance in the stocks he controls. The trust of which he is king may be one of the most gigantic, rapacious, and lawless blood-suckers that ever fastened itself upon a civilized people, yet his wealth and his beneficence nevertheless serve to put him beyond the pale of criminality.

Scratch ever so lightly the back of civilized man,—remove his inhibitions,—and we find a savage and, alas! only too often the wolf behind the savage. The supposedly respectable persons who turned ghouls and robbed bodies at the Iroquois Theatre horror in Chicago serve to illustrate the point.

And yet, that a moral code is necessary the foregoing illustra-

tions serve merely to show. The downward tendency of morals, which tends to remove man's inhibitions and thwart his efforts to attain a higher ethical plane, is the foundation of the social necessity from which all law, human or divine, has been evolved.

Through a gradual acquirement of a knowledge of those things which are best for the common-weal individual conscience has developed. Altruism is the social coefficient of conscience, and is merely the application to the conduct of the individual and the government of society the knowledge that what is best for all is best for the individual.

The building up of the brain and nerve faculties of man is accomplished by physical and moral impressions and reflexes, while the brain is, so to speak, in a plastic state, and largely through general and special sensibility acting conjointly with the emotions. Conscience is built up in very much the same way as the reflex functions of the spinal cord, that are so necessary to the preservation of the higher animals, and especially of man. The response to what may be termed "moral reflexes" builds up the conscience. Like the reflex action of the spinal cord, conscience finally becomes, to a certain extent, automatic. The degree of receptivity and response of the brain to mental and moral impressions may thus be seen to be very important in the development of moral sense and responsibility. The relative dulness of emotional and psychic reflexes and the sensory and motor sluggishness of typic criminals and moral perverts at once obtrude themselves in this connection.

Each individual in society fondly imagines that he is responsible for his actions to his own conscience alone, yet the bulwark of society is that common conscience built up from the interrelations and interactions of the individual conscience. Whether consciously or not, the conscience of the individual must be subordinate to that of the social body of which he is a part. Reduced to its ultimate, "the conscience that makes cowards of us all" is simply our desire for the good-will and appreciation of our fellow-man, whether modified or not by a desire for the appreciation of Deity. Were it primarily an entity of divine origin, it should not vary—its standard should be fixed for all mankind.

True conscience and a healthy moral sense do not commence to develop until the child begins to appreciate the wisdom of right thinking and right acting for their own sake, and for the best interests of the social fabric of which he or she is a part. There is no real conscience until that fundamental principle of all morals, justice and law, that bulwark of society, "One individual's rights extend only so far as the point at which another's begin," becomes an integral part of the individual's mentality. Practically all violations of moral and statutory law revolve around the violation of this principle. Just as this principle is itself an evolutionary development, so criminality is largely atavism, whether the atavism be social, moral, or physical.

The varying inherent capacity for development of a knowledge of his true relations to his environment is explanatory of the wide difference in criminal propensities in children. Born with the predatory instincts of the monkey, absolutely ignorant of the question of *meum* and *tuum*, the child is a natural thief,—he grasps everything about him that his primitive instincts impel him to crave. Fear of punishment finally deters him. If he is normal, this is replaced later by a consciousness of his true relation to his environment and his duty to those around him,—*i.e.*, by incipient altruism. In some children this is slow of development; in others it never develops. In still others there is primarily no capacity for development,—the child is a mental or moral imbecile, or both. The unfolding of the moral sense is perfect or blighted, according to environment. The coefficient of the born moral imbecile is the child who, although it had at birth an inherent capacity for moral development, is subjected to training and example that dwarf or even entirely destroy that capacity.

The fear of punishment, on the one hand, and the psychic shock of it, on the other, have a powerful reformative and repressive effect on a large part of normal and a smaller proportion of abnormal humanity. The shame of exposure, trial, and punishment has reformed many a man. Fear and shame, in general, may stand in place of conscience. Even the epileptic insane have been known to exert self-control under threat of removal to less

congenial surroundings, as from a ward containing mild cases to another containing severe ones.

Fear rarely works well, however, in the born criminal. It is deterrent, but not reformatory. He has no shame and, if repressed by fear alone, relapses into crime whenever there is any assurance of safety to himself. His calculations are dominated entirely by the questions of profit and safety in criminal enterprises.

Under normal conditions, simultaneously with the development of conscience and moral sense occurs development of the will. Inextricably intermingled with the vice and crime problem are the varying degrees of acuteness of moral sense, conscience and strength of will. Behind all, in a given individual, stand the varying conditions of development and health of the centre from which emanate all intellectual and moral attributes of man,—the brain. Where conscience, moral sense, and will are not evenly balanced, the psychology of the individual is seriously disturbed. This loss of equilibrium is responsible for many moral obliquities. The will may be feeble and the conscience and moral sense strong, or the reverse. Either disturbs the morale of the subject. Children are relatively strong-willed, yet defective in moral sense and conscience. Coevally with development, the normal child, under favorable environmental conditions, gradually acquires cerebral equilibrium.

Woman in many respects resembles the child in her emotional instability, but her will is relatively weak, so that she is often very like the child in her disregard of property rights, selfishness, and utter lack of altruism. The exceptional strong-willed woman is unfortunately usually a degenerate with virile tendencies, and often with strong criminal propensities. Conscience and moral sense, and especially moral bias from religious suggestion, are keen in woman, but not strong, because dominated by a hyperdeveloped ego, unstable and powerful emotions, a defective appreciation of altruism, and a weak will. Centuries of dependence upon the stronger individuality of man has had much to do with woman's psychology. Her relatively weak cerebral organization is, in a sense, a physiologic atrophy from disuse. This is

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explanatory of the lack of individualism in women,—*i.e.*, their psychic uniformity. Exposure, since the human family began, to this same lack of stimulus to cerebral independence has resulted in what is practically a psychic dead level. With the advent of the "New Woman," a change has begun, but alas! the increased brain capacity which woman must surely acquire must inevitably be paid for in infertility and physical degeneracy.

The mistake is often made of attributing moral transgressions entirely to impairment of will, as if man were instinctively moral in tendency and, when he does not follow his moral impulses, simply lacks the will to follow them. This is a serious mistake. Moral obliquity may be the result of powerful volition. The will to commit breaches of social ethics may be as strong in one individual as the will not to commit them is in another. Right acting, indeed, may require no effort of the will whatever. It may be, and perhaps usually is, automatism built up from a well-developed conscience and moral sense, with no conscious effort in its application. The power of temptation is, of course, greatest with individuals of relatively weak wills, but it is to be remembered that the removal of inhibitions, other than the will, are alone necessary to criminal acts. These inhibitions once removed, the action of the will may be necessary to the commission of such acts. This is the only germ of truth in the Calvinistic doctrine of free will.

Freedom of will is impaired by disease, especially of the brain, it is even modified by the diet and various social and industrial conditions. The weather has a certain influence. Emotional disturbance is especially likely to impair the will. A will dominated by passion at one time may be a free and independent factor at another. Under stress of emotional excitement may be committed crimes in the prevention of which an active effort of the will would be required.

MORALS AND CONSCIENCE IN THE LOWER ANIMALS

A knowledge of the gradual upbuilding of the moral sense and its *alter ego*, conscience, with the various conditions that favor, retard, or entirely prevent their growth, or destroy them

after they have developed, constitutes the corner-stone of the sciences of sociology and criminal anthropology.

The innate capacity for development of what, in their practical operations, are essentially mind, morals, and conscience is not restricted to the human race. The lower animals possess it in a lesser and varying degree. The view that animals reason is supported by so many facts that none but the most hopeless bigot can dispute it. Only the egotistic assumption of the divinity of origin and soul entity of man stand in the way of the universal acceptance of mind as an attribute of all the higher animals. Were the distinction between mind and intellect made more clear, the differences of the human and lower animal types would be seen to be due, not to monopoly of mind by man, but to a practical monopoly of intellect. The moral faculties are distinctly faculties of the mind, yet man and lower animals alike are swayed by them. Grief, hatred, love, shame, discontent, satisfaction, jealousy, gratitude, revenge, magnanimity, desire, fear, anger, and joy, are not human attributes alone—all of the higher animals possess them.

Up to a certain point, the moral training and development of conscience of the child and that of the dog, cat, or any other animal susceptible of education revolve around the same pivot,—namely, self-preservation. There is a wholesome fear of consequences which answers for conscience. This is almost as far as the lowest savages or the lower animals ever get. They get no farther when left to themselves, although certain exceptions, under training by civilized man, show that an inherent capacity for conscience development exists in some animals. It is as far as many civilized beings who are under the dominance of theology ever get. Right acting does not necessarily mean right thinking. What passes for conscience and moral sense in some individuals is merely "dog conscience." In man, a wholesome fear of damnation, on the one hand, and the promise of a halo and a harp, on the other, stand in lieu of the whip of punishment and the bone of reward in the dog's conception of ethics.

The principle involved here is a very important one in sociology. With a large proportion of the human race fear is the

only effective inhibition on criminal impulse. Powerful emotions, such as jealousy, sexual excitement, anger, and such drugs as alcohol, may remove this inhibition and leave the individual to be swayed by his brute instincts alone. The inhibition of fear may be also removed by assurance of safety in the commission of crime. Were it not for the inhibition of fear upon human conduct, both church and state would, even now, be almost helpless in the presence of vice and crime. Both have wrought individual good, however they have failed to prevent an increase in the aggregate of crime. The state operates through fear alone, the church holds out in addition the hope of reward. In these modern days, when the church is gradually assuming its highest function, the teaching of ethics rather than of theology, the body religious is doing more and more in the inculcation of right thinking, and consequently of right acting, from altruism rather than fear.

Reverting to the question of mentality in the lower animals, it cannot be denied that their so-called instinct drifts very easily over the hazy line of demarcation separating it from reason. Dogs, cats, horses, and seals learn by experience to determine the relation of cause and effect, and develop what in its practical operations is a moral sense. The dog's instinct impels him to kill sheep, but he can be taught to know the enormity of the crime and even to guard his master's flocks. He may develop a policy sense, which so often masquerades as moral sense in human beings, for he sometimes jealously protects his master's flocks, yet makes nocturnal excursions to neighboring fields and kills sheep without mercy. It is noticeable that the mongrel who has been taught sheep-herding is most likely to be a thief and murderer abroad. Of all dogs, he is closest allied to his wolf ancestry, and he falls a victim to atavistic impulses most readily.

The cat instinctively kills and eats birds, yet the animal can be taught to respect one's canary. I once had a beautiful female cat who used to kill the neighbor's chickens and canary birds and bring them home triumphantly, laying them before her kittens with due and proper maternal pride and joy. When the neighbors accused the cat of her multitudinous crimes, I took a boyish

pride in proving her alibi by showing that she mingled freely with my own little chicks and allowed my pet canaries to alight upon her back with apparent good nature. I recall a partnership the old cat formed with a little bantam hen who had adopted a huge Shanghai chicken, and was vainly endeavoring to protect it from the cold. The cat was wont to lie in the sun with the fledgling snuggled against her fur. On the other side of the chick lay the little bantam, with a single wing covering her charge as well as might be.

But I never could teach my feline pet that my correctionary measures meant all birds. She was a sort of specialist in the killing business, and could not be taught to reason broadly.

For unselfish devotion the lower animals put the average of the human species to the blush. The sentiment so sweetly expressed by Darwin is well worthy of remembrance,—

> "I would as soon be descended from that old baboon, who came down from the mountains and carried off his young comrade from a crowd of ferocious and astonished dogs, or from that heroic little monkey, who braved his dreaded foe to save his keeper's life, as from a cannibal who practises heathen rites, commits infanticide without remorse, and treats his multiplicity of wives like beasts."

The social instincts of the lower animals are almost too familiar to require mention. Paleontology lends an element of pathos to this primitive animal trait. The fossil remains of mammoth and mastodon show how those huge animals of ancient days huddled together for protection from enemies and the elements. Among the lower animals true communism of interests is found. The selfish and sordid ambition of man does not enter and disharmonize nature.

It should be remembered that "there is no real hiatus in the evolutionary chain of nervous phenomena which, beginning with the simple reflex movement of the ameba or carnivorous plant, advances along the continuously converging lines of so-called animal instinct and human reason, and terminates in those wonderful phenomena manifested by the brain of civilized man, which responds in such a multiplicity of ways to innumerable stimuli." The wide gap between the two extremes can be blotted

out in the twinkling of an eye, by disease or injury of the brain. And the disease may exist at birth, aye, before birth, so that the human being is but an imbecile, with purely vegetative functions. The layman who does not understand this point would do well to visit an asylum for imbeciles and study types. To repeat, then, the lower animals and man are, as Pope expressed it, alike subject to those emotions of—

> "Love, hope, and joy, fair Pleasure's smiling train.
> Hate, fear, and grief—the family of Pain.
> Which, mixed with art and to due bounds confined,
> Make and maintain the balance of the mind."

Granting the possession of certain qualities of mind in the lower animals, it is still incontestable that the acts of man are dominated more clearly than theirs by reason—the conscious adjustment of means to ends. The higher the race of man under normal conditions, the greater the development of the moral sense and conscience. Even in the most primitive type of man, however, a crude conception of ethics exists. The native of Borneo and the black of the Australian bush have no other interests in life than eating and drinking, yet they have words to express violations of the coarser principles of ethics.

I have said that the higher the race of man, the greater his inhibitions, "under normal conditions." Advance in civilization is, however, not necessarily coeval with progress in ethical standards. After a certain point is reached, the luxury, appetite exhaustion due to satiety, and unhygienic life of civilization bring brain and body degeneracy in their train, and type reversions are more frequent. History shows that extinction of entire social systems may result. That centre of civilization, France, is today trembling at the handwriting on the wall.

The objectionable features of the sexual habits of the lower animals are seen in the two extremes of social development,—*i.e.*, among primitive savages and the degenerate aristocracy of modern society. Were it not for the partial restoration of balance by the great middle classes, race degeneracy would soon cause the speedy extinction of civilized man.

Reasoning from the foregoing premises, the relation of atavism to the criminal and vicious tendencies of civilized man may be readily appreciated. The more highly organized the nervous system,—after what may be termed the normal equilibrium has been attained,—the more unstable it becomes and the more likely the gap between the savage and ultra-civilized man is to be suddenly closed. This line of reasoning is supported by the fact that in our strenuous modern life all the results of degeneracy, including social disorders, are on the increase. At the other extreme—*i.e.,* in individuals of the lower strata of civilized communities—the nervous organization is less complex, and the hiatus between them and primitive man is primarily narrow.

AMBITION

The most distinctive faculty of the human mind is ambition. This is a most complex attribute, the well-springs of which are fed by every human interest. The relative degree and quality of ambition determine the progression or retrogression of the individual. Upon individual progression that of society ultimately depends. The quality of ambition is regulated by the desire which actuates it and by the moral sense of the subject. It may be stimulated by cupidity or avarice, love of power, love of family, or a desire to excel, animated on the one hand by sheer egotism, or on the other by a desire to develop one's self to the limit of one's capacity as a personal and social duty. Sexual love, with its desire to attract and hold,—either by the spreading of the peacock's wings or by proving worthiness,—may feed this source of ambition. The dread of poverty and a desire for independence are among the stimuli which, singly or combined, develop it.

Ambition makes for individual and social progress only when its possessor is normally balanced. Though worthy in itself, it may still lead to criminal acts, if the subject be not possessed of a normal conscience. Even so laudable an ambition as that inspired by a desire to provide luxuries for one's family may be a feeder for crime, where the moral equilibrium of the ambition-driven subject is defective. Ambition fed by sexual love has filled many

a convict cell. Ambition developed by avarice, or love of fame and power, has made nations shed their blood and tears like rain. The murderous and venal ambition of many of the military assassins and robbers of history was in no wise different from the sordid lust of the modern financier. The industrial press is not so noisy as the shot and shell of battle, but it squeezes out the tears and blood of the toiling millions just the same.

Ambition and discontent are twin qualities of the mind. Contentment is the natural quality of the cud-chewing ox, and does not make for progress. The discontent of humanity is the seed from which civilization has sprung.

Ambition and will go hand in hand. It is questionable whether ambition, be it good or bad, is possible to him who dreams and does not act. The most laudable ambition is innocuous, aye, it is but a mental cobweb, where the will necessary to its gratification is lacking. The great spur of ambition is necessity, but even necessity cannot drive a weak and vacillating will. Whether ambition results in great crimes or in great good deeds, the individual will be found to be a forceful character. The petty thief is not impelled by it. The colossal swindler usually is, and has the force of character necessary to carry out his nefarious plans. There are strong characters among criminals as well as among honest men. The forceful character and industry of some criminals, if applied in proper channels, would place them among the nations' great. "A hair divides the false and true," sings Omar. Certain influences may divert the force of a strong character in the direction of criminality. Witness the previously honest and successful business man who suddenly becomes a defaulter or embezzler under acute stress of financial necessity or great temptation. Great inherent capacity for good, and the force of character that makes great men, also make great criminals. One of the best historic examples is Aaron Burr.

THE SPECIFIC GRAVITY OF MORALS

Inasmuch as morals and conscience have developed from the social necessities of the human race and are not natural attributes, from the biologic stand-point, there is necessarily what may be

termed a specific gravity of morals. By virtue of this, ethics tends to sink to a lower level when inhibitions are removed. The specific gravity of morals varies. It is greater in woman than in man, because of her relatively feeble will and because the influence of man comes into play as a factor in her moral retrogression, on the one hand, and her progress, on the other. It is obviously greater in the child than in the adult. Its power is inversely to age, under normal conditions, at least until senility appears. Its potency is lessened as cerebral equilibrium is established. It is greatest in individuals of primarily defective brain. The specific gravity of morals is antagonized by pride, ambition, selfishness, egotism, religious sense, and the concatenation of all these qualities. The socially modified instinct of self-preservation—the very instinct that, under primitive conditions, impels to crime—antagonizes the specific gravity of morals.

Morals is peculiar in that, like the price of stocks, it tends to fall by its own weight, whereas special conditions or effort are necessary to make it rise. Proper education operates against the specific gravity of morals. Vicious education enhances its power. The same may be said of congenital or acquired disease and vicious inheritance; in short, of all factors that tend to remove inhibitions.

That there is a general intuitive appreciation of the specific gravity of morals, a general lack of confidence in the social inhibitions of civilization, is evidenced by the demand for surety on the part of employers in positions of trust, and, above all, by the prosperity of the various bond and surety companies.

VARIATIONS IN MORAL STANDARDS

Much of the moral advance of the human race has revolved around the relations of the sexes. Marriage is one of the most important products of human social evolution. Marriage customs have in general been modified by the conditions of the particular social system. Every advance made in the ethics of marriage has been at the expense of a battle with natural law and animal impulse. The integrity and moral plane of the family are the key-stone of our civilized social fabric, but the struggle to

maintain monogamy has been a fierce one, and is still going on beneath the surface. Atavism—moral, physical, intellectual, and social—is continually struggling against expediency and social policy,—*i.e.*, against social altruism. Nowhere in the range of vice and crime is the specific gravity of morals so great as in the field of sexuality. Nowhere will atavism more intelligently explain breaches of social ethics than in the category of sexual vice and crime. This assertion may be unwelcome, but it is as true as natural law.

Gloss the facts over as we may, the inhibitions of social and moral progress upon sexuality are feebler than elsewhere in the entire field of human affairs. Many men and women have within them the germs of impulse to steal and slay; all normal men and women have within them the germ of impulse to breaches of sexual ethics. It is purely a question of control, the elements of which are easily overthrown. Preach as we may, philosophize as we may, legislate as we may, there is in every human breast a subtle sympathy for sexual offenders against moral and statutory law. The only exceptions are the rapist, seducer of the young, and sexual pervert, and even here the sexuality of man in general is responsible for the revulsion of feeling against the offender. In the case of seduction, the application of Madame de Staël's satirical definition of chivalry as "the spirit which impels a man to defend a beautiful woman against everybody but himself" is often not far-fetched. The laws of man are often a reflex of his desires to put a check upon evil impulses, the existence of which in human nature he recognizes by introspection. The same sort of morality inspires the drunkard who, wishing to reform, locks the demijohn in the cupboard and gives the key to his wife. He knows the power of persuasion, and reserves the right to persuade when the impulse occurs. He may take the key by force and arms if he so wills. Man has so little confidence in human morality and conscience that he must needs formulate laws to protect himself from himself.

That the vast difference between modern and primitive courtship and marriage has in general made for the betterment of the race is evidenced by certain atavistic phenomena. The Sene-

gambian warrior, who stuns the maiden of his choice with his club and drags her off to his kraal to become his wife, is confessedly not an up-to-date lover, but he is the forebear of that atavistic product, the wife-beater, who indulges his playful propensities only after the preacher and a license have confirmed matrimony as an institution that permits his being commander of the situation. The difference between the "civilized" wife-beater and the savage is largely that the latter's ideas of *post hoc ergo propter hoc* are a bit scrambled. Whether the difference in matrimonial standards is altogether in our favor is a question. The ultra-cultured maiden no longer dreams of the bravest and, according to his lights, the most accomplished chieftain of the tribe. She sits in a festooned and frescoed perfumed bower, dreaming of a foreign title, the possessor of which has a pocket as empty as his brain-pan, and vices that are only outnumbered by the constitutional taints he possesses; or, perchance, she yearns for the shekels and maravedis of Lord Money-Bags. In either event the laws of nature are not her chief concern, nor is she fretting about maternal potentialities and prospects—not she.

The evolution of class in society has had much to do with vice and crime. From time immemorial the seriousness of violations of the rights of man—which rights are the foundation of all law—has depended largely on whose ox was gored. Backed by the clergy, or standing alone, the reigning class has ever discriminated in its own favor and against the proletariat. Times have so changed that the under dog has begun to have his day. And yet the equality of under and upper dog before the law is more theoretic than real, even now, and in America, the paradise of freedom and equality. The under dog has an equal chance if he has money enough to hire as good a lawyer and pay as much costs as the upper dog. The poor murderer is likely to be hanged in six weeks or so, if, indeed, he is not lynched. The rich one may stave off the issue for several years, and perhaps get acquitted. The same principle governs the treatment of the extremes in social standing among thieves. Poverty may be wrong in law where wealth is treated as if it were synonymous with right.

The fact that morals is a product of human brain evolution is

in itself a proof that morals, and consequently standards of crime, must, of necessity, be a relative matter. The history of civilization and the comparative study of extant races prove this point. Certain forms of crime and immorality in a given social system may be atavistic reversions to a social type in which the same acts are neither immoral nor illegal. In brief, what is reversion in one social system, or in one race, may be normal in another,—normal because the moral code and social expediency have never evolved beyond a more or less primitive stage. Morals has been said to be largely a matter of geography. The "Unspeakable Turk" sees no immorality in a multiplicity of wives, yet Christian society does not agree with him, whatever a certain proportion of its human integers may hold in their innermost thoughts and impulses. The vices and crimes of one generation may be virtues in the next, and *vice versa*. The ancient patriarchs were often godly men, although they numbered their wives and concubines by the hundred. Theology sanctioned polygamy in the olden time, but theology, like everything else, has yielded to the pressure of social expediency.

The Bhattias of India regard dining at a hotel as a greater sin than murder. It is a sin that should bring its own punishment at some hotels. Among the Mohammedan Wahhabees murder is a trifling irregularity compared with the use of tobacco, yet the cheap cigar has never invaded their domain. Among some savages it is not a crime to murder a woman belonging to another tribe, yet it is a capital offence to marry one within the warrior's own tribe. Here is the forebear of the wise modern laws against consanguineous marriages,—the only sensible step thus far taken by society in the regulation of marriage.

Within a few decades the moral sense of civilization has undergone some very radical changes. The capital crimes of modern days bear no comparison in multiplicity with those of former times, in which human impulse, civil greed, and ecclesiastic dictum and venality, together with a low general average of intellectuality and refinement, conspired together to multiply crimes and invent atrocious, illogical, and disproportionate penalties. Civilization has not yet forgotten the hanging of men and

women for petty thefts; the life-long imprisonment of debtors; the abuse of that sometimes salutary correctionary device, the whipping-post; public exposure in the stocks; hanging in chains and on gibbets; bonfires built of unfortunate old women, whom theology branded as witches, and other peculiarities of a social system not yet sufficiently remote to reflect complimentarily upon human nature and intelligence. Indeed, we do not have to go farther back than our own day to find evidence of atavism in this direction, on the one hand, and a lack of evolution, upon the other. The prison stockades of the South and the modern lynching of the negro, with its kerosene oil and torch accompaniment, are distinctly reversionary, at least in the case of lynching. The prison stockade, like many other unintelligent and brutal punitive methods, merely evidences non-progression in social evolution in most instances.

Such improvement in ethics as has occurred has been due to a gradual evolution of morals and conscience, and a progressive development of altruism, which are a reflection of a higher intellectual development. That progress along various sociologic lines has not been due to divine inspiration is obvious. We, perforce, cannot accept the view that such inspiration could have been primarily defective and unintelligent, and therefore susceptible of improvement by human intervention and adaptation to human needs. Nor can we believe in the dealing out of primarily complete divine inspiration in gradually increasing doses, *pari passu* with social and intellectual progression.

Within the memory of the present generation of free-born Americans, slavery was held to be a divine institution, and was defended from many pulpits. It was for years defended and made a source of commercial profit by the very section of the country through whose agency it was finally abolished as a recognized institution. The Northern conscience on the slavery question had as its foundation, so far as the power which eventually abolished it was concerned, economic thrift. Sympathy with the institution waned as its profits decreased.

It is an open question as to whether morals has most improved society, or society most improved morals. The action and

reaction of society upon morals and of morals upon society have been the essence of moral growth. To increasing knowledge the honor is due. To it alone can justly be attributed the evolution of morals. Take away from civilization the knowledge it has acquired with the passing of the years, and society in its entirety would revert to the low standards of the bloody and frightful past of savagery or, if not to this extreme, to the conditions that prevailed when the average of men blindly accepted theologic domination.

Science, the goddess from whose loins knowledge has sprung, has been the fountain of inspiration from which all social good has come. Evolution has been the key-note of moral progress. It is the grand principle that will one day verify the truth of the Italian proverb, "All the world is one country." Evolution will one day turn our forts into schools, and our cannon and battleships into railroad iron. In that day men will no longer be seeking better and speedier methods of cutting each other's throats, or blowing each other into everlasting nothingness. When society has evolved a code of moral ethics which teaches that all those things are sinful that physically impair the usefulness of the individual to himself and the social fabric and work injury to the common good of humanity, then, indeed, will the altruistic millenium have arrived,—this providing due attention is paid to the cultivation of those physical attributes which, in their perfection, make a keen appreciation of altruism possible. The child who is taught to be true to himself upon altruistic grounds is likely to be true to humanity, if he has the faculty of comprehension of the principles that should govern the individual in his relations to the common weal. So far as social integrity is concerned, this sort of selfishness on the part of the individual is healthy.

While fear of punishment and hope of reward have had something to do both for and against moral progression, they have, after all, been mere incidentals—in many instances, unavoidable evils and temporary impedimenta in the evolution of morals. True morality must come through a perfect intelligence. The youth who is taught that it is sinful to get drunk or commit

other actions which society, as a whole, condemns, and whose ideas are so developed that they revolve entirely around an arbitrary standard of the relative morality of such acts, is in an unsafe position. Especially is he unsafe if examples are continually put before him of individuals whom the world calls great, and who are considered brilliant examples of what civilization can do in intellectual development, yet are openly defiant of the same arbitrary code of moral law to which he is coerced to conform.

THE RELATION OF THEOLOGY AND RELIGION TO SOCIAL EVOLUTION

The relations of theology and religion to the evolution of morals and conscience, and, in general, to immorality and crime, are most important. That various systems of theology and religion have had, and are having, an effect in moulding the morals and conscience of the race is admitted; that they have had an evil influence in various epochs and in various ways cannot be denied. The necessity of religion, as distinguished from theology, in our present state of society is primarily freely admitted. That it is not without influence as a deterrent of vice and crime, and in the field of reformation, is also admitted. The relations of religion and theology to morals, and especially to the crime question, are so intricate and complex that no attempt will be made to present anything more than such generalities as sociologic and psychologic science justify. A brief discussion of the evolution of religion and theology is obviously necessary to the comprehension of the principles of evolution of society and the human mind in its complex aspects.

Morals and theology are quite popularly confounded, yet they are similar and distinct social entities. They have been confused because the human mind has not recognized morals as an evolutionary product, but chiefly as a system of ethics, founded on divine command. That theology has, in many instances, formulated moral principles which are undeniably salutary, and which make for social advancement, has been an additional element of confusion.

The criminal tendencies of man were recognized by the

earliest sacred historians. The earliest history of crime involved infraction of divine law, the foundation of primitive social law. That this history was inaccurate does not nullify the proposition that the early writers had a definite conception of what human nature must have been at the beginning. Obviously, this conception was based upon a knowledge of what human nature was in their own epoch. According to the book of Genesis, the first crime committed by man was desiring to know the truth. God had given him permission to eat the fruit of all the trees in the Garden of Eden save that of the Tree of Knowledge. He disobeyed and was punished. This first crime and its retribution were the basis upon which all criminal law was originally founded. In the eyes of some disciples of orthodoxy, the pursuit of knowledge has been a capital crime ever since. The church, on the one hand, and civil authority, on the other, have professed to act as the Almighty's proxy from time immemorial. Most often church and state have co-operated. Their crimes against man, perpetrated as punishment for alleged or real infraction of presumptive laws of God, are a blot upon humanity's scroll that time has only made blacker. The divorce of church and state in the most advanced social systems has improved criminal jurisprudence and penology, although, in a measure, the old sentiment prevails. No distinct advance in penology and humane moral codes was ever made until the functions of church and state were separated as social factors.

The erroneous view of morals promulgated by crude systems of theology may have had its influence in inhibiting the conduct of the brutal and ignorant, through the domination of fear, but this inhibition upon crime has been more than counterbalanced by the evil use to which it has been put by frauds, imposters, fanatics, and venal authority, both church and civil. One Spanish Inquisition, one Massacre of St. Bartholomew, a single heretical bonfire, or a single instance of oppression of an entire people through the assumption of God-given rights by a monarch, should have been enough to condemn the entire system of the brutal application of alleged divine command. The history of the comparatively recent past shows hundreds of such damning

incidents. The extremes to which various theologic creeds have carried their interpretation and application of divine law are only too familiar. Murder and robbery have flourished in the shadow of cross and crescent alike. The God of Mohammed commanded the Faithful to "kill the Christian dog." The God of Abraham and Isaac said, through the mouth of the crusader, "Kill the dog of a Mohammedan, and steal all that he hath." The Christian of the orthodox Russian Church of to-day has an open season for killing Jews.

Robbery and murder in the name of the church have marked the trail of theology through every social system. The possession of a different creed by one's neighbor was once a general warrant for confiscation of his property and cutting his throat. The Scriptures set the pace, and civilization, with the Bible in one hand and a sword in the other, has invaded the domains of alien races and robbed and slain them without mercy. Civilized man has ever justified himself by saying, "This heathen was less pious than I, and less intelligent. I could make better use of his property than he; therefore, I slew and robbed him." The conquerors of Mexico and Peru, and the American people in its relations to the Indian, were animated by the same spirit. That the spirit is not yet dead was shown by the attitude of England towards the Boer, the treatment of China by the other nations, and the recent murder of Jews at Kishenev, Russia. Wherever civilized man sees something he wants to steal he finds serious flaws in the owner's refinement, education, and religion, and particularly in his method of handling his own property.

It is not long since the murder of thousands in the name of religion, to do away with differences of religious opinion, was a virtuous and honorable course. Such things should not occur to-day, save among the insane, yet they do occur, and the world stands idly by or, at most, voices a feeble protest.

But it would be unfair to judge the influence of the church to-day in the field of morals, and especially in its relations to crime, by the records of the crude systems of theology of the past. To deny the value of the work done by many broad-minded, noble men and women among religious sects would be

as absurd as it would be unfair. Time was when the evils of orthodoxy and fanaticism well-nigh submerged all the good that could possibly come from religion in any form. Under modern conditions and in Christian communities all this is changed. The orthodox church no longer officially slays heretics nor devises tortures for criminals. The Church of Rome places an inhibition on conduct which, conjoined with fear of the law, is to a certain degree deterrent of crime. Even fanatical sects have their sphere of usefulness. The Salvation Army is doing a noble work. Some expounders of peculiar and fanatical creeds are shepherds of degenerates and powerful factors for practical moral good, whatever their faults. They are leaders of men—and a class of men who need a will more powerful than their own to keep them on the straight and narrow path. They divert vacillating minds into safe channels. Psychic exaltation leading to religious conversion has cured many a drunkard, prevented crime, and reformed many a malefactor,

Theology cannot justly claim to have civilized man; civilization, however, has given some social systems an endurable theology, and society and religion have acted and reacted upon each other in the upward path towards enlightenment. The individual who does not acknowledge that extant illustrations prove the intelligence of a race to be inversely to the degree to which theology dominates it, knows nothing of sociology, and still less of ethnology and anthropology.

It has been said that an honest man is the noblest work of God. It has been said more truly that a worthy God is the noblest work of man. The original gods and devils were the creations of the hand and brain of man, and sufficed for his needs. With advancing civilization, the quality of gods improved, and their number diminished. The heathen gods and devils were, and are, remorseless destroying powers, to be propitiated only by sacrifices.

As intelligence increased, the monotheistic and monodiabolistic view became paramount. This view of Deity and devil has become more and more fixed with the passing of the years. Intellectual evolution has modified, not only our conception of

Deity, but also our ideas of the devil. The latter is likely to be eventually eliminated altogether.

As the monotheistic idea of the Supreme Power behind the throne developed, He did not at once lose all the evil attributes of the gods of polytheism. He, too, must be propitiated. The sacrifices of Bible times are sufficiently familiar. Scripture shows that the God conceived by the minds of early men had some very peculiar attributes. He dispensed plagues, showed special favors to certain nations, conversed with men, performed miracles, and many other horrible and wonderful things, inconsistent with modern ideas of a good, kind, loving, and impartial ruler of the universe. These things he no longer performs. Has he changed, or has intellectual evolution discarded the old and constructed new ideas of Deity? The God of Abraham and Isaac and his moral code no longer fit civilization. Theology has evolved, like everything else, and the line of demarcation between theology and religion has grown clearer with the lapse of ages.

With a low and degraded state of civilization, low and degraded ideas of Deity should be expected. With advancing civilization these primitive theologic conceptions could not last. The expounder of theology is fast becoming replaced by the teacher of ethics, who, with a better understanding of Christ, the greatest of ethical teachers, takes modern humanity and its needs as his theme. Civilized man neither requires, nor will he tolerate, a reign of theologic terror. He is no longer the victim of ignorant fear. He has delved in nature's secrets and learned the true nature of phenomena he once thought supernatural. His intellect is disenthralled, and he is thinking for himself. The religious frenzy of the savage and the imagination of his successor, the theologic fanatic, have alike been engulfed in the ocean of progress. Science has so far modified theology that the theory of hell-fire and damnation will soon be but a memory.

Creeds will pass, but religion in some form, adaptable to our needs and harmonious with advanced thought, will always be with us. It is a reflex of that ego which is not contented with the prospect of oblivion. It is the outgrowth of the feeling which

animates a large proportion of humanity, that there is something beyond the compass of human knowledge.

As that sweetest of singers, John Boyle O'Reilly, wrote:

> "Not in their reason, our dear illusion,
> But truer than truths that are measured and weighed,
> Oh, land of the Spirit, where no intrusion
> Of bookmen or doubters shall aye be made."

Theology and religion are of service in morals and conduct in direct proportion as they have become adapted to our knowledge of natural phenomena. Through such adaptation they may work hand in hand with the sociologic scientist and criminologist to better the evolution of human morals and antagonize social disease. There is no room for a system of theology or a concrete religion that is not a reflex of the intellectual status of the people or of the social system which it seeks to dominate.

THE EVOLUTION OF LAW

The evolution of law has been coeval with social progression, as a whole. The greatest epoch in the history of the law was the time when men first began to think seriously of divorcing church and state. A comprehensive discussion of the evolution of law does not come within the scope of this volume. Suffice it to say here that, side by side with the other factors in sociology, law, and especially criminal law and the penalties it prescribes, has grown more and more intelligent, and freer and freer from the ancient dogmas and cruelties. The English common law, which is the foundation of the legal system in vogue in Christian countries, is to-day the embodiment of the rights of man. However much it may be distorted, perverted, and subverted to the venality and stupidity of some lawyers, clients, and courts, its fundamental principles are unassailable. The differences between the principles of English Common Law and the Golden Rule are intangible.

HEREDITY AND SOCIAL EVOLUTION

One of the most powerful factors in evolution is heredity. It is of especial potency in the evolution of crime. The question

of the heredity of physical, intellectual, and moral traits has been threshed over until one would suppose that its influence would now be generally taken for granted. There are those, however, who dispute it, especially with reference to vice and crime. The various *pros* and *cons* of the discussion do not concern us here; a few of the more practical points and some pertinent illustrations will suffice. Other illustrations of the influences of heredity will appear later.

To deny the influence of heredity in criminal evolution is to deny a biologic law that he who runs may read. If it does not hold good in criminology, then it fails everywhere else. Many of the great men and women of the world have owed much to hereditary traits, or to hereditary peculiarities of nervous physiology that made their distinctive individual traits possible. The inheritance of high intellectual endowemnts is usually claimed to be from the maternal side. Behind the mother, however, is usually to be found a sturdy old grandfather, to whom she owes her mental constitution. Son like mother, daughter like father, is not a bad rule, many exceptions though there be.

Inherited genius may be associated or not with degeneracy. It often is. Inherited great intellectual power—dependent upon the development and constitution of the frontal cerebral lobes—may be associated with a relatively low moral sense, the posterior lobes dominating.

Brilliant men and women not infrequently spring from low-grade ancestors, but if the investigation be carried far enough, an alien strain will usually be found somewhere along the line of descent. An occasional sport is found in nature, it is true, but fundamental law is against the likelihood of a thoroughbred cropping out in a mongrel herd, or a mongrel among thoroughbreds. Where such an outcropping does occur, either something alien has been introduced in the line of hereditary succession, or special factors of degeneracy have intervened.

The question of heredity is a most complicated one. The streams of blood which focalize in a given individual are of such complex origin that one grows dizzy in the attempt to follow them to their source. So complex is the composition of a given

family tree, that it is unsafe to say much about specific influences of heredity after several generations have been surveyed in retrospect. Obviously, consanguinity rapidly compounds the force of heredity.

The influence of heredity should always be considered relatively to environment. The force of heredity is often discounted by environmental influences. The combined influences of heredity and environment in the production of degeneracy, disease, and crime are demonstrated by many familiar examples.

Dr. Ireland has presented evidence sufficient to convince any thinking man that the aristocracy of the Old World is hereditarily defective.[2]

His unmerciful handling of "The House of the Romanoffs" was so true that the sale of the book was prohibited throughout the Russian domain. Not that the aristocracy *per se* is more liable to viciousness than any other class of people similarly situated. Unbridled license, idleness, and the possession of unlimited resources, especially when associated with consanguinity or inbreeding, are enough to account for the physical and moral corruption of the dominant element in European society. Louis II., the mad King of Bavaria, art *dilettante*, patron of arts, and the friend of Wagner, and the late King Alexander, of Servia, were typic degenerates. The degeneracy of the latter should be evident to the most superficial observer. Ribot has shown remarkable examples of inherited predilection, not only for crime in general, but for certain special forms of crime and vicious impulse.[3]

The problem of heredity, so voluminously discussed by Zola in his Rougon-Macquart series, has been reduced to cold statistics by Professor Poellmann, of the University of Bonn. He has investigated the lives and characters of the descendants of a woman who was a confirmed drunkard, and who died early in the last century. The five or six generations of her direct posterity number, to date, eight hundred and thirty-four persons.

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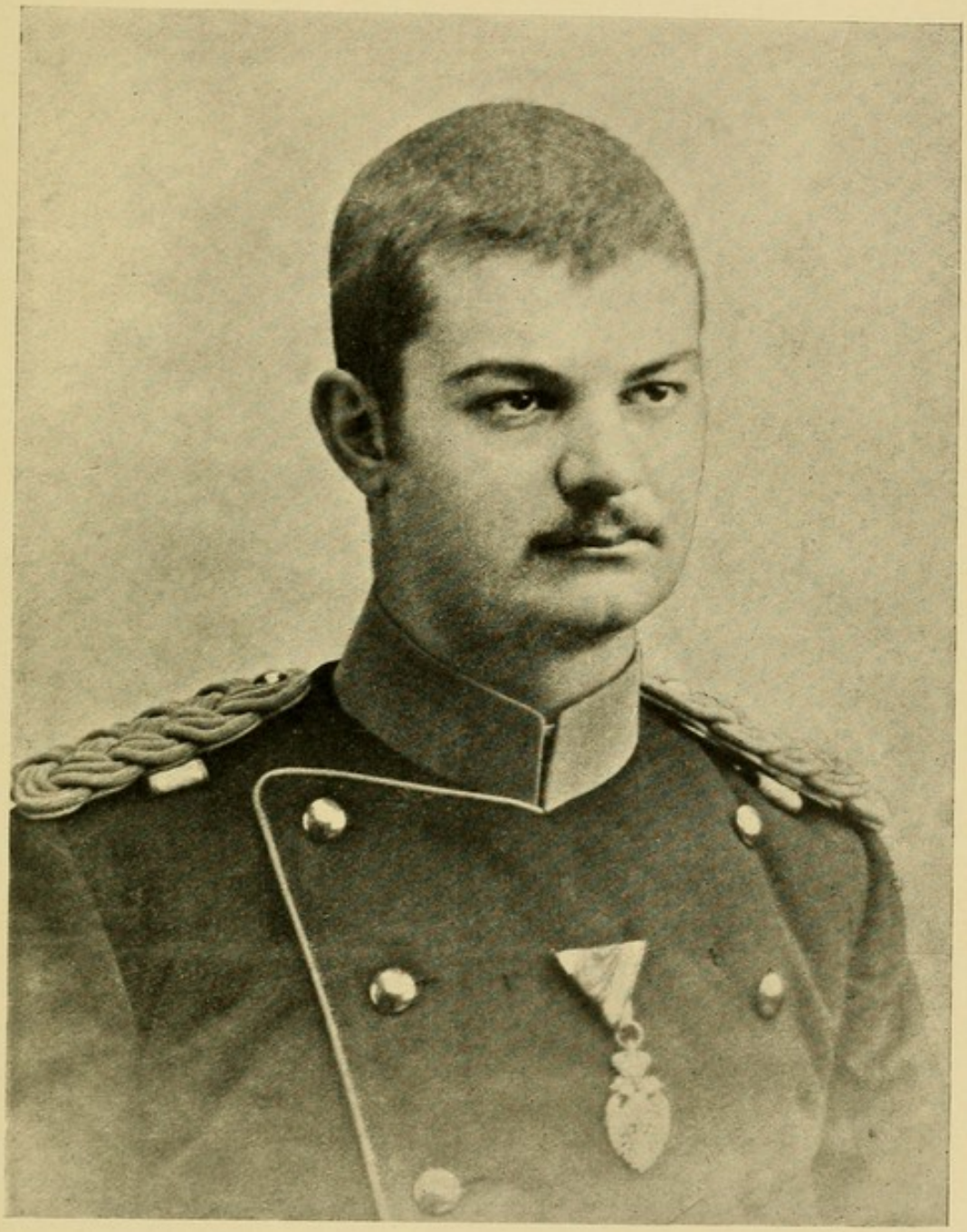
[2] The Blot on the Brain, W. W. Ireland.

[3] L'Hérédité Psychologique, Th. Ribot.

FIG. 1.



KING ALEXANDER OF SERVIA.

He has ascertained the records of seven hundred and nine. Of these, one hundred and seven were of illegitimate birth, one hundred and sixty-two were professional beggars, sixty-four inmates of almshouses, one hundred and eighty-one prostitutes, seventy-six were convicted of serious crimes, and seven were condemned for murder. The total cost to the state of caring for these paupers and punishing the criminals, and the amounts privately given in alms and lost through theft, are reckoned at one million two hundred and six thousand dollars, or more than twelve thousand dollars a year. An expensive family, this.

The history of the "Juke family," as recorded by the immortal Richard Dugdale, is a familiar and trite American example of the way in which criminals, paupers, and inebriates breed. The descendants of one Ada Juke, otherwise and more familiarly known as "Margaret, the Mother of Criminals," were carefully traced. The family and its various branches inhabited a certain county in eastern New York. Of the twelve hundred direct descendants of Ada Juke, nearly one thousand were shown to be criminals, prostitutes, paupers, inebriates, or insane. These degenerates had cost the States one million three hundred thousand dollars.

The law of degenerate heredity once proved, it is obvious that there must be many Juke families in various social systems. I will reiterate here, however, what has been said of the association of heredity and environment. In such criminal histories as the foregoing, the separation of the two sets of influences would be a difficult matter. Exposed to the same vicious environment during the plastic stage of the brain, practically all of the children of such parentage must of necessity grow up without moral sense, but, while the average of crime would be higher than in children of good heredity, it would be grievously high, no matter how sound the heredity might be, environment being the same.

I do not consider such investigations of large criminal families to be so important, so far as the demonstration of hereditary traits is concerned, as the study of individual families with fairly good surroundings, upon whom general social influences operate

more or less potently. The special influence of heredity is best shown in small family groups in advanced social systems. Pertinent in this connection is a case in the author's experience, in which the father died a drunkard, and his two sons, who in early manhood abhorred and deplored their father's course, became incurable inebriates later on.

A point worthy of attention is the fact that where vicious parentage is upon only one side, the child may present the traits of the normal parent. Heredity is not one-sided, as might be inferred from the writings of some criminologists. A unilateral heredity of good may offset an heredity that is bad upon the other side. Even where environment is unfavorable during growth and development, the child may still escape criminality. The following history is an illustration:

The subject, W. B., is forty-two years of age; a clergyman, able, intellectual, and highly respected. He was the only child of very poor parents. The mother came from a fine family, without taint of degeneracy in any form. His father was shiftless and lazy, with no settled occupation, and a drunkard. His mother died at his birth, and he therefore had no guiding hand in his early life. The paternal grandmother was a kleptomaniac, who had to be watched constantly to prevent her stealing anything upon which she could lay her hand. The paternal grandfather was a drunkard. One paternal uncle served two terms in the penitentiary for thieving; another paternal uncle and several aunts were respectable, law-abiding people. The boy was brought up in the country by his grandparents, his early environments being, therefore, as unfavorable as possible. He grew up to adult life, however, without showing any criminal or immoral tendencies. Religion had nothing to do with his moral conduct during childhood and youth, as he did not become religious until later in life. The boy worked for the neighboring farmers and attended district school, which was the extent of his educational opportunities. He was always steady, a fine student, and exerted a repressive influence upon the wild and immoral impulses of some of his fellow-students. In his early manhood he went to work as a railroad brakeman. He finally bought a

farm and worked it for a year or so, but the crops failed and he was bankrupted. At the age of thirty he accepted religion, and became a preacher. Had this not occurred, it is, of course, possible that some moral lapse might eventually have developed.

Rev. O. McCulloch [4] has traced the life histories of seventeen hundred and fifty degenerate criminal and pauper descendants of one "Ben Ishmael," who lived in Kentucky in 1790. Among this brood of criminals and paupers there were one hundred and twenty-one prostitutes.

The Rev. Dr. Stocker, of Berlin, traced eight hundred and thirty-four decendants of two sisters, who died in 1825. Among them were seventy-six who had served one hundred and sixteen years in prison, one hundred and sixty-four prostitutes, one hundred and six illegitimate children, seventeen pimps, one hundred and forty-two beggars, and sixty-four paupers.[5]

It has been estimated by Sichart, Director of Prisons in Würtemburg, that over twenty-five per cent. of the German prison population comes from a degenerate ancestry. Vergilis claims thirty-two per cent. for Italian criminals.

In every social system examples of families, the majority of the members of which present vicious and criminal tendencies from heredity, example, and training, are to be found. The —— family, famous in the criminal annals of Chicago, is noteworthy in this connection. "Mother" ——, as she is known to the police, is said to be a hard drinker. There is no history of the father, save that he was a "hard-working" man. Mother —— was charged by the police with being a "fence." It is also claimed that she educated her sons to visit factories on pay-days and pick the pockets of workingmen, and that she has by no means neglected their education in other departments of crime. The "—— gang," which comprised not only her own sons, but other criminal youths, is said to have acknowledged her as its head and business manager. She has played all sorts of sympathetic dodges in the defence and protection of her degenerate

[4] The Children of Ishmael.

[5] Prisoners and Paupers, H. M. Boise.

brood and their co-workers. Her sons are all pickpockets and diamond-thieves. All have " done time," off and on, some being now in various penitentiaries. They rank as the best among those cleverest of the light-fingered gentry, the diamond-thieves. Some of the boys are expert burglars. The oldest son is now serving his time for burglary. The youngest son was tried for murder, and, although he was acquitted, the general impression was that he " did the job."

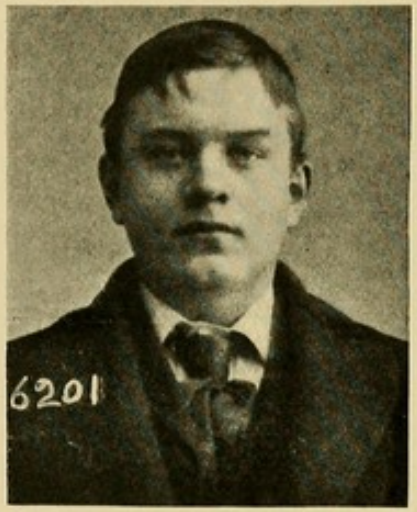
Opportunities to lead an honest life have not been lacking in the case of some of this family. One son had a fine-salaried railroad position, which he quit voluntarily to enter upon a criminal career. Still another son was given a chance to earn an honest living, but backslid. The glitter of a diamond stud was always too great a temptation to be resisted by the boys of the family. All of its members were distinctly neuropaths, and above the average in acuteness of perception, cleverness, and shrewdness.

Figs. 2 to 9 are portraits of the —— boys. They form a very interesting group, one that is a reproach to the social system in which they were bred and reared. That such a thing as a family of criminals should exist in any social system is an anomaly. While the individual criminal, under the most favorable conditions possible, is a difficult thing to eliminate from society, the criminal family is not only preventable, but its existence is a blot upon civilization. Whatever heredity may have done for these boys, they are by no means physically typic degenerates. Environment, and especially evil association, training, and example, must bear the burden of responsibility of their criminal careers, or rather the burden should be borne by the social system that permitted them to remain in an environment which would almost inevitably develop criminality, even in children of the best blood. Whatever of hereditary taint they may have possessed has had unexampled opportunity to develop criminality in them. In the circumstances which surrounded them, it was almost impossible that they should escape criminal careers.

Involved in the question of heredity is the possibility of the transmission to the offspring of acquired characteristics in the parent. Authorities are divided on the question of such trans-

FIG. 2.

FIG. 3.



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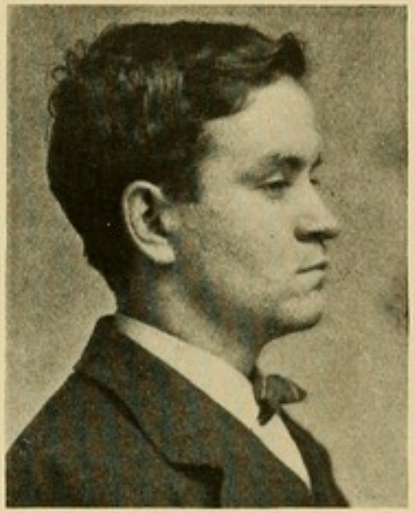

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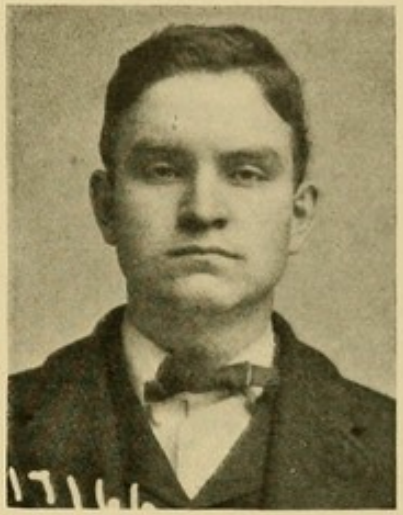

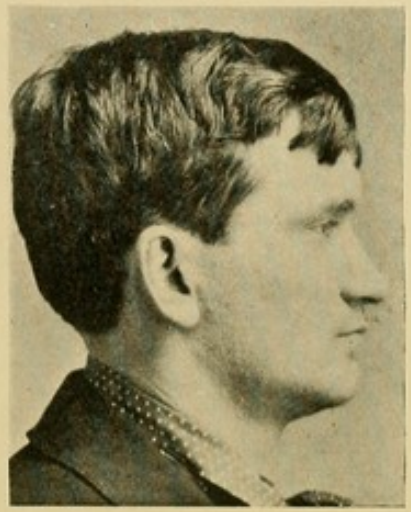

FIG. 6.

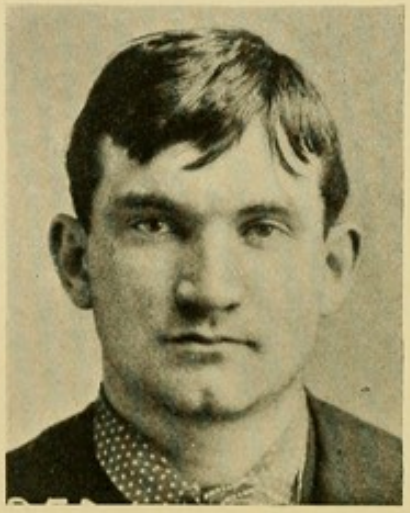

FIG. 7.

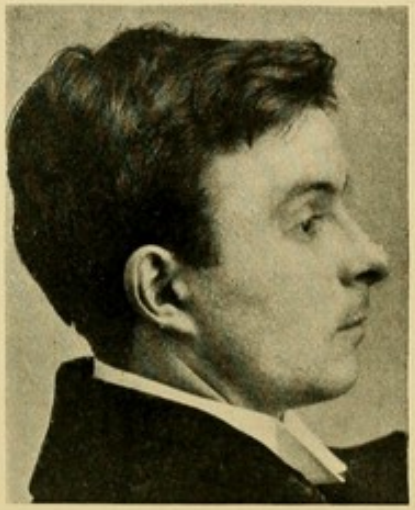

FIG. 8.

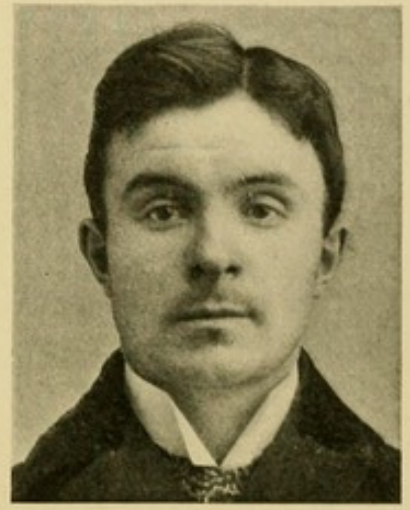

FIG. 9.

mission. The experiences of succeeding generations of all animals finally develops certain automatically operating qualities that we term instinct. That acquired nervous and mental characteristics in one human generation may, in the same way, become an integral part of the constitution of the next seems probable. The history of the progeny of alcoholics appears to support this view. To be sure, it is most often the primary nerve depravity of the parent that is transmitted to the child, but this does not satisfactorily explain all cases. It must be remembered, also, that the primary neuro-degeneracy of the parent criminal is the material basis of heredity in crime. In estimating the influences of heredity in the production of criminality, we must consider the criminal as only one of the many effects of vicious heredity. The same conditions that produce him also produce epileptics, insane, vagabonds, inebriates, and prostitutes. If we estimate the relation of heredity to the criminal alone, its importance is likely to escape us. The collective results of heredity must be considered. It follows, therefore, that no inquiry into the antecedents of a given criminal is complete which does not comprehend the neuropathy of his family in general.

Around nerve degeneracy gather most of the phenomena of social pathology, as will be shown in a subsequent chapter.

ATAVISM AND SOCIAL DISEASE

Atavism, or reversion of type, is a most important phase of the relation of evolutionary law to criminal and vice tendencies. It has been touched upon in connection with psychic evolution, but it demands fuller consideration. Reversion of type may be psychic or physical, or both.

Whether associated with obvious physical reversions or not, psychic atavism is the dominant characteristic of the criminal. It is certainly the principal phenomenon involved in the study of the crime question, because it constitutes the dynamics of crime. The outcropping of ancestral types of mentality is observed to underlie many of the manifestations of vice and crime. These ancestral types or traits may revert farther back even than the savage progenitors of civilized man, and approximate those of

the lower animals who, in turn, stand behind the savage in the line of descent.

Reversion is by no means limited to the born criminal type, which Lombroso and his school have claimed to identify, but crops out all along the line of offenders against society, criminal or non-criminal.

The extreme phases of atavism are seen not only in cases of malformation of brain-structure, but may suddenly develop as a consequence of disease or injury of the brain in previously normal subjects, both in childhood and adult life. As already stated, anything that removes inhibitions, either gradually or suddenly, may cause a reversion to ancestral conditions. The filthy habits of imbeciles, and the homicidal tendencies of epileptics, insane, inebriates, and the victims of toxic delirium—whether from fever or otherwise—serve as examples.

Lombroso assigns to atavism a position of pre-eminence in the etiology of crime.[6] In effect, he thinks that crime is a return to primitive and barbarous ancestral conditions, the criminal being practically a savage, born later than his day. Obviously this view fits very accurately the so-called born criminal, comprising about one-tenth of the entire criminal population. By some it is restricted to these. This I do not think fair, for a complete type reversion is not necessary to either psychic or physical atavism. Atavism may manifest itself in a single physical feature or single phase of psychic phenomena. Féré [7] practically demands for the establishment of atavism a complete correspondence to some prehistoric or extant savage type. Anything short of this he classes as degeneracy. Taking sexual phenomena as an example, we find many instances of atavistic tendencies short of complete approximation to the primitive type. Reverting to the physical side of the question, the same may be said of the osseous system, and especially of the jaw. Even where the atavistic phenomena go farther back even than the type of savage or prehistoric man, the reversion may be only partial.

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[6] L'Uomo Delinquente.

[7] Dégénérescence et Criminalité, Ch. Féré.

The mistake is often made of confounding atavism with degeneracy pure and simple. They are not identical, although so closely related that the line of demarcation is not always clear. As already noted, degeneracy of brain may produce atavistic psychic phenomena even though there is no physical conformation corresponding with any distinct primitive human or lower animal type. Aberrations of cranial development may exist which in no wise present a type-resemblance to a primitive ancestral form. The difficulty of determining whether a given case of aberrant development of skull or brain, or other portions of the body, is due to vicious influences brought to bear upon the line of descent or upon the individual during uterogestation, or to a spontaneous harking back to primitive ancestral forms, is at once obvious. As a broad general proposition, atavism is not a cause of degeneracy, but degeneracy may cause what is in effect atavism. The animal-like traits of certain brain degenerates is a point in evidence.

It must not be forgotten that atavism is a phenomenon inseparable from the general organic law of evolution. It must not be distorted to mean degeneracy, simply because of its frequent association with that condition in the human subject. A black sheep or a black hen in a flock of white ones is not degenerate, but may be as perfect as its white brethren. Its remote black ancestor may have been, and probably was, organically as perfect as its own immediate family. The atavistic white animal occurring in breeds of a dark color is not to be confounded with the albino,—a distinct type of degeneracy.

Atavism is antagonistic to heredity in a sense, and therefore tends to antagonize degeneracy. The harking back to the traits of a remote ancestor may preserve the type-integrity of one or all of the progeny of a given degenerate stock. An influence of this kind, associated with the great change in environment, may have had much to do with the decency and law-abiding propensities of the descendants of the convicts of the English penal colonies. Australia, Tasmania, and New Zealand have a strong infusion of convict blood, yet compare favorably with other communities in point of order. To be sure, the influence of atavism must be

discounted somewhat from the fact that many of the convicts were political victims and in no sense criminals. Discount it as we may, however, the character of the descendants of the English penal colonists has its lesson in the matter of the inherent possibilities of reform of criminals in general.

So far as physical evidences of atavism are concerned, it would seem that they are complete enough to warrant its acceptance. These physical reversions may appear in both degenerates and non-degenerates. They seem to appear with especial frequency in criminals. Aberrant types of cranial and brain development attributable to atavism are frequent in criminals. Whether they are more frequent in criminals than in other degenerates has been a subject of much controversy. Many excellent observers hold that they are no more frequent in criminals than in normal persons. The evidence at command, and some years of observation, have inclined me to the belief that they are more often found in what may be generally termed antisocial beings,—a class comprising not only criminals, but the insane, epileptics, and prostitutes,—and present themselves most frequently in confirmed criminals and the insane.

All of the evolutionary factors that tend to produce the criminal—comprised by heredity, atavism, and environment, in their various divagations and interrelations—are potent in proportion to the age of the given social system. The line of demarcation between the normal and the degenerate is more marked in Europe than in America. The fixed criminal type is more abundant and more definite in Europe. This alone should inspire us with caution in applying the deductions of the Italian school to America. It must be remembered, too, that a fixed racial type, such, for example, as the Italian, is not a fair criterion for the study of a social system like ours, in which there is no racial type, but a heterogeneous mixture of bloods.

In time, America will have its own more or less fixed criminal type, and a larger proportion of criminals than Europe. The hurry and fret of American life is turning out degenerates at a rate that will one day stagger the world. The closest approximations to the Lombrosan standard of criminal in America are

to-day, however, either a part of the criminal refuse that the Old World has dumped upon our shores, persons of foreign birth, or of a parentage of more or less recent importation. In brief, the environmental factors must be taken into consideration. In order that the same crystallization of the criminal type as may be noted in Europe should occur in America, the same circumstances of environment must prevail. That they do not now prevail is obvious.

CHAPTER III

THE ETIOLOGY OF SOCIAL DISEASES IN GENERAL, WITH ESPECIAL REFERENCE TO CRIME

General Principles.—No hard and fast line is drawn scientifically between vice and crime. For the purposes of this volume, however, vice covers all breaches of established ethics, and all immoral or unphysiologic acts that are injurious to the individual himself or offensive to the majority of the indivduals who make up any given social system, without coming within the prohibitory pale of the law. The more closely the divagation from the normal ethical standard limits itself in its effects to the individual immediately concerned, the more closely it corresponds to vice and the more likely it is to be winked at by society in general. Obviously, certain crimes and misdemeanors fall under the category of vice, a given form of vice often leading directly to the commission of acts made criminal by statute.

Both vice and crime may or may not have a tangible physical basis. In many instances where no macroscopic or microscopic research can find a physical basis for a given form of vice or crime, a physical cause none the less underlies it, albeit too occult for detection by any known method of investigation. Whether any form of vice or crime can exist independently of physical causes depends on the accuracy of the view that all human attributes are in their ultimate physical, and revolves largely around the question of the possibility of a derangement of brain function without a greater or less perversion of structure.

Petty vice of various kinds is quite likely to emanate from weaklings who lack only the physical stamina or the temptation of necessity or opportunity to become actual criminals.

There are many cases of vice and crime which our inability

to discover a physical cause by any means at our command puts into a class by themselves. Again, the structural aberrations found are often the result of a given vice, or of the vicissitudes of a criminal career, yet act by adding fuel to the fire and increasing the tendency to the acts which produced them. Disease-producing vice and vice-producing disease, therefore, go hand in hand. Even slight familiarity with sexual vice and the results of alcoholic and narcotic inebriety is sufficient to demonstrate this point.

The finer distinctions between vice and crime are purely legal and technical. Antisocial and antiphysiologic acts may be either vicious or criminal, or both.

Crime may be defined as an act in violation of public law, a violation of the legally prescribed duty of the individual to the community in its social or aggregate capacity, or a violation of public and individual rights recognized and punishable by law as a menace to the welfare of the community as a whole. Crimes are distinctly separated by law from civil injuries or torts—offences that concern the individual alone. The legal hair-splitting differentiations of crimes into felonies and misdemeanors, and the reasons therefor, do not concern us here. There is, however, a vast difference between the various degrees of crime in their bearing upon the status of the criminal. Misdemeanors, breaches of social order prohibited and punishable by law, are daily committed by persons who are in no sense of the criminal class. Felonies, even, are not infrequently committed by persons who are not criminals, either by breeding, instinct, or education. The necessarily fine legal distinctions between certain torts and crimes are of no special concern to criminologists, nor is a reference to them necessary to sustain the point I am endeavoring to make,—viz., that the legal status of crime has no direct bearing upon the status of the offender before the court of Science. Examples are not far to seek. In some States bastardy is a crime. It would be absurd to class individuals guilty of it as criminals on no other grounds than its commission. In theory the law on this point is for the protection of the public. The child must not be left as a burden on the community. The

crime is committed by the man, not by the woman, says the law, simply because he is most likely to have the money to care for the child. The law commits a great wrong here by stamping the unborn child with the brand of infamy and repudiating society's obligation to care for it and rear it as a useful citizen. If bastardy is a crime, then in all justice the strict letter of the law should condemn all fornication as an attempt at bastardy and attach a penalty thereto.

Assault and battery is variously classed as a tort or a crime, according to the notions of the wiseacres who frame the laws of the different States. As a matter of fact, personal assaults are more often committed by persons who are in no sense criminal than by the criminal class.

Certain breaches of socio-sexual ethics, such as adultery and seduction, are classified in most States as crimes, yet who shall say that the offenders belong scientifically to the criminal class? In the case of adultery it is considered a crime in some quarters and a huge joke, with great advertising advantages, in others. Expectorating upon the sidewalk is a criminal offence in some communities, yet the tobacco-chewer is not necessarily a criminal.

The number of impulsive breaches of social ethics regarded in various social systems as crimes is so great that, if the culprits should all be brought to book, the Treasury of the United States would scarce suffice to pay their fines nor the expense of their prosecution. As for those persons in our social system to whom imprisonment is technically due, there is scarcely granite enough available in this great country to build walls within which to immure them.

In many, many instances of sporadic criminality the victim of ill-advised and controllable impulses is not a criminal from the stand-point of criminal anthropology. If he becomes one eventually, the responsibility rests with our penal systems. Sporadic criminals may often be saved, if they be not exposed to still more virulent moral infection by herding them with true criminals.

It will be seen, then, that it is impossible to discuss the subject of vice and crime along arbitrary and dogmatic lines. Neither is it logical to consider it entirely upon physical premises,

although material conditions are the foundation of criminal anthropology.

VARIETIES OF CRIME

In America, there are eight hundred and twenty-four antisocial acts classified as crimes, broadly divided into—

1. Attacks upon public order, internal or external.
2. Abuses and obstructions of public authority.
3. Acts injurious to the public in general.
4. Attacks upon the persons of individuals, or upon rights annexed to their persons.
5. Attacks upon the property of individuals, or upon rights connected with and similar to rights of property.
6. Attacks upon government—political crimes.
7. Offences against the currency, such as counterfeiting.

In order that any of the foregoing should constitute a crime, the intent to commit crime must be shown. Herein lies the importance of a knowledge of the pathologic and psychologic state of accused individuals. A certain degree of mentality is absolutely essential to intent, for without full knowledge of the consequences, and some sort of conception of a reason for the act, crime, in the legal sense, cannot be committed.

It is self-evident that the legal aspects of the acts of human beings cannot be the crucial test of criminality, as understood by the criminal anthropologist. The study of the conditions underlying crime demands that in many instances, so far as the antisocial character of the acts is concerned, we weigh the criminal who is irresponsible in the same scientific balance with him who commits a crime with intent, and with a complete knowledge of the consequences of the act and the penalty therefor. The fact that nothing is a crime which is not so pronounced and punishable by the law has only an incidental bearing on the degeneracy which is, in the main, responsible for the crime class. In classifying crimes the law makes no distinction in the character of the persons who commit them. Were the common law the standard by which criminal acts are judged, a uniform criminal code might be possible, but different countries have different codes,

and in America immense variations exist, due to the statutory modifications of common law adopted by the different States.

CLASSIFICATION OF CRIMINALS

Obviously, the legal classification of crimes has no relation to the scientific aspect of the crime question, save in so far as the criminality of the insane is concerned, and even here medical science has had to fight its way inch by inch towards an intelligent and humane modification of jurisprudence. From the scientific stand-point it is impossible at present to classify criminals in harmony with the legal classification of crimes. The physical and psychologic status of the offender is the basis for all scientific classifications. Broadly speaking, criminals, from the author's point of view, fall under the following heads,—viz.: (1) Instinctive criminals,—born criminals, the moral imbecile, or so-called moral insane,—the stable factor in criminality. (2) Criminals by impulse,—the occasional criminal, criminals by passion, criminals from accidental or intercurrent factors of disease, inebriety, necessity, or social excitement. (3) Epileptic and insane criminals. (4) Political criminals.

Classes 2 and 3 may be logically termed the unstable factors of criminality. They include among other factors the results of auto-intoxication in both previously normal and morally weak subjects. Many neuropaths go through life without criminality because subjected to no especial stress. The results of political excitement, industrial crises, and social hysteria are important factors in the development of this class. The climacteric, in both male and female, and especially in the latter, is also important. Even in subjects affected with coarse brain disease, some exciting cause may be responsible for the development of criminal impulse. The criminal by impulse may have no natural tendency to crime. Murder, suicide, and theft may result from accidental causes removing inhibitions in subjects of irritable emotionality. The most distinctive type of criminal by impulse is the criminal by passion, who commits assault or murder while in the frenzy of anger. The question of emotional insanity enters into consideration in this connection. While to my mind a pathologic

entity, and very important scentifically, emotional insanity is the most dangerous factor possible in jurisprudence. It could be made to cover—and logically—practically all cases of murder and assault. It certainly could be made to cover all cases except those in which deliberate preparation is shown and cases of murder by criminals in the exercise of their profession.

The occasional criminal or criminal by impulse can be converted into an habitual criminal very readily by unintelligent administration of law and its penalties. This charge also may be safely made against society,—viz.: A large proportion of adult habitual criminals have been made by society's neglect of juvenile offenders, on the one hand, and their ill-advised punishment, on the other. They have never had a "show."

The political offender is not necessarily a criminal. Every revolt against despotism that the world has ever known has been a political crime. A revolt of the minority against the majority, or a revolt of the majority against the despotism of a dominant minority, has been the fountain-head of political crimes. The penal colonies of Russia teem with men who are martyrs to their political ideas. England and France have a long score to settle with humanity on the same grounds. But not all political offenders are martyrs. The slayer of a ruler may be a murderer by instinct, in whom alleged political fervor is but the needed element of suggestion to kill. He may be a paranoiac, for whom either anarchy or a fancied grievance is the needed suggestion. The revolutionist who tries to overthrow an existing form of government, however vicious it may be, is a political criminal if he fails, a hero if he succeeds. The difference between George Washington and Jefferson Davis, or between Grant and Lee, was merely a matter of success or failure. The rebel of to-day is the hero or martyr of to-morrow. Christ was regarded and treated as a criminal; so were the early Christian martyrs. Charlotte Corday has been all but enrolled among the Saints; John Wilkes Booth's name is anathema; yet both were degenerate patriotic fanatics, who murdered from the same principle. Neither committed an act inconsistent with normal brain constitution; such acts have been perpetrated by non-degenerates from similar

motives. *Sic semper tyrannis* has ever emanated from a clear conscience.

Crime is the most important of all antisocial acts, but the more carefully and broadly it is studied, the more evident it becomes that it is but one of many phases of social disease built upon a common foundation, involving the most complex social, psychologic, and pathologic conditions.

DEGENERACY AND SOCIAL DISEASE

Degeneracy, or a degradation of development from the average normal type, is the fundamental cause of the majority of the multiform antisocial acts included under the captions of vice and crime. This degeneracy may be inherited or acquired. It is a pity that we cannot at once reduce all social disease to degeneracy as its ultimate. This is, in effect, what the modern school of criminal anthropology claims to have done. This new science, the age of which is but little past the quarter-century mark, has developed much that is striking and valuable. Its birth marked an epoch in sociology and criminology; small wonder that it has developed certain untoward results which are inseparable from scientific enthusiasm. Some of its disciples have sought chiefly for the things they wished to find. Many of its opponents have sought only for facts contradictory of those gathered by the criminal anthropologist. The pendulum has not yet swung back to that mean of scientific thought and study where the golden grains of truth are to be found, untainted by bias for or against a new theory.

The essence of degeneracy is neuropathy—usually hereditary. Behind all processes of nutrition and growth is the physiologic architect, the nervous system. Through its trophic function the materials brought to the tissues are builded into cell and fibre. As is the integrity of the nervous system, so is the integrity of the structure built up through its influence. Glandular organs, especially, are affected by variations of innervation. Upon the quality and quantity of gland products the bodily health largely depends. This subject is in its infancy, as yet; this much we know, however,—viz., that the function of brain and nerve tissue

is seriously perverted by certain morbid conditions of the glandular system.

The quantity, quality, and assimilation of food pabulum is the key-note of stability of tissue-building. With the source of the architect's own energy sapped by innutrition, and the materials brought to his hand made pernicious or defective in quality or insufficient in quantity, structural degeneracy must needs result. The importance of this as regards the brain is obvious. It bears directly upon the question of the relation of malnutrition to social pathology.

Inasmuch as tissue-building depends upon the functional integrity of the nervous system, it is evident that degradation of development—*i.e.*, degeneracy—has a neuropathic foundation. Whatever the exciting cause of a given social disease may be, the predisposing cause in the degenerate is a neuropathic constitution, giving rise to a perversion of formative energy which may be either in favor of or against a given structure. This neuro-psychic degeneracy is not necessarily obvious; it may remain latent until some stress influence is brought to bear. The first debauch may demonstrate the existence of neuro-psychic degeneracy and develop inebriety in a person hitherto supposed to be perfectly normal. Temptation to crime may be followed by acts which show for the first time that the individual is a neuro-psychic degenerate.

It is a self-evident proposition that neuro-psychic degeneracy involves varying degrees of instability of will, irritability of temper, moral sense, and conscience. Leaving out of consideration the born criminal, whose moral sense is a negative quantity, and who, therefore, is the stable factor in criminality, the underlying cause of social disease is, in general, instability of neuro-psychic equilibrium.

The phenomena of neuro-psychic degeneracy are obviously not necessarily productive of criminality, nor, indeed, of any moral lapse. Neither physical nor psychic degeneracy necessarily indicates a criminal, nor even the existence of criminal impulse. The occasional criminal is often, but not always, a degenerate. The born criminal is invariably a degenerate. The

reverse, however, is not true, for many degenerates have no criminal tendencies whatever.

Crime is only one of the many phenomena that degeneracy may produce. To this common cause may be attributed a large proportion of cases of inebriety, insanity, epilepsy, pauperism, and prostitution. Degeneracy, however, although the chief etiologic factor common to all the varying forms of social disease, does not operate alone in the production of the given result.

Much stress is laid by criminologists upon deformities of various kinds in the degenerate classes. Undue importance has been assigned peculiarities of conformation, and false deductions drawn from anthropologic studies of the criminal, which are hindrances to scientific progress. Mere deformity counts for nothing unless associated with general developmental imperfections, to which mental and moral defects can be logically attributed, or with which such defects are naturally associated. Acquired deformity is of no moment in the causation of crime unless associated with injury or bad nutrition of the brain or nervous system. Degeneracy, properly speaking, involves conditions laid down during embryonic life. As already stated, it is essentially a neurosis, involving nutrition and growth. It is, however, made to include conditions acquired, or at least developing, after birth, in which it is not easy either to affirm or deny hereditary or congenital defect as a foundation. Its marks or stigmata are important only as bearing upon general or local faulty development affecting the organ of mind.

Moreau (de Tours) has endeavored, and with some success, to systematically formulate the biologic effects of degenerate heredity, as follows:

1. Sterility.
2. Retardation of conception, or partial sterility.
3. Incomplete—*i.e.*, partial—conception, with abortive products, such as moles.
4. Incomplete developmental products,—monstrosities.
5. Neuropathic products, such as epileptics, inebriates, imbeciles, deaf-mutes, idiots, the insane, and other cerebral phenomena.

6. Lymphatic subjects predisposed to tuberculosis and kindred diseases.

7. Children who show a special proneness to die in infancy, under conditions resisted by sound children.

8. Children who, while escaping the stress of infancy, show a less than normal resistancy to disease and death.

That a more or less definite physical cause underlies all psychic phenomena is probable. That the physical basis of many such phenomena is too occult for detection by any known method of research is not open to controversy. To say that we will one day be able to trace all intellectual and moral phenomena to an appreciable cause may be within the bounds of truth, but it is somewhat egotistic, for it is, in effect, claiming that we will one day know the secret of life itself. In any event, we are at present compelled to consider the phenomena under consideration as entities in social pathology, and, theories aside, it must be acknowledged that many of the phases of social disease must be dealt with on their merits, irrespective of cause. We sometimes can discover no more of their fundamental physical nature than we can of that of electricity.

Where no physical aberrations appreciable either during life or post mortem exist, we are hardly justified in claiming that any given moral defect is an evidence of degeneration, unless prepared to prove that it is the result of a distinct individual antisocial tendency. A given antisocial act, in which no antecedent or subsequent acts evincing criminal or immoral tendency can be shown, is to be weighed very carefully before assigning degeneracy as a cause. This is especially true in view of the fact that there is no arbitrary standard for normal man, either psychic or physical.

The foregoing points are of especial importance in the consideration of many occasional or sporadic acts of criminality, occurring like a thunderbolt from a cloudless sky, in the lives of hitherto blameless characters. Removal of inhibitions upon the normal man is explanatory here. Such phenomena may be purely atavistic. Degeneracy is an explanation that does not always explain.

It is to be understood, then, that certain causes of crime operate by producing degeneracy, or by developing criminal impulses in the degenerate, but that they also act by removing inhibitions in what is ordinarily understood as the normal subject. I will assume, also, as a corollary, that normal man is naturally disposed to crime and vice. This disposition he owes to the possession of appetites and selfish impulses in common with the lower animals. The inherent primitive disposition of man to antisocial acts is the coefficient of the specific gravity of morals, which tends to pull him down in the moral scale as soon as his inhibitions are removed. The higher, or altruistic, social instincts of man are distinctly artificial. They may be termed "normal" by courtesy only. They are as artificial as every other result of adaptation to civilization. Man has risen in the moral, and therefore in the social scale by virtue of his success in battling with his primitive instincts. He is stronger than these instincts proportionately to the number, force, and duration of the inhibitions that the exigencies of civilized society put upon him. The terrific, socially degrading power of the specific gravity of morals—due to the clinging of primitive instincts—is shown in the fall from grace of the supposedly civilized savage who goes back to his blanket and moccasins at the first opportunity. Moral automatism has replaced in the white man the more primitive—more primitive because more feebly inhibited, and for a shorter period—instincts of the savage. There is little difference between civilized man, with his inhibitions removed, and the supposedly tamed wild goose in the barn-yard, whose "civilized" inhibitions are removed by the cry of the first "honker" that flies over his head.

Heredity and atavism aside, the various influences operating in the removal of moral and social inhibitions, whether through the medium of degeneracy or otherwise, might safely be included in the generic term, environment. Here, again, the principles of evolution control. Even where actual disease or degeneracy of structure exists as a tangible basis for immoral or criminal acts, environment is generally primarily responsible, either for the faulty organization or for the conditions that operate as the ex-

citing cause of a given act. Vicious heredity is itself often the result of the action of unfavorable environment upon the parent stock.

SPECIAL CAUSES OF SOCIAL DISEASE

Surveying the entire field of social disease, due consideration being given to the overlapping, correlation, and co-operation of the various factors, and to that all-pervading predisposing factor, the specific gravity of morals, the causes of crime, prostitution and other sexual vices, insanity, pauperism, and inebriety, may be formulated as follows:

1. Hereditary influences, direct or indirect, with or without perceptible physical aberrations. Habit, persisted in through succeeding generations, may result not only in physical aberrations attended by psychic abnormality, but in a faulty power of reasoning which, although not associated with variations of physical conformation, may yet be transmitted through many generations.

2. Defective physique, hereditary or congenital, and imperfectly developed intellect. This involves reversions of type and cases of imperfect brain development from lack of training in subjects born normal. Neglect and faulty management of children are involved in the foregoing.

3. Acquired general disease, lessening the moral sense and will power, as seen in vicious or criminal acts under the influence of acute febrile delirium or mania. This factor also involves the relations of autotoxemia to crime.

4. Acquired or congenital brain and nerve degeneracy or disease, with psychopathic results. Injuries of the brain. Insanity, epilepsy, and hysteria.

5. Alcoholic and other forms of inebriety.

6. Vicious example and surroundings. This involves the question of criminal contagion by herding together all grades of criminals, and neglect of children.

7. Defective education and moral training, and consequent imperfect mental and moral discipline. Here, too, neglect of children comes into play.

8. Criminal suggestion. This involves individual suggestion, hypnotism, and the influence of bad literature and the press.

9. Perverted conception and maladministration of the law. Unjust dispensation of law.

10. Alleged detective science or man-hunting. Police persecution of discharged criminals.

11. Matrimonial misalliance, physical, moral, and social. This involves the question of consanguinity and the marriage of degenerate and diseased persons in general.

12. The marriage and intermarriage of criminals,—*i.e.*, the special breeding of criminals or possible criminals.

13. The climacteric, especially in the female.

14. Aberrations and perversions of the sexual instinct. This may be due to congenital defect or acquired disease. It may result from vicious training.

15. Anarchy in its various forms. This embraces anarchical fanaticism, corruption in politics, political encouragement of ruffianism, protection of criminals, imperfect and corrupt police systems, and the lawlessness of capital and labor.

16. Poverty and niggardly or misapplied charity, with consequent failure to relieve actual want. As is well known, starvation and crime are first cousins. Adverse industrial and economic conditions enter into consideration here, as also does the idleness produced by them.

17. Factors peculiarly American. The importation of the criminal refuse of the Old World, and, what is worse, individuals with fanatical social and political views. The race problem.

18. Idleness, whether from choice or circumstances over which the individual has no control.

19. The speculative and gambling instinct. The desire to acquire wealth without giving the *quid pro quo* of talent or labor. This involves insurance frauds, breaches of trust, and many other forms of fraud.

20. The special factors in America of a rapidly increasing general neuropathy—incidental to the wear and tear of strenuous life—and the high cost of living.

A thoughtful survey of the foregoing tabulation of causes at

once demonstrates the truth of the premise that no single factor operates alone in the production of a special form of social disease. It is also evident that the various causes rarely, if ever, operate independently of each other. Several are usually combined, the given antisocial act being the focal point of their action.

Many of the causes of crime that I have enumerated have received elaborate discussion under special headings in other chapters of this volume, and require little or no attention here. I will confine myself, therefore, to certain special points that have not been fully considered elsewhere.

DEFECTIVE PHYSIQUE

Defective physique, in general, has not received the attention it deserves in the causation of crime. The old adage, *mens sana in corpore sano,* is too often forgotten. Especially is it ignored by the legislator and penologist. A normal psychic balance and a brain fed with blood that is insufficient in quantity or vicious in quality are physiologic incompatibles. The nearer we get to the marrow of criminality, the more closely it approximates pathology. The questions of physique, education, and surroundings of children are the warp and woof of the fabric of prevention of crime. That society neglects its fundamental duty of caring for children is not open to argument; that the result is disastrous is even less so. Even the hereditarily degenerate criminal or prostitute may sometimes be saved; the child of good heredity may generally be. Society's duty is as plain in the one case as in the other.

CONTAGION OF CRIME

The element of criminal contagion in the etiology of crime is most important as bearing upon children. The convicted child who is allowed to associate with older and more hardened criminals is forever lost. Twenty years ago, in a monograph on the "Pathogeny of Vice," I pronounced our Bridewell a "college of crime." Since that time much attention has been directed to the indiscriminate herding together of offenders, old and young, of habituals and first offenders. Our Chicago Juvenile Court is the outgrowth of slowly increasing intelligence in penology.

Many years ago the following dialogue occurred between a prison visitor and a boy inmate:

"Say, what do they send boys here for?"

"Why, I suppose to make them better boys."

"Well, it doesn't make 'em better; they get worse. I didn't know how to pick a pocket till I came here, and I didn't know any fences."

Here, in epitome, is the terrible story of society's blindness and stupidity.

Most criminals begin their career at a time when it is not always easy to differentiate between propensities that are naturally evil and the heedlessness and lack of altruism of youth. Just as prostitutes usually begin their career at a period of life when the tares might easily be separated from the wheat, so with those who enter a life of crime. Only careful supervision and good example and surroundings save many normal boys and girls from an immoral or criminal career; what chance does society offer the child of vicious or degenerate parentage and evil surroundings? The history of penology has been marred by bad logic and inhumanity. Children have been convicted of petty offences and sent to prisons and reformatories to be converted into criminals by profession. Children are nothing if not imitative, and are inclined to hero-worship. To the child criminal the older and more hardened offender is a hero and mentor, whose counsels are Socratic in wisdom. Once a boy falls in such company, he is forever lost, unless some powerful hand is extended to save him, and—society does not extend the hand. I have seen hundreds of lads in prison whose presence there was a disgrace to civilization, and a large proportion of whom might have been saved. In many instances the family history alone should have warranted their adoption as wards of the State long before they had committed any offence against society. On one occasion, several years ago, I saw over forty boys in the Chicago Bridewell, in the majority of whom there was a history of crime, inebriety, or prostitution in the parents. Few of them had ever had any schooling to speak of. None of these boys was over fifteen or sixteen years of age, and some were not over

twelve or thirteen. A short sojourn in prison classifies and crystallizes such boys as criminals for life. They dream only of the day when they shall be celebrated "guns," doing "big jobs." After a few commitments they look down with haughty pride on the first offender.

Many boys are sent to prisons and reformatories who would better be spanked and sent home to their parents. In many instances the parents should be compelled to show that proper home example and discipline are afforded their children. The legal status of children's bad conduct is a very pernicious social factor. The healthy boy does not live who has not committed acts which would bring him within the pale of the law were he caught in his mischief and the usual legal remedies dispensed to him. The child of good parentage may get the spanking, but he who has no parents, or vicious ones, is sent to jail. The mischievousness and selfish disregard for the rights of others in the one is eventually replaced by altruism; in the other comes the jail, and confirmed criminality replaces what may have been an accidental manifestation of an undeveloped moral sense and a disregard for the rights of others.

Bishop Robertson, of Missouri, in a speech once likened justice to a pair of huge iron jaws that opened and closed with mechanical regularity. Nearly every man at some time in his life does something that brings him within reach of those jaws; but it happens with many that they are out of reach when the jaws are opening and closing, while others, less fortunate, but no more guilty, are caught. He illustrated the inequalities of justice by a story of two boys who were truants and went to a farmer's orchard to steal apples. One of the boys was caught; the other escaped. The one who was caught was turned over to the constable and placed in jail, where he was thrown among criminals long enough to fall under the influence of evil associations. When released he was much worse than when arrested, and got deeper and deeper into crime. The other boy, with whom he had gone out to steal apples, remained in school, was looked upon as respectable, acquired an education, became a lawyer, and finally became a judge.

Twenty-five years after the apple-stealing episode, the boy who ran away and escaped punishment was the judge who sentenced to death for murder the boy who had been caught, and whose punishment had started him in a career of crime.

Apropos of the imbecility of the authorities, I recall an episode of my own boyhood that will serve as a very pertinent example: When a boy of some sixteen years of age, I chanced to see a party of small boys engaged in jeering at two full-grown men who were vainly trying to control a balky horse. Becoming exasperated, the men charged the boys, and were proceeding to abuse a little chap who was crippled and could not escape. I interposed and saved the lad. At this juncture, one of the other boys threw a stone and knocked down one of the men. The boy who threw the stone was not identified, but a few days later five of the smaller boys and myself were arrested at school, taken to the police station, and locked up in a cell; it was said as "witnesses." The five hours' imprisonment would have been prolonged from Friday afternoon till Monday morning, had not a friend of my family heard of the trouble and bailed the party out. Had the station-house been peopled with criminals at the time, the exposure to psychic contagion would have been somewhat demoralizing to young lads whose ideas of right and wrong revolved mainly around selfish boyish impulse.

THE SLUM FACTOR IN SOCIAL DISEASE

The environment in which the children of the very poor and of the degenerate classes are reared is such as must necessarily breed immorality, crime, and vice. The crowded habitations, and filthy streets and alleys of large cities are fertile soil in which to bring the seeds of crime to fruition. Here the gardeners of vice raise large crops. In metropolitan slums the haunts of depravity and disease are found in their highest development. Reeking tenements, cheap groggeries, the house with green blinds ajar, behind which the spider sits waiting for human flies,—to whom the temptation to sexual debasement is all sufficient lure,—low dance-halls, pawn-shops and fences where questions are never asked,—these are the settings of the stage on which the children

of the slums act their juvenile parts, act them so well that they finally glide into their predestined places in the patchwork of crime and prostitution without perceptible transformation. The teaching and example of the drunkards, hoboes thieves, filthy personalities, gamblers, and prostitutes of the city slums are rarely ineffective. The child born and reared amid such surroundings has about the same chance of escaping a life of shame or crime that an unvaccinated baby confined in a pest-house would have of escaping smallpox. It is not surprising that there should be a constant and endless stream of thieves, murderers, prostitutes, mendicants, lunatics, epileptics and hospital patients in general issuing from such recruiting stations as the city slums.

Placed in the same or similar circumstances, how many individuals would have turned out better than the children of the poor, lapsed, sunken multitude of the slums? Here is the keynote to the situation: Criminals and moral lepers are born in the atmosphere of moral and physical rottenness pervading the slums of large cities. Here are bred moral and physical typhus. Here arises the social miasm, the poisonous effluvium that taints both blood and morals. Here is the fountain-head of the river of vice and crime. Here is the source of that slimy ooze that preachers and moralists talk of but rarely penetrate, for they study social problems from the top. Here is the field in which General Booth, the erstwhile "crank," has made himself undying fame as a philosophic moralist, to the everlasting shame of some of the fashionable religious temples of our grand avenues.

Misery, poverty, idleness, drunkenness, and disease—these are the grandly offensive pillars that support and make necessary our reformatory system, yet receive no attention from it. Society permits the existence of social cesspools, and taxes honest and industrious people to stamp out its results, and there are those who believe that such conditions are to be combated by dealing only with their effects. This is as logical as treating the sick man for his fever and forgetting to wash out some infecting sore which, though covered from sight, ever breeds a new and varied supply of putrescence to poison his blood.

The failure of the State to keep in touch with childhood and

its conditions is responsible for the system of criminal apprenticeship in vogue in every large city. Boys and girls are trained by expert adult criminals in all varieties of crime. Pocket-picking and shoplifting are the beginnings upon which a career of trained, expert criminality is built. Nearly every well-organized gang of thieves has its juvenile contingent. These children are invaluable aids to the older thieves, serving as scouts, pickets, and a bureau of information. There are many Fagins in our large American cities. Dickens's novel, "Oliver Twist," has more than a local London flavor.

CHILD LABOR

The child-labor problem is one of the most important factors in the causation of crime. The "little white slave" is a menace to society that is daily and hourly growing more formidable. The shutting out of mirth and sunshine from childhood is horrible in itself. That children should be compelled to labor during the period of play and growth is worse. The idea that young children should be compelled to enter the battle of life for subsistence, and to aid in the support of their elders, is not comforting to one who has a normal amount of the milk of human kindness in his composition. The fact that education is impossible to children who labor is worthy of most serious consideration. Upon the health and training of children the very foundation of national prosperity rests. Stunted in development, dwarfed in intellect, impoverished in blood, leading existences into which "life, liberty, and the pursuit of happiness" enter no more than they do into the existence of a draught-horse, the little white slave is an embarrassment to the present, and a portent of evil to future generations. The coal baron, the factory owner, the boss of the sweat-shop, and the autocrat of the department store care naught for sentiment on the child-labor question. The modern Shylock must have his full pound of flesh—and he prefers it young and tender.

The child of four toddles off to the breakers in the coal-mines, children not yet in their teens bend their little backs at the looms, infants scarce out of their swaddling clothes jump at the cry of

"cash!"—and our country spends two hundred million dollars annually for the correction of crime. We are spending millions in territorial expansion, which expense is even less rational than our expenditures for jails and courts; yet children must work.

That illiteracy is increasing in the little white slave States statistics show. A comparison of the census of 1900 with that of 1890 as to the relative proportion of illiterate children from ten to fourteen years of age shows some alarming figures:

In 1890 Massachusetts was the second State in the Union in point of the literacy of her children,—that is, she had a larger percentage of children able to read and write than any other State except Iowa. Now Massachusetts stands ninth. Illinois, in 1890, was sixth; now it is fifteenth. New York, in 1890, was eighth; now it is fourteenth. Pennsylvania was fifteenth; now it is twentieth. Ohio was third; now it is fourth. The manufacturing States have steadily declined in the scale; the agricultural States have as steadily risen. The reason is not far to seek.

The factory inspectors report the children employed in the factories to be about nine thousand in Massachusetts, sixteen thousand in New York, twenty thousand in Illinois, thirty-five thousand in Pennsylvania. These are merely the children employed in factories. Besides the thirty-five thousand in the factories of Pennsylvania, probably as many more are employed in the mines, under the most frightful conditions.

The result of the employment of child labor can only be degeneracy, with its attendant train of social disease. Future generations shall reap the harvest we are sowing to-day. The relation of illiteracy to crime is so plain that he who runs may read. Without mental training brain development is defective. Defective brains are the fountain-head of social disease. The child criminal is something of which civilization should be ashamed.

Two boys, aged fifteen and seventeen respectively, were recently hanged in one of our Southern States for the murder of a merchant whose store they were burglarizing. A social system in which such deeds as the murder of children to avenge murder by children are possible has little to boast of. Especially is this

true of a State in which human life is held so cheap. But killing out of season is not approved down there, and, besides, there must be an execution once in a while to show that the killing of men is considered murder—sometimes.

SUGGESTION AND CRIME—THE PRESS, EVIL LITERATURE, AND THE STAGE

Suggestion as a cause of crime has not received the attention it deserves. The foundation of criminality being usually a neurosis,—an unstable equilibrium of the centres of moral control and will,—it is obvious that the conditions are favorable to the influence of suggestion. The various phases of suggestion in criminality may be classified as follows:

1. Suggestion by mere association with criminals.
2. Suggestion by the press and pernicious literature.
3. Active suggestion of specific criminal acts by vicious and depraved persons.
4. Hypnotism.
5. Suggestion imparted by the apparent safety and profit of a given form of vice or crime.

Probably the most powerful factor of suggestion is the press, with its glaring, sensational headlines and vivid accounts of murder, theft, and suicides. The neuropath reads of a great embezzlement followed by successful flight, or by capture which he, in his superior wisdom, could have avoided; of a successful speculative coup; of the murder of a guilty or suspected wife; of a daring hold-up or burglary; of a suicide—and the suggestion is made. The result depends upon the environment and existing mental bias of the subject. Most often the suggestion results only in brain-pictures of himself committing similar deeds; only too frequently, however, the impulse to go and do likewise is too strong to be resisted. Literature of all grades has its effect in criminal suggestion. The dime novel of youth is a dangerous element in its training; one that has often led to crime. There is a "literary" disposition to lionize the desperado that is disastrous to the morals of boys. Dick Turpin, Billy the Kid, the Earps, Wild Bill, Jesse James, and Cole Younger are

boyish ideals. Even the grown-ups are not free from hero-worship of cut-throats, as witness the blanket of charity and benevolence with which the public has covered the records of the surviving members of the James and Younger families. Yet boys are being hanged for murder, and stealing a horse on the border is a capital crime. Children go to prison for trifling offences, and the man who asserts his manhood and knocks down an insolent blackguard in a city street is wont to be arrested and fined for assault. There is something so heroic about holding up a train, something so noble about going through a man when one has the drop on him, and blowing a hole in his anatomy if he resists, that we must needs make a hero of the desperado.

The influence of the morbid and sensational in literature has been most pernicious. There is a moral or psychic contagium in certain books that is as definite and disastrous as that of the plague. The germs of psychopathy,—of mental ill health,—are as potent in their way and, as things go nowadays, as far-reaching in evil effects, as syphilis or leprosy. The average lay reader can but be injured by prurient realism; can only be made mentally and morally sick by the vagaries of certain literary paranoiacs. The pubescent reader is in the greatest danger from unhealthful reading. He or she is in a condition of unstable equilibrium—adjustment to environment is not yet perfect; the emotions are keyed to the highest pitch; the centres of ideation are plastic. As the psychic twig is bent at this time, the cerebral tree is indeed inclined. Many a life has been ruined by psychic wounds,—wounds from infected and infective ideas at this critical period. Especially is this true of ideas affecting the psycho-sexual centres, a point that will again be referred to later on.

The boy brigands, robbers' roosts and caves of the boyish readers of yellow-backed literature are treated as a joke by most people, but careful notation of the numerous bands of boy thieves discovered by the police of our large cities puts a different complexion upon the matter. The car-barn bandits of Chicago were dime-novel bred.

The direction in which morbific suggestions will bend the vacillating will of the subject is determined largely by accidental

influences. Sexual perversities, crime, and especially suicide, may follow according to circumstances. The melancholic pubescent and the "world weary" older subject alike incline to suicide as a panacea for a hyperesthetic and "unappreciated" ego.

It will be noticed that cases of wife-murder based upon jealousy and followed by the suicide of the murderer are usually epidemic, one case of the kind being followed very speedily by a number of others. Here the suggestions of jealousy, revenge, and suicide act simultaneously. The detailed descriptions of wife-murder and suicide appearing in the newspapers are mainly responsible for the multiplication of such cases.

Multiple suicides are especially likely to follow gruesome descriptions of the act by the daily press. A lovelorn servant-girl poisons herself with arsenic or carbolic acid, and the report of her suicide is followed by a succession of others. No description of the horrible sufferings of persons poisoned by arsenic or carbolic acid is sufficient to deter persons of unstable mental equilibrium from the same act when once the suggestion is experienced.

An abandoned new-born infant was found in the snow in Chicago one Christmas-day. All of the details were published in the newspapers. Within a few weeks a number of children were abandoned in a similar manner. There were plenty of unwelcome children, whose mothers awaited opportunity to rid themselves of their burdens. The press not only suggested the act, but pointed out the way.

Under the somewhat fallacious caption of "Indirect Contagion," MacDonald bears testimony to the power of suggestion in causing crime.[1] Aubry says,[2]—

"The newspaper admirably points out to clever people how they may succeed without risk in walking on the margin of the criminal code, and how they may avoid or circumvent some dangerous clause. There is also another side of the question, and that is the effects which criminal

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[1] Criminology, Arthur MacDonald.

[2] Aubry, Transactions Congress of Criminal Anthropology, Geneva, 1902.

details produce on those whose nervous systems are unstable; they may naturally have no tendency to crime at all, but continually reading about it may easily excite them and prove a dangerous incentive to many bad deeds which would otherwise have been unthought of. It is most desirable that the details of criminal reports should be judiciously cut down before publication.

"A woman of Geneva killed her four children, as she said, 'As a woman did it, which was in the newspapers.' A lad of fifteen stole from his patron; when the money was spent, he stabbed a child in the abdomen and afterwards cut its throat, saying, 'I have often read novels, and in one of them I found a description of a scene similar to this which I have executed.'

"The publication in the newspapers of criminal details and photographs is a positive evil to society, on account of the law of imitation. In addition, it makes the criminal proud of his record, and excites the morbid curiosity of the people, affecting especially the mentality of the weak."

The press and literature in general should be held responsible for criminal suggestion only in so far as they inculcate false moral standards in undisciplined minds and present news in an unnecessarily sensational manner. The modern newspaper is the great educator of the masses. Its publishers should remember the tremendous moral influence it has upon the public. Public thought and public morals are a reflex of the press. The newspaper is supposed to be a reflector of public opinion. This, as Nordau says, is one of the fallacies of civilization.[3] The self-appointed newspaper apostle of public opinion simply presents his own ideas, or business and political expressions, and labels them "Public Opinion," knowing that in due time they will become public opinion—and bring grist to his mill. The popular conception of the relation of the newspaper to public opinion is simply a confusion of *propter* and *post*.

It would certainly be illogical and unfair to the press to hold it responsible for the degenerate flotsam and jetsam among its readers. It should, however, be held responsible where it takes advantage of the specific gravity of morals and caters to the baser elements of normal man, and, more especially, the morbific tastes

[3] Conventional Lies of our Civilization, Max Nordau.

of the degenerate. In short, the press should discountenance yellow journalism, one of the most demoralizing factors in modern civilization.

Personally, I believe that whenever a newspaper can be justly accused of being despotic and cowardly, while masquerading under the bravery of absolute safety from both physical and legal assault; when it invades unnecessarily the privacy of the personal and home affairs of individuals; when it constrains personal liberty and infringes on personal rights; when it is accessory to crime before the fact by advertising swindling schemes; when it panders to both immorality and crime, especially by advertising abortionists and their remedies; when it caters through the news columns to the more depraved elements of human nature; when it perpetrates frauds by publishing untruths or half-truths; when it ruins or besmirches reputations with no possibility of the victim being set right or getting redress, it should justly be impeached for prostituting its function of popular educator and disseminator of news.

The relation of disreputable newspapers to blackmail is so direct and so commonly observed that it requires no more than mere mention. The extent to which blackmail is carried on by such odious publications would doubtless startle the community if it were generally known.

In passing, it might be well to direct attention to the influence of the press upon legal administration. Press opinions and news regarding important cases have arrived at the point where all such cases have been tried and decided in the newspapers long before they go to the jury.

One of Chicago's most prominent lawyers once remarked:[4]

"In celebrated cases trial by jury is converted into trial by newspaper; the jury is packed against the accused with prejudice, class interest, national animosity, or prejudgment of the issues; the perjurer for the prosecution is bold and generally successful; the rulings of some of the presiding judges are commonly believed by the bar to be influenced by the press, and popular opinion supersedes the law of the land."

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[4] William S. Forrest, Transactions Sunset Club.

I submit that under prevailing conditions a fair trial of a momentous case is a Utopian dream—a cobweb of optimistic imagination. In regard to public opinion, it is to be remembered that the morals and intelligence of a body of men are, in general, inversely to their numbers. Mass reason is simply mass impulse. Public opinion, as viewed by the psychologist, is a dangerous judge before whom to try a man for his life or liberty. The average juror dreads it, and gives his verdict in fear and trembling. He fears newspaper ridicule and criticism.

A very important factor in criminal suggestion is the fact that crime seems to be relatively safe and profitable. The gigantic swindler, if successful, wins a far greater reward than thousands of honest laborers do collectively during the same period of time. Nor does he run such risks to life or limb as does the average laborer. A single mine explosion often destroys more lives, or injures and cripples more men, than are executed by law, lynched, or injured in the pursuit of criminal occupations in a given community during many years. It has been asserted that the average professional thief gets more comfort and luxury, and loses less time from his vocation, than the honest workman. Railroad and seafaring men, and those employed in many arts and manufactures, run far more risk than the average footpad or burglar. There are professional thieves in every large city who are well-to-do and have never been caught. Some there are who have acquired enough wealth to enable them to retire from "business" and live at ease. Labor and handicraft hold out no such inducements.

The ratio of arrests to crimes, and of commitments to arrests is so small that crime does not seem an especially hazardous occupation. Taken all in all, even murder is not so hazardous a pastime as some believe. In the year 1895 there were ten thousand murders in the United States, and only two hundred executions, including lynchings. The statistics for 1902 were similarly suggestive. The figures bear also upon the inequalities of justice.

Religious fanaticism has operated suggestively in the production of crimes. Conversely, it acts in the same manner in the

deterrence of crime. Radical political and social ideas have had the same effect upon degenerate minds.

True hypnotism as a cause of crime is infrequent, but its occasional occurrence should not be forgotten. Lombroso cites many examples of crime committed by hysterical women under hypnosis.[5]

According to Charcot, the condition of a hypnotized subject may be one of lethargy, catalepsy, or what is practically somnambulism.[6] The two former may be left out of consideration so far as crime is concerned. It is only in the somnambulistic stage that the subject is susceptible to suggestion. A fact of medico-legal importance is that, on awakening, the subject forgets his actions while asleep, and remembers them again only when hypnotized. It is obvious that the conditions surrounding hypnotism are such that it can hardly be said to be an important factor in the production of crime. The fact that it has been brought forward as a factor in the crime of rape, itself justifies the suspicion that there is likely to be much of humbug in the hypnotic theory of the cause of any given crime. Authentic cases must be rare.

The minor degrees of suggestion are much more important than hypnotism in criminal etiology. It is an unmeasurable quantity in crime, but, as already shown, enters largely into the causation of crime in general.

The stage has a place in criminal suggestion. Often, it is true, the stage points a moral and adorns a tale, showing vice and crime as it is, but it goes without the saying that the worse elements of the stage exert a much more powerful influence for evil than its moral teachings do for good. Human nature travels along the lines of least resistance. The specific gravity of morals —the brute beneath the thin veneer of civilization and refinement —drags down with a force well-nigh irresistible at all times, and is especially likely to overpower the victim of stage immor-

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[5] The Female Offender.

[6] Crime and Hypnotism, J. M. Charcot.

ality. Given the "psychic moment," and the average young person is disastrously influenced by sensational plays.

DEFECTIVE AND CORRUPT LEGAL MACHINERY

Corruption, venality, ignorance, and political taint pervade the machinery of justice in every social system. The resultant unjust and unequal dispensation of law is a potent factor in the causation of crime. From top to bottom—from the little justice shop, where a barrel of ignorance is regularly mixed with a teaspoonful of justice, to the dignified court, wherein a barrel of legal lore is mixed with as much justice as accident may determine—criminal law is tainted with maladministration and unfairness. The man who is disproportionately punished, and the man who is innocent yet is convicted, acquire a resentment against society that incites to crime. The guilty man who is acquitted, or receives a sentence lighter than he deserves, is made more confident in the safety of crime. Should he be freed through "pull," or by a clever lawyer, and especially if the jury is fixed, he becomes bolder than ever. When an eminent lawyer, practising at the Chicago bar, expresses himself as follows, something is certainly wrong:

> "There are wrongs in the administration of criminal law in Cook County, wrongs against the accused, wrongs against society, wrongs against the letter and the spirit of the constitution of the State. What are some of these wrongs? The rich and powerful are seldom indicted and never tried—well, 'hardly ever.' The Criminal Court of Cook County exists only to punish the poor and the vulgar. Manslaughter is committed by corporations with impunity. Men are convicted who are innocent. Even in ordinary trials the forms of law are frequently set aside and the rules of evidence ignored." [7]

The only too frequent practice of appointing incompetent, sometimes unscrupulous, and inexperienced lawyers to the State's attorney's office through political pull is a fearful evil. The only recompense for their labors, aside from a pittance of a salary, is the fame accruing from convicting somebody of crime. And

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[7] William S. Forrest, Transactions Sunset Club.

convict him they often will, on any sort of evidence, if he does not employ a cunning and perhaps not overscrupulous lawyer. The conscientious and capable man in public service is invariably overworked, so that he has little chance to rise above the mire of the system of which he is a part.

The law is often fair and impartial enough on its face, yet is applied and administered with an evil eye and unequal hand. Unjust discriminations are thus often made between persons in the same circumstances, that obviously are not in harmony with either the letter or the spirit of the Constitution.

The packing and bribing of juries is not unknown in our courts, and their possibility casts a cloud over the entire system of criminal law. The absurdities of criminal law are so multitudinous that it is almost invidious to select examples.

In an election in Chicago, once upon a time, two men, Mackin and Gleason, were convicted of ballot-box "stuffing." Mackin, a Democrat, was sent to the penitentiary; Gleason, a Republican, had his sentence suspended. The Supreme Court afterwards ruled that no crime had been committed by either man.

A thief, who had stolen a diamond ring, was recommended to the mercy of the magistrate by the State's attorney, who said that he hoped the justice would not hold the prisoner to the Criminal Court, but would give him another chance. It was afterwards shown that the thief had influence which caused the prosecutor to turn his office into an attorneyship for the defence, before the accused man had even reached the tribunal where major criminals are arraigned.

On the arrest of six burglars for the plundering of a store, it was found that one of the thieves was a well-known offender, who had been under arrest as a burglar six times before but had never come to trial, a relative in a municipal department having pleaded so well each time that the authorities had given him "another chance."

One S. M. was tried for murder. He was convicted on one man's direct testimony. All the other testimony was purely circumstantial. F., the man who testified against him, was convicted of being an accessory, on his own confession. S. M. was

convicted and sentenced to twenty-two years in the Illinois penitentiary. Some months later F. confessed that his testimony was entirely false, and that he was instigated to commit perjury by the promise of money, which he never received.

Some young women were sitting on the front stoop of their home in New York City one fine evening. A loafer entered the gate and insulted them. Their brother, who was near by, rushed to the scene and struck the man in the face, knocking him down the steps and killing him. For this he received five years at the Island.

A certain "bishop," convicted of starving to death children committed to his care, was sent to Blackwell's Island for several years. Through church influence the "Reverend" brute was made door-keeper at the hospital, which gave him time to write his memoirs, "From Pulpit to Prison." Unfortunately no appendix, "From Prison to Morgue," was written for its author, and through the intercession of his sectarian friends he was eventually pardoned.

A Russian nobleman, Count X., was sent to the Island for petty theft. He was in the last stages of tuberculosis, and starving. He stole so that he might compel the police to feed and house him. He died three months later. He was a political exile who had fled from Russia to the land of liberty and starvation.

Some of the most hardened criminals were wont to be entertained and fed most luxuriously at Blackwell's Island. Beds in the hospital and all the comforts of life were assigned to strong and healthy men and women with a pull, whilst sick ones were allowed to remain in the cells for lack of hospital accommodations. The surgeon was helpless; the warden was supreme.

A woman inmate of the State Immigrant Hospital at Ward's Island, New York, during my service in that institution, was poisoned by her husband, who gave her a pie surreptitiously. She treated some of the other patients to the pie, and all had symptoms of arsenical poisoning. The woman herself died. After some difficulty I succeeded in getting the coroner's office to take cognizance of the case. The deputy who made the

autopsy said, "The woman did not die of poison, but of gastritis, so there's no use in analyzing the stomach contents." Despite the history of this case, no further attention was paid to it by the authorities.

In a certain Southern city between fifty and sixty homicides have been committed within the last twenty-five or thirty years. In one affray between the chief of police and his friends, on one side, and the sheriff and his friends, on the other, five men were killed and several severely wounded. No one has ever been executed for any of these murders, and the few assassins who have been sentenced have been speedily pardoned out. Yet the city has plenty of law. A man thrashed another there for an alleged insult to his wife. The avenger was arrested and fined for two offences,—viz., assault, and carrying concealed weapons. He was mulcted ten dollars in each case for the prosecuting attorney's fees, and a double charge was made for constable's fees. All told, the expense of resenting the insult to his wife was about eighty-five dollars. Fine distinctions are thus drawn in some communities between carrying deadly weapons and using them with deadly effect. Thrashing a man is against established customs; shooting him is in accordance with the spirit of the old *régime*—which still lives. Czolgosz, "Anarchist," murdered a President, and within six weeks was electrocuted. Had he been a wealthy man, and his victim a plain citizen, it might have required several years to convict him, if, indeed, he did not go scot free, as witness the trial of Maxwell, the murderer of Preller, in St. Louis, who was a long time in getting his deserts.

In a recent murder trial of general publicity, the accused was convicted and sentenced to death. His wealthy father bankrupted himself to save his son, who, after four years' imprisonment, was acquitted. During this time, how keen his sufferings! how fearful the oscillations of his mind between hope and despair! His life was saved, but his health was wrecked and his poor old father bankrupted. The following propositions are obvious:

1. Whether guilty or innocent, only the expenditure of money saved this man from execution.

2. Having proved his innocence,—for his acquittal is at law tantamount to proving his innocence,—he has no means of redress for his suffering, loss of time, and besmirched reputation, nor can his father secure reimbursement of the hard-earned dollars he expended to keep the law from murdering his son. In whatever light it is regarded, only the hazard of a life redeemed the trial from the dignity of a farce comedy.

The world has not forgotten the Dreyfus case, the blackest spot on the jurisprudence of any modern nation.

The reputation besmirching, insult, intimidation, and bullying of witnesses—prerogatives of the lawyer—is one of the many obstructions in the path of justice. Competent and valuable witnesses are often kept off the stand by fear alone. Many attorneys take advantage of the situation and offer insults to witnesses that they would not dare breathe in their presence outside of court. And the judge sits solemnly by and permits affronts to helpless manhood and womanhood—helpless because of the sanctity and dignity of the court. Oftentimes the dignity of the court is not only, as De Montaigne says, "that mysterious carriage of the body which serves to conceal defects of the mind," but a mask beneath which lurks a smallness of soul and an atrophy of the moral sense that would disgrace a chimpanzee fresh from the African woods. But so long as there are courts, so long will cowards and blackguards maltreat witnesses under the benevolent protection of small-souled judges. Meanwhile, it does not require much acumen to determine the chances of a fair trial in many courts of law. The seeds of redemption, perhaps, lie in the fact that there are many men practising and dispensing law whose finer sensibilities revolt at the ways of some famous cross-examiners, and at the tolerance of blackguardism exhibited by some men upon the bench.

POLICE AND JUSTICE-SHOP METHODS

Police perjury is not to be ignored in the etiology of crime. The officer who is ambitious to make a "record" is not always particular as to methods. Ofttimes his list of "let 'em alones" among the real criminals is so large that he is at his

wits' end for something to make a record from. As Mr. Forrest remarks:[8]

"Great wrong is done in the administration of criminal law by perjury on the part of police witnesses. I admit that some of the best men in the city are to-day on the police force; yet police perjury is common Happily, however, the perjurer in blue usually lacks the capacity to make his villany effective. It is difficult to convince good men, unacquainted with city life, that some policemen ever invent a lie to convict the accused, if he believes him to be guilty. Yet it is so common that it is often safe for counsel for the defendant to rely merely upon the fabrications and inventions of the police witnesses in order to obtain an acquittal."

Civil service has changed conditions a little since Mr. Forrest made these remarks, but, in the main, they still hold good. Human nature and politics have not changed, as evidenced by the recent work of the Graft Commission in Chicago.

One of the most unjust, cruel, and illogical methods of the police is the "sweat-box." The extremes to which the officials will go to extort a confession from an accused prisoner will probably never be known to the public at large. The only witness of police methods who is likely to tell of them is the prisoner, and his evidence does not carry much weight. There is a growing suspicion, however, that were the whole truth known, the sweat-box would be found to be often characterized by extreme brutality. The psychic torment to which many prisoners are subjected is alone sufficient in some cases to extort a confession of guilt from an innocent person. The element of psychic suggestion enters largely into the alleged confessions of some individuals. In some instances it is probable that the accused confesses to rid himself of torment.

That actual physical abuse is sometimes inflicted upon prisoners in the attempt to extort a confession is beyond peradventure of doubt. The police act upon the preconceived theory of guilt, and their mistaken notions of duty, to say nothing of their ambition for a record of efficiency, may lead them to leave no stone

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[8] Transactions Sunset Club.

unturned in establishing guilt. In the case of young prisoners, and women, particularly, the sweat-box is a dangerous and unjust means of inquiry. Whether it is ever fair to attempt to coerce an accused person into a confession of guilt is open to question. In any event, such coercion should be conducted with great circumspection and hedged about with safeguards against inhumane methods and extremes of psychic abuse. The harassed mind of the prisoner is quite likely to evolve something which the biased energies of the police can distort into a "confession." This fact is patent to any one who knows even the rudiments of psychology.

When courts are biased, oppressed, and hampered by popular clamor, the chances of a criminal for a fair trial are very slender. Judge Dignity on the bench and Judge Lynch on the rum-barrel seem much alike as they rise on the crest of the wave of popular opinion—or popular rage. In a defence of the bench, a distinguished Chicago lawyer simply confirms my view of the psychic principle involved:

"We read of judicial murders in England in the days of Titus Oates and the Popish plot. We read of judicial murders in Paris during the Reign of Terror. We read of judicial murders in Massachusetts in the times of Cotton Mather and witchcraft. But it was not the Popish plot, real or fabricated, nor the French Revolution, nor witchcraft, that was the immediate cause of those judicial murders. The immediate cause of those awful murders was the popular fury, the temporary rage of the multitude, which overthrew the law."[9]

As an illustration of the logic of justice-shop law, here is an example:

A man, fifty years of age, was under arraignment for his first offence. He had stolen some twelve dollars, in small amounts, from the department store in which he was employed at a small salary. His plea was previous good character and necessity, his wife and mother being sick. The justice fined him ten dollars and costs. If he was guilty of stealing, and punish-

[9] W. S. Elliott, Jr., Transactions Sunset Club.

ment was to be meted out, a fine was neither adequate nor logical. If he stole from necessity, the imposition of a fine and costs should scarcely tend to discourage future theft, but rather to compel its commission. I at first thought that the magistrate was suffering from illogical philanthropy. He explained, however, that if he bound the prisoner over to the Criminal Court, "his employers would have to waste a lot of time appearing to prosecute." The usual plan is to send the offender to the Bridewell to work out his fine, and, if he is a tender sprig of recent criminality, or a "drunk," to have his education in crime rounded out to full fruition. Such absurdities in the management of crime are so common that one grows weary and disgusted in the contemplation of them, and loses all confidence in our laws and penal system as correctives and preventives of crime.

POLICE PERSECUTION

When Victor Hugo wrote "Les Misérables," he gave us in poor Jean Valjean the prototype of many poor devils in all civilized social systems. Many a poor fellow has been hounded and watched by the police after he has "done time" until, finding all other avenues of escape closed to him, he has broken back into jail. He must live, and as society offers no alternative,—for nobody will employ him, and the police keep him constantly on the rack for crimes he might commit,—he must steal to live. But it is not invariably thus. The watchfulness of the police is not always incited by a due regard for the protection of the community. The ex-convict with no "pull" and no resources is the one who is *persona non grata* with the police; the "protected" criminal gets along comfortably enough. The fellow without a pull has a stronger chance of getting into jail in the first place, and much less chance of retaining his liberty once he emerges from his involuntary cloister. But police officials must live, and reputations must be made at somebody's expense. The "gun" with a strong pull is not available, so the petty thieves must take the consequences. The manner in which some police officials in our large cities will strain every nerve to put a suspected man permanently behind the bars or on the scaffold sets one's teeth

on edge. The officer is desirous of making himself "solid with the front office," and is perforce compelled to go outside the circle of the elect—the "friends of the office"—for his material. The overzealous, honest officer sometimes runs against a snag by ignorantly attempting to show his efficiency by capturing and prosecuting a protected thief.

The acquittal of a suspected man or woman is a serious blow to the ambitious officer, whose sentiments would be very commendable were he always really convinced of the suspect's guilt. The suggestion of guilt of possible criminals hovers over the psychic area of the policeman like a gigantic bat, and tinges with unfairness the minds even of conscientious officers. From this psychic bias to wilful persecution from selfish motives is but a step.

INEQUALITY OF PUNISHMENT

Inequality of sentences is a blot upon criminal jurisprudence. Penalties for the same crimes vary in different States. Penalties for identically the same crimes also vary in any given locality. The personal bias of judges and the psychic status of the juries are especially responsible in this connection. The convict who is the victim of an unjust discrimination is made so rebellious that reformation is, in his case, an iridescent dream, and revenge becomes his watchword.

THE CLIMACTERIC

The relations of the climacteric to immorality and crime in the female is very obvious, and familiar to every neurologist, especially as associated with insanity and hysteria. It requires nothing more than mere mention here, as developing latent degeneracy in women. Statistics show that the proportion of women who begin a life of crime at or about middle life is larger than that of men at the same period.

The possibility of a critical period in the life of the male,—what may be termed a psychic climacteric,—and comparable to the climacteric of the female, has suggested itself to a few modern writers. It has, however, in its possible relations to crime and

moral offences, received little, if any, attention at the hands of scientific investigators. It is noticeable that many men become morally perverted at about the mid-period of life. This is especially true in America, where life is so strenuous that a successful man at, or even before, middle life is like a pugilist who has won a great battle, but is so beaten up that for him life holds no further victories. The successful American business or professional man is often a profound neurasthenic at thirty-five, whilst at forty or forty-five years of age he is not infrequently a physical and mental wreck. He may be, like the apples of Sodom, fair to look upon, but the oil is well-nigh out of his lamp of life. The damaged arteries, heart, and kidneys tell the tale. In addition he is fighting against a natural handicap common to all men,—viz., a nervous change corresponding to the menopause in women. This does not show as a physio-sexual change, but very frequently is psycho-sexual. It may not manifest itself in psycho-sexual aberration, but in moral degeneracy in general. Woe to him to whom temptation comes whilst such changes are occurring in his physical and mental organization. Honor, duty, love of family,—all the elements that go to make up his conscience,—are likely to be sacrificed on the altar of his hyperesthetic ego. That most physiologists will hold adversely to this view is probable, but the records of criminals, the divorce courts, and the revelations of the consulting-room show many things which might lead one to the conclusion that science is sometimes lame and blind in the study of the causes of perverted psychology.

I recently had occasion to refer, in a discussion, to the foregoing point in the etiology of crime, and, with the view of supporting my position, investigated the histories of all of the men of previously high social and business standing committed to Joliet penitentiary for the past four or five years, whose names appeared in the report of the State's attorney's office. These men were sentenced for defalcation, misappropriation of moneys, breaches of trust, etc. None of them had a previous criminal record. All were respected citizens. One, a banker, had a record of philanthropy behind him. I know of many kind acts that he had performed, entailing upon him monetary losses or expenditure.

Another, I always considered a neuropath. He was a hard drinker in his young adult age, but reformed, joined the church, and preached temperance and religion—almost fanatically. He had no criminal record, although, as a member of the City Council, he was considered one of the " Gray Wolves." He was always deemed a sharp man in a trade, who was never likely to get the " short end of the deal." One of these men I knew to be previously an honest, industrious, and most exemplary man. He was dragged into crime by his bank superior, who found him, at the age of fifty, pliable material.

It will be noticed that the youngest man was thirty-three, and the next youngest, thirty-seven. One was thirty-eight, and the other eight above forty years of age; only three, however, being above fifty, and the oldest being only fifty-five. I submit the cases and ages without further comment. To the discerning mind they tell their own story:

C. W. S., age when received at Joliet Penitentiary, 55.
T. H. S., age when received at Joliet Penitentiary, 46.
W. S. Y., age when received at Joliet Penitentiary, 55.
C. E. G., age when received at Joliet Penitentiary, 38.
G. B., age when received at Joliet Penitentiary, 33.
W. O. M., age when received at Joliet Penitentiary, 46.
F. L., age when received at Joliet Penitentiary, 49.
M. P. K., age when received at Joliet Penitentiary, 44.
E. S. D., age when received at Joliet Penitentiary, 57.
R. B., age when received at Joliet Penitentiary, 50.
G. L. M., age when received at Joliet Penitentiary, 37.

The frequency with which men past middle life begin for the first time to abuse their families and plunge into sexual debauchery is a matter of common observation. Surely there must be a physical cause for such conduct on the part of hitherto kind, loving, and indulgent fathers and exemplary husbands. That a psychic climacteric has much to do with these cases I am fully convinced. Alcoholism begun at middle life is susceptible of a similar explanation in many instances, and, once begun, bears a most intimate relation to immoral and criminal acts.

THE INDUSTRIAL PROBLEM

The question of economics and industrial conditions is to-day the most important of all phases of the social disease problem. The more important points involved will be discussed in the chapter on Anarchy. I will here allude only to the enforced idleness that results from commercial, financial, and industrial disturbances. Mere idleness is demoralizing, and when to it grim necessity is added, the weaker elements of the working classes are likely to succumb to temptation to take, in any way possible, that which the idler who is willing to work naturally feels is his due. That a rebellious and unruly spirit, one which sets social law at defiance, should develop in the man whose children are crying for bread, and who himself feels the pangs of hunger and the chill of winter, is not surprising. The instinct of self-preservation is strong, and it requires great moral stamina to rise superior to it. Crime once begun, the downward road may seem to be the direction of least resistance. It is noticeable, however, that in Europe, during times of commercial and financial depression, women employed as servants often enter a life of prostitution, only to leave it and re-enter domestic service as soon as times are easy again. The same is true of crime among the working classes. The average is high during hard times, but falls again when circumstances become less necessitous. Crime rises and falls with the price of food products and fuel. The coal baron, the wheat manipulator, trusts and monopolies must share the responsibility for the increase in crime that attends a coal or wheat corner, or follows the marked increase in the "fixed charges" of living, occurring from time to time.

The laboring classes by no means suffer the most during hard times, or when some fortuitous circumstance throws them out of work. The most pitiable object in the world is the salaried man in a so-called genteel occupation, who suddenly finds himself out of a position. He and his family have been compelled to adopt standards of living unknown to the wage-worker. Indeed, if such people did not keep up appearances they could neither secure nor hold a position. Where the individual is educated and

refined, the suffering is greater. The workingman gets the sympathy of his fellows, often their aid; the genteel salaried man gets sneers and shoulder shrugs. To have been of the prosperous class and to have fallen is the unpardonable sin.

A very peculiar condition is confronting the salaried man in these modern days. Gray hairs were once a recommendation, but young blood and modern methods are to the fore, and the man past middle life who loses his position nowadays usually finds every counting-house, shop, and office closed to him. The commercial traveller of forty-five or fifty out of a position is counted with the "has beens," and if he gets the opportunity of earning enough to keep body and soul together he is fortunate.

THE RACE PROBLEM

The race problem in America requires especial consideration, not only because of its general bearing on vice and crime, but also because of its intimate relation to the economic phase of social disease. The special relations of the race problem to sexual crimes will be discussed in a subsequent chapter.

The negro problem is a reality, not a sociologic bugaboo. It should be approached with as little sentiment and prejudice as a diseased liver on the post-mortem table. It is a cancer on the fair face of America. That the negro has been a prime factor in the criminality of America since the war is admitted by every observing citizen of this country; that it has a distinctly local bearing, by virtue of the large number of negroes in the South, is self-evident; that it will be one of the determining factors in the evolution of the distinctive American criminal type of the future is almost inevitable. The statistics of negro criminality are sufficient alone to indicate the formidable proportions of the race problem. Edelmann says:[10]

"There are in this country 866 criminals to every million of white inhabitants, and 2974 criminals to every million of negro inhabitants. The percentage of negro arrests in the Southern cities is about sixty per cent.

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[10] The Negro as a Criminal, Medical News, January 31, 1903.

In Washington, D. C., with a population of 277,782 in 1901, 26,062 arrests were made; of these 12,582 were from the white population of 189,457, and 13,780 from the colored population of 88,325. Montgomery, Alabama, with a population of 30,346, made 2687 arrests in 1901, of which 1793 were from a colored population of 12,000, and 894 from a white population of 18,000. Birmingham, Alabama, with a population of 38,415, made, in 1901, 10,479 arrests, of which 4030 were white and 6600 colored. The city of Louisville has a population of 205,000, of whom 57,000 are negroes. In 1901 there were 7958 arrests, and of this number 4313 were negroes. In Nashville, with a population of about 63,000 whites and 37,000 negroes, there were, in 1901, 9837 arrests, of which 6081 were negroes. In Atlanta, with a population of 65,000 whites and 38,000 negroes, there were 17,286 arrests, 5784 whites and 11,502 negroes. In Jacksonville, Florida, with a population of 28,429, there were, in 1899, 3683 arrests, of which 976 were whites and 1919 negroes."

Professor Starr, of Chicago University, claims that in the State of Pennsylvania, where there is little opportunity to assert that the courts are prejudiced against the colored criminal, the negro furnishes sixteen per cent. of the male and thirty-four per cent. of the female prisoners, though he forms only two per cent. of the population. In Chicago, which is said to be the "negro heaven," he furnishes ten per cent. of the arrests, though he forms only one and one-third per cent. of the population.

Dubois,[11] while admitting the large proportion of criminality among the negro population of the South, ascribes their relative moral deficiencies to the following factors:

1. Economic conditions which in certain localities make the negro's freedom a mockery, and what is practically peonage.

2. Rebellion of the negroes against restricted rights and privileges, and unjust discrimination against them in the courts.

3. The malign influence of avaricious whites, the sons of "poor whites," "unscrupulous Jews, and Yankees," who have found the negro a ready victim to their desire for wealth at the expense of negro labor.

4. The "crop lien" system, to which the ignorant negro falls a ready victim.

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[11] The Souls of Black Folk, W. E. DuBois.

5. A police system that at its inception was designed to control slaves, and which, since the war, has discriminated against the negroes as a class.

6. The training of young negro boys to crime by putting them in chain-gangs with adult offenders.

7. An inadequate public school system for negroes.

Most of the responsibility for the degeneracy and crime of the Southern negro lies at the door of the National government. It has handled the blacks just about as intelligently and honestly as it has the Indian. If the dominant political parties had paid more attention to the industrial, moral, and physical training of the negroes, who were suddenly thrown upon their own resources and responsibility after the war, and less to the cultivation and harvesting of their votes, it would have been far better for the South.

Few, indeed, of the people of the North fully appreciate the terrible burden imposed upon the South by the liberation of the slaves. Slavery was a fearful wrong, but it was a national wrong, and it was a crime to throw the burden of an evil that was originally legalized, fostered, encouraged and taken advantage of by practically the entire country upon the section to which it was finally confined. The negro was practically turned loose to seek his own salvation, and, aside from the self-interest of carpet-bag politicians and the warm interest of the Republican party in his vote, little was done by the government to ameliorate his condition or improve his intellectual and physical status. The history of the Freedman's Bureau is a history of a crime. The burden imposed upon the South was greater on account of the impoverishment and demoralization of the whites by the war.

Whether the South would have adjusted its relations to the blacks more harmoniously and satisfactorily had it not been for the handicap of negro suffrage is an open question, but this much is certain: Race prejudice, as distinguished from individual prejudice, was born on the day the first ignorant negro vote was cast.

What has been done since the war that has been of any practical value to the negro and to Southern society has been due

chiefly to individual philanthropy, on the one hand, and to the efforts of the South to improve the condition of the blacks in its own defence, on the other. The government should bow its head in shame before the heroic Yankee school-ma'am and the more intelligent and philanthropic of the Southerners.

A very important point for consideration in the study of the relation of the race problem to crime is the fact that the negro, like all other primitive peoples, is the product of a relatively simple and somewhat communistic social system, which of necessity imparts to him very crude ideas of property rights.

The natural shiftlessness of the negro, when left to himself, is simply a reversion to the primitive type illustrated by the native African, who is content with a breech-clout, a plentiful supply of grease for his glossy hide, and multitudinous wives to minister to his various appetites. There is but a short span between the primitive African and his American descendants. How much of inhibitory faculties should be expected to develop within so short a time in a race primarily so barbarous? Is the negro really as antisocial as we ought to expect him to be?

The dire immediate results of throwing a primitive race, previously held in bondage, abruptly into a civilized social system is shown by contrasting the record of the Southern with that of the New York negroes. In New York blacks owning a certain amount of property had been allowed to vote for at least forty years prior to the war. They had gradually evolved into a phase of theoretic equality of citizenship, that led them to estimate their social status by the highest standard possible to their race. Such a condition of things necessarily imposed inhibitions upon them. The negro, under these circumstances, could not consider himself the victim of oppressive laws formulated by the whites, as his own race, for several decades, had participated in law-making. Law, therefore, with such negroes, was to be respected rather than ignored. The reverse was true in the South, where the blacks passed with one bound from serfdom, in which there was no stimulus of independent thought, to theoretic equality and often an assumption of superiority. The old adage, " If you put a beggar a-horseback he rides to the devil," would apply very

accurately to many of the negroes thus suddenly thrown upon their own responsibility.

The delusion of "forty acres and a mule" very soon destroyed the compulsory thrifty characteristic of the black in slavery. He considered himself the foster child of the party that freed him. Slavery had merely bottled up the primitive instincts of the race; it had not destroyed them. All there was of thrift and stability in his character had been impressed upon him in a more or less arbitrary manner by his owners. It was not the product of that evolution which characterized the negroes of New York City, for example, who had in general been exposed to an environment favorable to their social evolution.

The influences of carpet-bag government, as depicted by Pike,[12] were a very powerful factor in destroying negro respect for law and order in the South. The fallacious and pernicious teaching of the carpet-bagger gave the degraded black an exaggerated estimate of his own personal importance, based upon the market value of his vote. It also imparted to him the idea that behind him, as he went to the polls, stood an army of Republican soldiers with bayonets fixed. Such influences have done much to increase the insolence and criminality of the lower-class blacks in the South. The Northern black has necessarily been surrounded by more inhibitory influences than he of the South. The lower classes of the Northern whites, with whom the Northern black has most frequently been brought in contact, have been better situated as regards opportunities for honest industry than the "poor white" of the South. The Northern white is, by virtue of the climate, more energetic than the Southern white, and this necessarily has an influence for good upon the negro. The North has been more prosperous, and consequently his average opportunities for obtaining a comfortable subsistence have been better than in the South. The Northern black has not been so much subjected to the mass influence of his own race,—*i.e.*, he has been more individualistic than in the South, where the negro is segregated in large numbers. The mass influence in the

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[12] A Prostrate State.

case of the Northern negro comes from the whites. In order that civilization shall have a fair chance to influence the negro, he must have less opportunity for segregation than the South provides.

The quality and quantity of food obtained by the Southern black since the war, as compared with that which he obtained before the great struggle, have been a factor in his degeneracy; he has missed his "hog and hominy." I do not think, however, that dietetics have had so important a bearing upon the question under consideration as the lack of systematic occupation and the forced assumption of responsibilities for which he was unfit by nature and training, to say nothing of the acquirement of vices and profligate indulgences for which he had no opportunities in his native wilds, and relatively few opportunities while in bondage, and for which, while in slavery, he was held directly responsible to those whose interest it was to keep him in the best possible condition, morally and physically. As slaves, the negroes were simply goods and chattels. Independence of thought and action was with them more theoretic than real, and had very little bearing upon their relations with the whites. They were accustomed to obey without question the dictates of their owners. Their environment was narrowing; their conditions for development of appreciation of their relation to the body social were peculiar; their thinking was done for them by others; they constituted a primitive system within a higher one. The necessity for independent thought and action did not exist among them as it did among the whites. Attachment to the families of their masters and a general sense of obligation to the latter for their sustenance prevailed. Privation and want, those potent causes of degeneracy, were unknown among them. Personal physical responsibility for crimes and misdeeds was a prominent factor of their daily lives. Corporeal punishment was more awesome to them at that time than is the fear of the bullet or the rope to-day. Various inhibitory influences of plantation life were potent. Mass influence at that time resulted in something akin to *esprit de corps.* The advantage of good behavior—indeed, its absolute necessity—was a dominant influence in each little negro community.

With political turmoil, commercial confusion, and social disintegration surrounding him, is it surprising that the negro, suddenly thrown upon his own resources, should develop highly criminal tendencies? What wonder that the attempt to materialize the chimerical dream of equality between the whites, with many centuries of civilization behind them, and the blacks, who were but a few removes from the cannibal, should have been productive of dire results? Loyalty to the master, respect for the mistress, and affection for the children of those who once cared for him, melted away like dew before the sun under the fortuitous circumstances in which the negro was suddenly placed.

The attempt of the Southern black to adapt himself to his new surroundings practically began in this country with the close of our Civil War. Prior to that time he had no opportunity of demonstrating whether or not he could adapt himself to his social surroundings. Slow adaptation to environment is, of course, by no means confined to the black race. Some other alien races have been political, social, moral, and commercial misfits in this country. The Chinaman will never make a good citizen. Fortunately, however, his natural instincts do not partake so much of the primitive animal type as do those of the negro, for the Chinaman of to-day is the product of a comparatively high grade of civilization, or semi-civilization, which is essentially ethical, has prevailed for many centuries, and has developed certain inhibitions upon the purely animal propensities. The artistic talent of the Chinese is in itself an evidence in favor of this argument, for *pari passu* with the development of the artistic sense development of the higher inhibitory faculties occurs. The industry of the Chinaman in his native land, to say nothing of what is exemplified in his relations to our community when he settles among us, is another important factor.

The question of cross-breeding of white and black, like Banquo's ghost, is one that will not down. Legislate and moralize as we may, we can never erect barriers that will confine the stream of black blood to its own banks and channels. So long as human morals and human passions are what they are,—and we cannot hope ever to completely subvert them to social altruism,—

the black and white streams will intermingle. It is not possible that a distinctly black race, comprising millions, can survive in the midst of a larger community of whites. There are two million mixed bloods now; what will the next century show? It is not possible for a stream of white blood to flow on year in and year out, side by side with a stream of black blood—or, rather, surrounding the latter on all sides—without becoming contaminated by it. Struggle as we may, a gradual blending of the two streams is inevitable. Even were it possible to prevent this, it would still be only a question of time when the negro race would insist on the practical application of those rights which are now almost theoretic. The Fifteenth Amendment, which is now a farce, or, at best, impotent, is then likely to be a serious bone of contention. Negro demagogues are likely to arise sooner or later, and the long-talked-of "race war" become a reality.

An unfortunate and unavoidable feature of miscegenation laws is that they infringe on personal rights and conflict with the natural law of sexual selection. Such laws abrogate the constitutional rights of both blacks and whites who purblindly desire to intermarry. The right to the pursuit of happiness revolves largely around sexual selection. Miscegenation may be an unmixed evil, but there are bound to be certain individuals, both white and black, who, like certain anarchical fanatics, can understand only the strict letter of the Constitution, and are blind to the advantages of any altruistic legislation that conflicts with it. Not only are they blind, but rebellious.

There can be no question that extensive cross-breeding of blacks and whites would bring social disaster in its train unless there were a change in our present attitude towards the negro. Still greater disaster would, however, accrue to the negro himself, for unrestricted mingling of white and black blood would mean for him race extinction. The price he pays for an admixture of Caucasian blood is degeneracy of the deadliest type. Infertility and increased susceptibility to disease are slow but sure exterminators of a race. Possibly herein lies the final solution of the race problem.

The attitude of this country towards the negro is supremely

ridiculous, however the race problem may be regarded. He occupies a plane of theoretic equality of citizenship, yet everybody knows there is no equality. Booker T. Washington, a man whose attributes make him worthy of association with even the most intellectual among white men, dines with President Roosevelt, and the latter is immediately put upon the rack of obloquy and criticism by the entire South, and, to a certain extent, by the North. In Europe—indeed, in every country save the United States—there is no color line. In the Northern States the color line is definite enough, while in the South it is practically a "dead line." The social, political, moral, legal, and intellectual anomalies involved in the American attitude towards the negro are past understanding. Whether expedient or not, they are still anomalies.

It might be a selfish attitude, but one would be almost justified in feeling grateful for the fact that the culmination of the terrible race problem must be faced by another generation than ours,—"After us the deluge;" that it must be faced sooner or later is inevitable, unless greater intelligence is soon brought to bear upon its solution than has thus far been exhibited, and a radical change in the social, educational, political, and moral management of the negro instituted. If the black and white streams are to continue as theoretic organic blood entities flowing side by side in the same social system, the sooner the impossibility of any sort of equality between the races is understood, the better. If the races are not to blend, the white race must and will dominate, though the heavens fall.

The fear of social equality of black and white is a bogey man. The negro does not want it, nor could it be given to him as a race if we would. He could not get social equality any more than a hod-carrier could break into New York's "Four Hundred." The same principle governs in each case. Social coteries and individuals alike will always draw their own social lines, irrespective of race, occupation, or color.

Let political quacks and sentimental sociologists theorize as they may, the curse that the importation of the blacks inflicted upon America will pass on to generations yet unborn. Our

country has not yet settled its account with slavery. It has an account yet to adjust that shall make the enormous cost of the Civil War in blood and money seem a trifling thing.

If given a fair chance, manual training and industrial schools are destined to accomplish wonders in the moral training of the negro. Habits of industry and thrift, associated with the physique that proper physical exercise develops, will do more for his morals than any amount of preaching. The so-called higher education I believe to be a failure even with the lower class of whites; if this be correct, how much can be expected of it in the training of the blacks? This much is certain, if the negro is to be improved the work should be begun at the bottom. As a race, he may never become adapted to the higher educational ideal, but if he does, it must be by a gradual evolution, and not by a single mighty bound. Individual examples of high mental attainments exist, it is true, but they simply serve to show the possibilities of the race, and do not controvert the position I have taken. They do not prove a high average of intellectual capacity among the blacks, any more than Shakespeare proved that any Englishman could be a Shakespeare. A race that can produce a Booker T. Washington, a Du Bois, or a Paul Lawrence Dunbar has possibilities, but it will be many, many years before such men can be taken as criteria of the intellectuality of the negro. The occurrence of such men is almost incomprehensible. Is their strain of white blood responsible? The great men of the white race have centuries of civilization behind them; they are the focal point of ages of intellectual culture. Behind the great black men stands a tribe of West Coast Africans.

With the rise of average negro intelligence will come ambition. He will learn both good and bad political ambition and methods from the whites. If we do not take away from him the rights granted by the Constitution, by repealing such of it as favors his race, he will one day be strong enough to demand that those rights be made real, not visionary paper rights. If we do legally take away his constitutional rights, his intelligence, ambition, and consciousness of power will one day inspire him to demand that they be restored and carried out in practice.

Will the negro lack leaders? Not unless the births of Toussaint L'Overture, Alexandre Dumas, Frederick Douglas, Booker T. Washington, and E. B. Du Bois were freaks of nature, biologic sports, comets in the sky of organic development that will never be repeated in the history of the race.

Mr. Booker T. Washington advises the negro to put away political ambition, "*at least for the present,*" [13] and devote his energies to self-improvement, moral training, education, and the acquirement of wealth and property. Astute politician, Mr. Washington; with the acquirement of the things he demands and their satellite, ambition, all that is necessary is leaders and numbers to swell the tide, and nothing short of a war of extermination can stop the negro from obtaining the rights of man as the American citizen understands them, in theory if not in application. Professor Du Bois takes issue with Mr. Washington.[14] Clever though he is, he has not the latter's far-seeing vision. To learn to labor and to wait is the sure road to political rights. Industrial schools are the kindergartens in which the primitive brain of the negro will begin its development. Training the hand involves stimulus of brain-growth.

EVILS OF IMMIGRATION

Unrestricted and unregulated immigration is a factor in the social pathology of America that has been noted by sociologists, but well-nigh ignored by our legislators. The United States, even in the days when it was the greatest slave mart in the world, was posing as a refuge for people of other lands who were dissatisfied with their own country, and also for those with whom their native country was dissatisfied. For years and years the degenerate flotsam and jetsam of Europe have entered our country in a continuous stream. Paupers, inebriates, insane, beggars, and known criminals have been deposited upon our shores, until this country has become practically a dumping-ground for the sweepings of Europe. There existed in England

[13] Italics mine.—G. F. L.

[14] The Souls of Black Folk.

for many years a society the special business of which was the deportation of criminals, and tough ones at that, to America.

The immigration question is in this country one of the most vital issues of the day. The instance has been known, and quite recently, that nearly ten thousand immigrants were landed in one day at Castle Garden alone, to say nothing of other ports of entry. Were it established that all of these people become respectable, law-abiding, and producing elements in American society, they would certainly be a very valuable addition to our population. There is, however, something suggestive in the fact that, although foreign-born citizens constitute but one-eighth of the total population of the country, they furnish one-third of our criminals, one-third of our paupers, and one-third of our insane. In short, the character of our immigrants is so polluted by the wholesale exportation by the Old World of the insane, criminal, and pauper class that every one thousand immigrants furnishes twenty per cent. more of the inmates of our jails, asylums, and almshouses than the same number of American-born.

Strong says,[15] "The hoodlums and roughs of our cities are most of them foreign-born, or American-born of foreign parentage. Of the six hundred and eighty discharged convicts applying for aid to the New York Prison Association, in 1882, there were two hundred and thirty-eight foreign-born, and two hundred and ninety-eight of foreign parentage."

Some years ago the statistics of the Rhode Island workhouse showed, in over six thousand criminals, seventy-six per cent. of foreign parentage. During one year the inmates of the Massachusetts Reformatory for Women showed eighty-one per cent. of foreign parentage. In 1880 the foreign-born comprised only thirteen per cent. of the entire population, yet furnished nineteen per cent. of our convicts and forty-three per cent. of the inmates of our workhouses and houses of correction.

The tide of immigration is steadily increasing. The total number of immigrants arriving at the port of New York alone in 1902 was 545,751. Adding about two hundred thousand to this

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[15] Our Country, Josiah Strong.

figure gives the total for the country, which is about one hundred thousand greater than the total for the fiscal year ending June 30, 1902, and is exceeded only once in the record of fiscal years,—viz., the twelve months ending June 30, 1892, when the immigrants numbered 788,992. There are but four other fiscal years in which the totals go beyond 600,000,—namely, 1881, 669,431; 1883, 602,322; 1892, 623,084; 1902, 648,743.

With this steady increase the same racial preponderance is noted as during the last five or six years. The immigration from Italy, which was 178,372 for the twelve months ending June 30, was 174,403 for the ten months ending with October, 1902. Austria-Hungary and Russia also kept up their proportions. The Germans, Scandinavians, and Irish are all increasing. A new feature was afforded by the comparatively large immigration of Japanese, which gave a total of 14,270 for the last fiscal year. The last few months shows the Japanese invasion to be on the increase.

The difficulty of adaptation of much of the foreign-born population to their new and strange environment in America has much to do with the large proportion of criminals and paupers that they furnish. The difficulty of finding lucrative employment immediately on landing has also its influence. The steamship companies offer in Europe great inducements to prospective emigrants, and often lead them to believe that America is a land of milk and honey, where a living, and better, is to be had for the asking. After taking his last dollar for transportation, the companies land the foreigner at the port of entry to get along as best he may. Having at one time served as surgeon to the New York Immigration Commission, I speak with some positiveness on this point.

Our immigration laws have improved of late years, but they are not yet strict enough. "America for Americans" would not be a bad principle to follow for ten years or so. A special tax on immigrants would be an excellent thing for this country, which presents the anomaly of letting in immigration "riff-raff" free, and laying a heavy tax on art productions. A degenerate may enter duty free, but a Raphael's Madonna was taxed one hundred thousand dollars.

On several occasions desperate attempts have been made to restrict immigration, and, as I have said, conditions are rather better than formerly, yet the fact remains that the off-scourings of Europe—dirty, illiterate, and absolutely unassimilable—may still land upon our shores. The Lodge bill, introduced in the United States Senate about nine years ago, was a step in the right direction, but failed to become a law. The bill provided that persons over sixteen years of age who could not read English, or some other language, should be barred, except that a qualified person might bring in or send for his illiterate parents, grandparents, wife, or minor children, if he were able to support them. This bill was passed, but it was vetoed by President Cleveland for several reasons, one of which was that the educational test was misleading. "What we should demand," he argued, "is physical and moral soundness and a willingness and ability to work, and if any particular element of our illiterate immigration is to be feared for other causes than illiteracy, these causes should be dealt with directly, instead of making illiteracy the pretext for exclusion to the detriment of other illiterate immigrants against whom the real cause of complaint cannot be alleged. The morally unfit who are educated are much more to be feared than the honest and industrious illiterates."

This represents the ideas of most people who object to restriction. But since the veto was written, illiterates have constituted an enormous and unprecedented percentage of a growing immigration. The close relation between illiteracy and crime, and the menace to localities where immigration is largest, are so evident that it is only a question of time when some educational test will be put in practice. The idea that a stupid, ignorant peasant or a criminal is permitted to come to America and be enrolled in five years as a citizen, with all the prerogatives of citizenship, is not comforting to many Americans and, sooner or later, revulsion of popular feeling will bring about a radical change in the national attitude on the question of immigration. The Chinese exclusion act was an excellent thing, yet it shut out a class of persons much less dangerous than many of our Occidental immigrants. So many of the latter are non-producers, that they are veritable

fungi on the American body social. It is high time to put up the bars and protect the clover.

The worst feature of unrestricted and unregulated immigration is the importation of individuals with ignorant and fanatical social and political views. The scum of Europe has a revolutionary heredity that bodes ill for the community that harbors it. Some of the worst of our disturbing elements are of European origin. Much of our labor violence is easily traced to this source.

The suggestion has been made that our government require a passport for record of every immigrant, containing a perfect description of the individual, making identification easy. Foreign-born criminals could thus be identified as such, punished, and after punishment their citizenship annulled and they deported to their native country, their return to America being penalized by life imprisonment.[16]

THE EVILS OF SPECULATION

The wide-spread tendency to speculation is a cause of crime that is not accorded the importance it deserves.

The man who speculates in stocks and the man who lays his money upon roulette are alike impelled by the gambling instinct which pervades the breasts of a majority of people. To get wealth without rendering the *quid pro quo* of labor or skill is a common human failing. It is the principle that underlies the speculative instinct and accounts for its great fascination. The shrewd stock and grain jobber takes advantage of this human weakness for his own ends. The results of gambling, so far as inciting to crime is concerned, are only too familiar. The suicide who has lost his thousands at Monte Carlo, the lad who steals in order that he may shoot craps in the neighboring alley, and the defalcating clerk or cashier who recoups his losses at the gambling-table or racing-book from his employer's strong box are of the same kidney. And the evil is far-reaching; the woman

[16] Crime and the Policeman, Charles E. Felton, Transactions National Prison Association, 1901.

whose home is wrecked by the gambling instinct of father or husband has often sold herself for bread.

The "Get money, honestly if you can, but get money" principle of ethics actuates many people who never come within the pale of the law. The man who starts a scheme guaranteed to beat the sellers of racing-pools or the stock market always gets hundreds to bite at his bare hook. They squeal terribly when they are bitten, and society sometimes severely punishes the schemer, but the people who invested in the nefarious scheme are merely victims of their own dishonesty. Wright, the notorious English promoter, made money for some persons and robbed others, high up in society. The innate dishonesty of many people is shown by the readiness of the "honest farmer" to buy "green goods." He is not averse to buying and passing counterfeit money if he can be made to believe he has a sure thing. The readiness with which people invest in schemes for fleecing other people is one of the most pertinent illustrations of the specific gravity of morals. The man who quietly announces that a certain race is to be "sold," or who taps a wire for information which shall enable him to swindle the book-makers, never has the slightest difficulty in securing victims through their willingness to victimize someone else. Some of our mining stock and oil promoters are the worst rascals who ever kept out of jail. Their nefariousness is self-evident, yet they enter our offices and blithely propose to rob us with impunity.

The worst of the gambling instinct is that even boys and women are attracted by various gambling enterprises. The pit, the faro bank, the stock exchange, and the racing-booth are alike tempting to the young and to women.

The distinctions drawn between different varieties of gambling are unfair and illogical. Gambling at cards or roulette is no worse than staking one's money upon the price of wheat or stocks. Indeed, the man who plays poker or faro has a better chance for his money than is afforded by the stock and grain exchange, and often has far more honest people to deal with.

But the hazard of the die is attractive, and until everybody knows and puts into practice the principle that it is never safe to

bet upon another man's game, and that with every one per cent. of interest above the legal rate promised on a speculative venture the danger of loss is compounded, there can be no decrease in gambling and speculation. Granting that speculation in general cannot be checked, the principle that one should never risk money that he cannot afford to lose is a safe one to follow.

Business men are compelled to be constantly on the alert lest shortage of accounts may develop among their employees. Surety companies know by experience that the gambling of salaried people is a source of expense to them. P. L. Wickes, special agent for the Fidelity and Deposit Company of Maryland, says,—

"The risks young men will take to gamble are noticeable. We have found that the racing hand-book system has affected us materially. It is easy to place a bet, and when the book-makers come to the clerk or the employee, in whatever capacity he may be serving, he thinks only of the possibility of winning a large sum for a small investment. He does not stop to think that the other fellows are not in business from philanthropic motives, and that his chances for making anything are so slim that they are hardly to be considered.

"Our business shows defalcations to be on the increase. One frequently reads of a shortage that must be made good by a guaranty company, but for every one that falls under the public eye there are twelve of which the public hears nothing. It was bad enough when men who wished to bet were compelled to go to the race-tracks, but now, when any one who desires to risk his money can step into an office on his way to lunch, or have some one telephone his bet to the book-maker, the possibilities of young men getting into debt have increased materially."

Another representative of a bonding company states that his company has found it necessary to make a formal protest to certain employers in the city against the gambling the young men in their establishments are doing. He further says,—

"The protest should have been united in by every bonding company in the city, but, unfortunately, we are not combined into a central association for the protection of interests that affect all equally. We have

been forced to make good several shortages caused through gambling, in nearly every instance by the hand-book system." [17]

The minds of young men are often diverted in the direction of speculation by the brilliant exploits of the occasional successful gambler. Newspaper accounts of daring speculative coups quite naturally excite a spirit of emulation in some of the weaker subjects whose ambitions soar above the bounds of a small salary. The game looks easy, the opportunity is always at hand, and before he realizes it the young man is involved in a defalcation. A great wheat or cotton corner brings social disease in its train.

The worst feature of the speculative craze is the panics that result from it at regular intervals. Nearly every large corporation is bonded, stocked, and watered to the extreme limit. When a single important link of the stock chain snaps, the whole system becomes demoralized. The ups and downs of inflated Wall Street dominate the prosperity of the country. With panics come prostitution, inebriety, and crime. The reflection that it is within the power of any one of a dozen or more men to precipitate a panic in America is not comforting. That the earth should quake at the nod of a great financier is a source of social unrest, not crystallized, it is true, yet only too definite.

A spirit similar to the speculative, but more degraded, actuates the instigators of most malpractice suits and many of those who sue corporations for exorbitant damages. The latter point brings up the prostitution of expert testimony that is so prevalent in our courts. Distortion, perversion, and biased application of facts by supposedly scientific experts is, alas! too common. The medico-legal expert is a factor in the crime problem, in general, that deserves attention. There are men whom a fee, or even newspaper notoriety, will induce to testify to anything, even to the extent of defeating the ends of justice, on the one hand, or juggling with human life, on the other.

INSURANCE FRAUDS

A special factor in crime which has often been called to the attention of the public is insurance, both fire and life. Arson,

[17] Interviews by the Chicago Tribune.

fraudulent inventories, fraudulent medical examinations, and murder have all been perpetrated by individuals who consider an insurance company fair game, and have little or no scruples to overcome. So far as fraudulent medical examinations are concerned, life insurance companies put a premium upon them. The most important feature of life assurance is the medical examination. The welfare of the company depends largely upon the examiner's accuracy and honesty. The agent receives a large part or all of the first premium for his part of the transaction, while the medical examiner receives a pittance almost incompatible with his self-respect. Few men of experience and skill can afford to enter the employ of life insurance companies. The tendency to undervalue professional skill is wide-spread, but nowhere is it so ill-advised as in the matter of life insurance examinations.

Campbell has written exhaustively on insurance frauds.[18] He discusses at length fraudulent marine insurance, fire insurance, life insurance, and insurance of children. He asserts that in the nature of things the insurance contract is more likely to be abused than any other contract known to commerce. In those countries where it is best known and most widely practised, insurance has led to whole cycles and systems of crime and evil. Not only does it offer bribes for the commission of sins against the law, but in innumerable cases the bribes have been taken and the crimes paid for have been committed. "Though to the mind of the man whose attention is occupied with his own affairs," says Campbell, "there may seem to be no real relation between the building of unseaworthy ships, the mismanagement of friendly societies, the burning of a town, and the starving of a baby, all these and countless other crimes and social evils are, in fact, due to the same cause. Between wilful criminality and criminal carelessness there may be a difference, but it is mainly one of degree."

As a result of a recent systematic swindle of life insurance companies in New York, a large number of bodies had to be exhumed to prove the fraud. Bogus bodies had been palmed off on at least ten companies.

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[18] Insurance and Crime, Alexander Campbell.

The Philadelphia wholesale murderer, Holmes, was an insurance swindler on a large scale. Four or more of his victims were insured and killed for the insurance. The Chicago conspiracy to kill, and to defraud an insurance society, for which a doctor is now serving a term in Joliet, was a flagrant illustration of the same sort of crime. The conspirators were clever enough to cremate the *corpus delicti,* and thus escape conviction for murder.

There is a safe and sure protection of life insurance companies against fraud if they are willing to go to a little expense to accomplish it. Mr. Charles E. Felton has suggested the measurement of every subject insured by the Bertillon method.[19] If this were adopted, it would be impossible to palm off bogus bodies to secure insurance benefits.

MATRIMONY AND CRIME

The most vital of human institutions, marriage, has a certain definite relation to crime. Statistics show that a much larger proportion of celibates are arrested for crime, or found as inmates in our prisons, than of married men. The records in Chicago for a period of ten years were as follows:

	Total Arrests.	Married.	Single.
1901	69,442	21,507	47,935
1900	70,438	35,620	34,818
1899	71,349	21,747	49,602
1898	77,441	25,645	51,796
1897	83,680	24,608	59,072
1896	96,847	26,484	70,363
1895	83,464	23,617	59,847
1894	88,323	25,207	63,116
1893	96,976	25,731	71,245
1892	89,833	24,497	65,346
1891	70,550	19,783	50,767

Statistics, then, would seem to show that marriage is deterrent of crime. The deterrent effect of matrimony, however, is to

[19] Crime and the Policeman, Transactions National Prison Reform Association, 1901.

be estimated rather upon general principles than upon statistics. Investigations among criminals develop some queer things. For instance, if statistics count for anything, the fact that a great majority of convicts have attended Sunday-school or received religious instruction of some kind is not flattering to the church. It would be easy to draw the fallacious deduction that religious instruction is a cause of crime.

The relative proportions in our population of married and unmarried men must be taken into consideration. The statistics of 1890 on this point were:

Total Males.	Married.	Single.	Widowed.	Divorced.	Unknown.
32,067,880	11,205,228	19,945,576	815,437	49,101	52,538

The proportion of single men is thus seen to be nearly double that of married men. This neutralizes to a great extent the two to one proportion of single to married men brought before the bar of justice. A large proportion of criminals begin a life of crime and are arrested, if not convicted, before they are of marriageable age. Nearly all widowed and divorced prisoners, and those who have deserted their families, answer "No," when asked whether they are married. Many conceal the fact that they are married, some from delicacy,—not every criminal likes to have his family know his record,—some because the existence of a family is a clue for the police to follow in locating and capturing criminals. To offset these in a minor degree is the occasional criminal who falsely claims a wife and children for the purpose of exciting sympathy for his unhappy lot. In many instances the prisoner lies, upon one side or the other, on principle. He feels instinctively that the more he lies to the officials and confuses his record the better for him in future. His lying is in response to his instinct of self-preservation.

The proportion of recommitments is greater among young criminals, and as care is not always taken to take recommitments into account, the statistics are vitiated.

In general, it may be said that the average celibate among criminals is not a criminal because unmarried, but is unmarried because he is a criminal. Once the boy or the youth begins a

life of crime, he soon acquires a selfishness that deters him from matrimony, to say nothing of his aversion to a family upon economic grounds. In many instances, the criminal is born so defective in his capacity for affection that he remains a celibate from sheer indifference to family ties. He is primarily a selfish egotist.

Marriage may bear a direct causal relation to crime. The marriage of men whose income is meagre is a case in point. The steadily increasing cost of the necessities of life and the growing demand for luxuries, especially on the part of the American born, is almost prohibitive of matrimony among people of modest means. The strenuous, nerve-shattering life led by Americans, and the general dissemination of education, real and alleged, fosters impractical ambitions and a desire for luxuries on the part of people whose incomes are so insufficient to gratify their desires that often opportunity and temptation only are necessary to lure the young man into defalcation and his wife into something worse. The neuropathic modern female product of civilization is likely to crave excitement and diversion which her humdrum, every-day, domestic life does not produce. It is true that the same influences are at work in the case of single women, but they are oftener furnished diversion and excitement in a purely innocent manner. Marriage may be a sacrifice of all the enjoyments held dear by woman, where the husband's income is meagre. He cannot provide a livelihood for his wife and at the same time expensively divert her, save by dishonest means. The plodding, patient, foreign-born woman may be safe enough under these conditions, but the high-strung, ambitious, mettlesome, dress- and society-loving American woman is in danger, if temptation chances to come her way. Should she have children, the mother-love will quite likely save her from herself, once she becomes absorbed in the cares of motherhood. The stress here is chiefly upon the underpaid and overworked husband. Some emergency arises demanding an increased monetary outlay for his family. Temptation assails him and he steals. I am well aware that it is quite generally aserted that the average man can support two persons as well as one. But this is a fallacy, as every one of

experience will testify—a fallacy that has caused much misery, many heartaches, and has greatly added to the sum total of vice and crime.

The American woman of our large cities has a special burden of responsibility to bear in the etiology of social disease. She of the fashionable set lives in a whirl of unhealthful stress and excitement. She sleeps too little and keeps her nerves constantly on the *qui vive*. She tipples and drugs for headaches and insomnia, due to her own unhygienic mode of life. She is often a degenerate and the mother of degenerates—if, indeed, she be a mother at all.

Statistics, exceptions, and sources of fallacy aside, it must be acknowledged that, on the average, the individual who escapes criminality until marriage is less likely to be tempted into crime than the celibate.

WOMAN AS A FACTOR IN CRIME

The influence of woman in the causation of crime has been recognized since the earliest times. It is a well-known fact that a man will steal or commit murder for love where no other incentive would induce him to commit an antisocial act. The man who is so unfortunate as to be infatuated with a depraved and vicious woman is well on the road to a criminal career, should he not have means to gratify her multitudinous whims. Honestly, if he can, but without stickling much about methods, a man who is under the spell of such a woman is likely to find the wherewithal to gain her favors. Even the most exemplary of women may be the innocent cause of crime. The desire to win her favor, especially if there be a rival to outshine, may induce expenditures the continuance of which necessitates an increase of income. The strong influence of woman is so recognized in Paris, that the first order of the Prefect of Police after an important crime is, " Find the woman."

The undoing of criminals by woman offsets to a certain degree her occasional malign influence. Once the woman in whom the criminal is interested is located, his capture is almost a foregone conclusion. Sooner or later he will be found in her society.

The killing of the celebrated desperado, " Billy the Kid," in New Mexico, was effected through the shrewd knowledge of human nature possessed by Mr. Pat. Garrett, sheriff. Having located the Kid's Mexican mistress, the genial sheriff simply lay in wait for the desperado at her home, and added another notch to his revolver butt with perfect safety to himself.

The influence of sex on crime has a bearing on the fact that, although possessed of less regard for property rights than man, she is not so often convicted and jailed for crime. She is merely the weaker vessel of a copartnership in which the male assumes the burdens and risks of criminality.

The refining influence of woman, in general, as preventive of crime, is one of the main stays of morals. The morals of humanity depends largely upon the training it gets at the mother's knee. The home and the maternal influence are the most powerful agents in repressing antisocial acts. The child who does not get proper training, supported by maternal affection, is in danger, no matter what his heredity may be. He is in danger chiefly because the principal agent in the development of moral sense is lacking.

Like the baser elements in male humanity, the better element is under the spell of woman. Her refining influence is antagonistic to the instinctive coarseness of man's nature. For her approbation he is inspired to noble deeds, and desirous of holding the respect of the community. For her, and for his children, he has that courage and ambition in the battle of life which, as a celibate, he might lack.

It will thus be seen that the relation of sex to crime is complex and many-sided.

The proportion of female criminals in our prisons is small. The reasons for the scarcity of female prisoners are several,—viz.:

1. Among the distinctly criminal classes the women are either shielded by the male, or supported by him so that necessity does not impel to crime.

2. Among the respectable classes a large proportion of women are protected from want by marriage. If necessity drives to crime, the man does the criminal work.

3. The petty thief among alleged respectable women is protected by her position and money, and classed as a kleptomaniac or a collector of souvenirs.

4. When women are confronted by grim necessity, they select prostitution rather than crime. In time they may fall into the distinctly criminal class, but the longevity of prostitutes is short, and this class does not add greatly to the sum total of crime. The woman who desires to keep up a pretence of respectability assumes concubinage rather than crime, and joins the vast army of "kept women." She must eat and be clothed, and merely responds to the law of self-preservation.

5. Women do not to any great extent engage in the rougher pleasures of life that tend to rowdyism. They do not play foot-ball nor the more arduous athletic games. They eschew prize-fights and similar exhibitions. They do not enter active politics nor often participate in riotous strikes. Their timidity is prophylactic of crime of the violent kind.

6. Women committing the same crimes as men are less liable to arrest. The proportion of women arrested who come to trial is small. When women are tried for crime the judiciary is likely to err on the side of leniency. These conditions will prevail until we have female policemen, State's attorneys, and judges, who, not having any gallantry to inhibit their official acts, will give female criminals the tender consideration that woman usually has for woman.

Women, like children, are much more given to petty crime, but less to crime in general, than men, as the statistics of all countries prove. These statistics are fallacious so far as proving the superior morality and honesty of women is concerned. As already stated, the conditions that lead to criminality in men cause prostitution in women. Prostitution is the coefficient of crime, and acts, so to speak, vicariously with it. Women who have no scrupules to overcome usually experience comparatively little difficulty in securing one or more of the opposite sex to provide for their necessities. Where such women cannot find legal providers, they generally have this avenue of escape from want open to them. Even scruples are likely to be overcome by

starvation. The gnawing of an empty stomach is ever the foe of morality.

That the foregoing circumstances, rather than innate honesty, explain the disparity in numbers between male and female criminals is shown by the childish indifference of women in general to property rights, and their extreme selfishness, as compared with men, in all matters of interest that do not involve their affections. It is generally conceded that women are more deceitful than men, and, although this is the natural result of woman's relatively weak response to the law of self-preservation,—for the weaker sex must fight its battles with such weapons as it is able to wield,—it must certainly be to some extent causative of crime. The adult female, like children, has a weakness for pretty baubles, which often leads to both prostitution and crime.

It is a noteworthy fact that, although the proportion of women who are brought to book for crime is small, they are likely to commit crimes of the most horrible kind. Murder by poison is a favorite crime with women. A woman was recently hanged in Philadelphia for poisoning her husband and two children to secure a small insurance on their lives. Women criminals are likely to present the very refinement of cruelty. Thus criminality in women presents the two extremes, petty thievery and the acme of diabolism. Experience shows, also, that women are more intractable to reformation than men.

CHAPTER IV

NEUROSES IN THEIR RELATIONS TO SOCIAL DISEASES

Brain Development—The Criminal Brain—Insanity—The Criminal Skull —Epilepsy—Hysteria—Suicide

General Considerations.—The relative development and integrity of the human brain is the key-note of social pathology. The moral, intellectual, and social attributes of all human beings revolve around brain anatomy and physiology. The domain of psychology, both normal and morbid, is destined to grow more materialistic and less mysterious with increasing knowledge of brain structure and functional localization. It is true that cerebral localization and the microscopic and psychic study of the brain are still in their infancy, but it is also true that what is already known is suggestive of tremendous possibilities. Time was when the map of the heavens as revealed by the telescope was a very simple thing; with increasing optical power came the discovery of solar systems—suns and galaxies of suns—of which none had dared to dream. As the microscope and other modern means of scientific research improve, much of the material side of psychology that is now obscure will doubtless be revealed.

Several fundamental propositions may be advanced in relation to the development, structure, and functions of the human brain,—viz.:

1. The superior proportionate development and complexity of the brain of man is responsible for his exalted position in the scale of animal development in general.

2. The relatively superior brain development of civilized man is responsible for his dominancy over primitive peoples.

3. The intellectual superiority of man over the lower animals, of any race of men over other races, or of the individual man of any race over other men of his own race, depends upon the pro-

portionate degree of development of the frontal lobes of the brain, as compared with the rest of the organ.

4. A sound, well-developed, well-proportioned, well-nourished brain is necessary to a well-balanced intellect and a moral character that is consonant with the standard set by the social system in which the given individual lives.

5. The frontal lobes of the brain are the seat of the inhibitory or control centres that enable normal man, through his intellect, reason, judgment, and will to resist the primitive animal impulses emanating from other parts of the organ.

6. Disease, injury, or maldevelopment of certain portions of the brain produces a perturbation or loss of the function of parts the innervation of which is ultimately derived from the affected area of brain cells. These conditions, affecting certain cortical areas of cells, also produce psychic aberrations, the character of which varies with the area affected.

7. The importance of degeneracy in its relations to social disease is due to its pernicious effects upon brain structure and function.

The relation of disease of certain special sensory, general sensory, and motor areas to abolition or impairment of the special senses, general sensibility, or motor power, is firmly established. The precise relation of disease of special brain-cell areas to certain psychoses is not so well established, although much that is suggestive is known.

While moral perversions are known to depend upon faulty brain development or disease in many cases, it is only in the grosser and more palpable forms of maldevelopment or disease that the material foundation of the psychosis is recognized. The relation of coarse brain disease and such faults of brain development as is found in idiocy, microcephaly, and hydrocephaly to moral obliquity and crime is plain enough, but the cause of intellectual and moral peculiarities in many cases is too occult for detection by any means at present at our command. Between the two extremes are cases in which the fundamental condition may or may not be detected, according to the clinical and pathologic acumen of the observer, and the opportunities afforded for study

and observation. Much of our ignorance of both normal and abnormal psychology is due to the lack of attention to psychiatry on the part of the profession at large. Few students, indeed, leave the portals of our medical schools with even a rudimentary knowledge of the subject. Nerve and brain physiology and psychology taught in the laboratory by men who do not practise even general medicine, and chiefly through demonstrations of frogs' brains and spinal cords, is not likely to impart much of value to the student. The sooner teachers discover that psychology can only be taught by the study of brain phenomena in the living human subject, combined with careful experimentation *in vivo* upon the lower animals, and careful supplemental autopsic, macroscopic, and microscopic investigation, the better. The time may come when it will be possible to follow all institutional cases of psychosis to the post-mortem table, and determine what relations exist between certain psychopathic phenomena in criminals and the insane, and definite developmental faults or acquired disease of the brain.

The progress of cerebral localization in its relations to psychiatry and criminology has been hampered by a mawkish public sentimentality. The thousands of insane and criminals in this country would, under favoring conditions, add a wealth of knowledge to the common scientific fund. This magnificent material is all going to waste. The spectacle of our asylums and prisons without scientific control and management is pitiable. Superintendents whose duties must needs be chiefly executive, and overworked assistants fresh from school, will never contribute anything to psychiatry and criminology. One of the most stupendous errors of our time is the waste of valuable material in our public institutions. Under present conditions, scientific work is impossible. It will always be impossible unless these institutions come to be managed by men imbued with the true scientific spirit and backed by intelligent public opinion—if such a thing as the latter can possibly exist. It is almost incredible that most of our large asylums should have no pathologists, and no laboratories worthy of the name. Not until our public institutions are divorced from politics can conditions improve.

IMPORTANCE OF THE FORE-BRAIN

The superior comparative development of the fore-brain in man is a point upon which anti-evolutionists have harped *ad nauseam*. De Quatrefages sweeps aside the claims of evolution with a single haughty wave of the hand; he asserts, in effect, that, inasmuch as the fore-brain of man is developed earlier in fetal life than that of the monkey, man cannot be the descendant of a more primitive type. In brief, he believes that man was always man, and that his fore-brain has always developed before the rest of the organ.[1]

De Quatrefages, then, would exclude the possibility of acquired organic characteristics, forgetting that the greater stimulation of the fore-brain of man, through his complex sensory, motor, and emotional impressions, should naturally have resulted in time in a greater developmental activity, producing an early growth of the frontal lobes, as compared with the rest of the brain. The character of the stimuli to which the brain is subjected determines the relative degree of rapidity of brain development in general, and of special areas in particular. The brain of the new-born child is very primitive. It would be surprising, indeed, if fetal development, which is an epitome of the evolution of the race, did not respond to the relatively great stimulation of the fore-brain during the life-history of man as a species.

The differences that exist between the intellectual and moral faculties of primitive and those of highly civilized man centre around the relative development of the fore-brain. In inferior races the average development of the temporal, parietal, and occipital lobes of the brain as compared with the frontal is high. The reverse is true of the higher races. Craniologists of experience state that the anterior fontanelles ossify first in inferior races and last in superior races. The less the development of the brain, and especially of the frontal lobes, the earlier these fontanelles ossify. This principle is exemplified by such reversionary phenomena as microcephalic idiots among the higher races.

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[1] The Natural History of Man, A. De Quatrefages.

When brain development ceases, the necessity of the fontanelles ceases. The motor centres are exceptionally well developed in primitive races, as compared with the fore-brain. The degraded black of Australia, the lowest known type of man, has disproportionately well-developed motor centres, and no ambition in life other than the gratification of his animal appetites.

The plane of development of the brain is more uniform in savages than in the higher races. With increasing complexity comes greater variation in type. The dead-level of brain development and intelligence seen in the normal savage is seen only in imbeciles, the insane, and criminals among civilized beings. Here the influence of atavism is evident, hence atavism is the foundation of a large proportion of social disease, and is in its pure form independent of disease of the body.

It seems probable that reason and judgment are products of the fore-brain. The frontal lobes are undoubtedly the seat of our altruistic sentiments. Hollander says,[2] "The frontal lobes as the seat of the reasoning faculty are an inhibitory apparatus against the lower and more instinctive natural impulses. The higher their development the more they overbalance the rest of the brain and subordinate the instinct of self-preservation and egoism to the intellect, and act as a check on the animal propensities."

Total destruction of the frontal lobes reduces man to idiocy. Partial destruction or disease perverts self-control and impairs the faculty of attention and continuity of thought,—in short, all intellectual operations. It is highly probable that a perfectly sound intellectual faculty is incompatible with serious injury or disease of the frontal lobes. Inasmuch as they are inhibitory of the rest of the brain, the resulting disturbance is likely to be both moral and intellectual. The reported cases in which serious brain injury has been claimed to have produced no perturbation of brain function have, in most instances, been loosely reported by incompetent observers, to whom anything less than complete dementia or acute mania signifies mental soundness. These reporters often make no attempt whatever at localization of the

[2] Mental Functions of the Brain, Bernard Hollander.

lesion. Where the case does not comprise an expert autopsy report, it is usually almost, if not quite, worthless.

The Abbe Frére, who collected a large number of European skulls, now in the Paris Museum of Anthropology, claimed that there had been a progressive increase in the size of the European skull, *para passu* with advancing civilization, associated with increase of height of the fore part of the skull and flattening of the occipital region. Examinations and comparative measurements of the literate and illiterate have seemed to show that frontal development is greater in the former. The importance of Camper's facial angle depends upon the fact that frontal development differs in various races, men of the same race, and between children and adults. Maudsley [3] notes that the forehead is higher and broader in civilized man than in inferior races, and that the narrow, pointed conformation of the brains of the anthropoids constitutes the chief difference from man's brain. He further states that in imbeciles the frontal convolutions are very simple. Where they appear relatively large, it is because of the defective development of the rest of the brain. They are really still simple, the brain cells being defective in development.

The widely varying results of brain disease and brain traumatism are, in a measure, equivalent to experimental proof of psychic localization. A previously normal subject, after a blow upon the head, may retain his memory and judgment, but become morose, suspicious, depressed, quarrelsome, and dishonest. He may lose his memory for words and retain that for figures, or *vice versa.* He may become melancholy and suicidal, or gay, with delusions of grandeur,—megalomania. The memory of tunes may be lost, and other faculties retained. The quality of thrift and conservatism may be replaced by prodigality, venturesomeness, and wastefulness; sobriety may give way to dipsomania; an affectionate disposition may be succeeded by an aversion to and distrust of family and friends; chastity may disappear, submerged by phenomenal lewdness. Only too often are such phenomena attributed to "brain injury" without any serious

[3] Responsibility in Mental Disease, Henry Maudsley.

attempt at localization. This is to be especially regretted, for, so long as deliberate experiments upon human beings are not practicable, it is upon what might be termed accidental clinical phenomena that we must mainly rely for our knowledge of psychic brain functions.

The fundamental principle in brain development is the fact that the brain, like every other organ, within reasonable limits, responds to stimuli by growth and increased functional activity and power. Exercise of any of the sensory or motor faculties produces improvement in the nutrition of the corresponding brain area, and incidentally of the entire brain. Proper exercise of the muscles improves in this way the development, not only of the motor centres, but also of the fore-brain, especially if the form of exercise demands cleverness, keen sight, agility, a high degree of muscle control, and a certain degree of calculation. Disuse of any brain centre, as shown by examination of the leg or arm centres some time after an amputation, results in physiologic atrophy.

Much of our faulty teaching is due to ignorance of the fact that the special senses are not the only avenues through which to influence and develop the brain. Any system of training children, or, for that matter, adults, that does not recognize the value of manual and general physical training in moral and intellectual development is a failure. Herein lies the germ from which the principles of the prevention and cure of social disease will eventually develop. I unhesitatingly affirm that muscle control and development are among the most powerful agencies available in inciting brain control and development. The obvious corollary is that physical training is an essential part of intellectual and moral training.

The fore-brain being the seat of intellectual inhibitions, and developing *pari passu* with mental training, it follows that the greater the degree of culture and education, the more powerful these inhibitions are. There are marked exceptions to this rule, however. The moral centres of the brain may functionate so imperfectly, or the emotional centres be so highly developed, that the possessor of a fine intellect is exceedingly depraved. The

intellect may control the emotions but little, if at all. Highly intellectual, well-educated, clever persons may be very immoral, —the victims of uncontrollable passions and evil impulses,— while stupid, ignorant men may be kind, sentimental, and moral in the very highest degree. The histories of some of the world's geniuses illustrate this point. It must be remembered, however, that a change in the moral faculties, even where the intellect remains for the time being unimpaired, may herald impending mental disease. When a previously normal individual's mind becomes fickle, with irritability and moroseness, his friends should be on their guard, for there is usually a serious psychosis in prospect. This with due regard to climacteric influences.

In estimating the size of the fore-brain during life, all of its external dimensions—in so far as the frontal region of the skull is a criterion of the size of the brain beneath—should be considered. It should be remembered, too, that its absolute size is not so important as its size relative to the rest of the brain. The brain, when exposed post mortem, should be considered, not alone from the stand-point of bulk, but also with respect to its relative proportion of gray matter, and size and complexity of convolutions. Superior development and complexity of convolutions are equivalent to a relatively large brain mass, so far as estimating the intellectual status of the individual by the fore-brain is concerned. Indeed, Topinard claims that the complexity of convolutions is inversely to mass. This is one of the great stumbling-blocks in the way of cerebrology, and especially of craniology. A formidable source of fallacy is the fact that neither form, size, nor complexity of brain determines arbitrarily the intrinsic power of the cerebral cells. The ultimate and distinctive qualities of the individual brain probably depend on distinctive physical properties, but these properties are too occult for detection by extant methods of examination. That the total quantity of brain is not an accurate criterion of its psychic qualities is a familiar physiologic observation. Brain is by no means the correlative of mind. The brains of Cuvier and Webster were enormous, it is true, but idiots are often equally blessed. The great Gambetta's brain weighed but thirty-nine ounces, far below

the estimated normal average, but it was finely convoluted in compensation. Bichat, the great anatomist and pathologist, had a brain that was apparently affected by unilateral atrophy, so unsymmetrical was its development. In brief, it may be said that while the size and complexity of the brain are a fair gauge by which to estimate intellectual capacity, the quality of brain can be accurately estimated only by its phenomena in the living subject,—*i.e.,* by the intellectual and moral faculties themselves.

Spitzka is quite iconoclastic on the subject of phenomenally large brains. He believes that they are evidences of healed hydrocephalus.

Hollander [4] especially emphasizes the fact that mind and intellect are not the same. "Intellect is not mind, but a faculty of mind—a governing faculty. The moral faculties, emotions, and passions are all components of mind. In proportion as the frontal lobes preponderate, intellect is the dominating faculty of mind." Character is determined, not by the intellectual, but by the moral, faculties,—*i.e.,* by benevolence, love, selfishness, covetousness, envy, hate, jealousy, etc.

NORMAL AND PATHOLOGIC BRAIN LOCALIZATION

Granting that the various faculties of mind are presided over by specialized cell areas and groups, it is easy to understand that a failure of differentiation or development of structure may produce varying results in the way of intellectual and moral abnormalities. The kind of abnormality is determined by the extent of the maldevelopment and the function of the involved area. As already noted, there may be a loss of developmental balance that results in a fine intellect, associated with a low moral sense, and *vice versa.* The failure of differentiation and development may be congenital or acquired. In a large proportion of instances of criminality—exclusive of the criminal insane—defective mental and moral training in childhood is mainly responsible for brain imperfections. Even mediocre brains are susceptible of develop-

[4] Op. cit.

ment by proper training, the contrary evidence afforded by "born criminals" notwithstanding.

It has been claimed that there are not only individual centres in the brain for the special senses,—a point too well settled to permit of argument,—but that the faculty of individual memories is located in various special brain-cell areas. Thus, in addition to a general memory centre, there are centres for the memory of words, numbers, time, and place. This theory of localization dates back to Franz Joseph Gall, whose atlas, published in 1810, was the foundation upon which Spurzheim and Combe built their so-called system of phrenology,—a system the good of which has been obscured, on the one hand, by fallacious and quackish applications and perversions of Gall's views, and, on the other, by the intolerance of a profession overshadowed by the dogma of infallibility and embittered by jealousy and prejudice that have not yet been altogether relegated to the Valley of Dead Lumber. Although published nearly one hundred years ago, to become the grazing ground upon which numbers of scientific thieves have gained great reputations, Gall's work in cerebral localization has never received the appreciation it merited. Dr. Bernard Hollander is the most enthusiastic of the few psychiatrists who have endeavored to do justice to the great anatomo-psychologist, who was the first to really dissect a brain, and to whom credit for the discovery of even the speech and optic centres justly belongs. Hollander's work is one of the most interesting and important of recent contributions to psychiatry. Many psychiatrists have spurned Gall and all his works and, whilst repudiating him, have coolly appropriated the products of his master mind.

The originality and boldness of Gall are shown by the striking fact that he was not only the father of psychology, cerebral anatomy, and cerebral localization, but the pioneer who foreshadowed the coming of modern criminology, a science which, while it is being overdone almost as much as phrenology has been, nevertheless contains many truths that are of practical value to humanity, and is exciting unwonted interest in the study of abnormal man. Modern criminology has, to be sure, not been so daring as Gall in the matter of cerebral localization, but its trend

has been in the same direction, so far as the criminal cranium and brain are concerned.

As early as the beginning of the past century, Gall claimed that the anterior part of the temporal region of the brain was the seat of the impulse to theft, the corresponding region of the skull being especially well developed in thieves. Spurzheim later held that this region was the centre of acquisitiveness,—the foundation of theft,—which is a common instinct of human nature, and a reversionary manifestation of the instinct displayed by the dog in hiding bones. It may well be that future research will prove the correctness of Gall's views in this direction. He has certainly been vindicated in many respects. His localization of the speech and optic centres was afterwards verified and appropriated by others. Broca's name will be immortal through his appropriation or rediscovery of the speech centre, localized by Gall many years before. Reil gleaned most of his "original" ideas from Gall's demonstrations.

Gall located hunger, taste, and thirst centres in the anterior portion of the temporal lobes. Hoppe, Crooke, Ferrier,[5] and Paget[6] have claimed verification of this observation. Other alienists have often noted insatiable, voracious hunger and thirst in disease of the temporal or temporosphenoidal lobes.

Gall also claimed that the musical sense depended on the relative development of the brain over the fissure of Sylvius in the temporal region. Injury of this region has been observed to produce loss of memory of tones, where all other faculties were unimpaired. He further claimed that memory was not a simple, but a complex, faculty, involving a number of mental operations, and to have located in the brain special centres of form and color, and memory of words, figures, and objects. The various mathematical and arithmetical prodigies who have startled the world can be logically explained by extraordinary development of the mathematical and arithmetical centres, and in no other way

If there be aught of truth in Gall's theory of localization, it is

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[5] Functions of the Brain.

[6] British Medical Journal, 1897, vol. i.

not beyond the bounds of possibility that certain moral faculties are presided over by special cell areas, and that injury or disease of these centres may be productive of vicious or criminal impulses. That the posterior and middle lobes of the brain in general preside over the moral faculties of the mind, the anterior lobes being the intellectual inhibitory centres, is fairly well established. It follows, then, that disease of what may be termed the moral centres, and disease of the inhibitory centres may alike produce moral perturbations. The relation between coarse brain disease and insane criminality is so well established that neither theoretic nor clinical evidence is wanting to support it.

In view of the abundance of clinical evidence in support of Gall's views of cerebral localization, it is somewhat remarkable that his ideas have been permitted to be practically monopolized by charlatans, quacks, and literary pirates. Whatever may be said of him as an extremist, the reflective mind cannot but appreciate the vein of truth and practicality that permeates his work. His plates of the brain have never been surpassed, and the thoroughness and conscientiousness of his work are unimpeachable. It is remarkable, but none the less true, that the trend of modern criminology is in the direction of the theories of cerebral localization laid down by Gall. Consciously or unconsciously, moreover, there is more resemblance between some of the points that modern criminologists are endeavoring to make and the theory of phrenology than most scientists are willing to acknowledge. That Gall was a philosophic criminologist is shown by the following excerpt from his work:

> "There can be no question of culpability or justice in the severe sense; the question is of the necessity of society preventing crime. The measure of culpability and the measure of punishment cannot be determined by a study of the illegal act, but only by a study of the individual committing it."

Although confessedly beyond detection by present scientific methods, variation of cerebral structure involving perturbations of developmental equilibrium probably explain individual talent and psychic bent. Granting that the various mental faculties are

dependent upon brain action, and that quality and quantity of brain action must necessarily depend upon quality and quantity of cerebral cells, no other deduction is logical. The mathematician or arithmetician may have the one faculty well developed, and no other faculties worthy of consideration. The same is true of the musician, the historian, the artist, the poet, and the scientist. Those faculties involving the emotions are most likely to stand alone. The poet, the romancist, the musician, and the artist are less likely to be mentally well balanced than the scientist, the mathematician, or the historian. A superb mathematical or musical faculty may be possessed by a subject who is otherwise an idiot. On the other hand, highly intellectual persons may be absolutely devoid of arithmetical or mathematical ability, or be tone deaf, with no perceptive faculty for music. Persons who are born deaf, dumb, and blind may be very intelligent. Laura Bridgman and Helen Keller are brilliant examples. It is asserted that Miss Bridgman, three years after entering an asylum and school for the blind, presented a marked increase in the size and a change in the shape of her forehead. This is important as bearing upon the question of brain development through other avenues than the ocular, auditory, and speech faculties, and also as showing that the intellectual faculties are, to a certain degree, independent of some of the special senses. History is not lacking in great men who were defective in sight and hearing. Homer and Milton were blind, Beethoven was deaf, yet the imaginations of these men were florid enough, as their work proves.

Special faculties of the mind may lie dormant until well along in adult life, because of the absence of stimulation to develop them earlier. Great talent may lie fallow from lack of opportunity, until a period of life so late as to give a tinge of the phenomenal to its manifestations. The special brain capacity existing, opportunity alone is necessary to develop it. The same proposition bears directly upon the tardy development of criminal tendencies. Where criminality first develops in the mid-period of life, there are several possible explanations,—viz., (1) A congenital defect or imperfect development of a special brain-cell group or groups due to lack of exercise of the area involved during childhood and

youth, which has hitherto been inoperative because of non-exposure to temptation. (2) Acquired disease of some portion of the brain. (3) Disturbance of mental equilibrium due to the climacteric, male or female.

Temptation and opportunity are the exciting causes under any of the foregoing circumstances, in any case, short of true insanity.

Moral insanity—a degeneration of the moral character—without recognizable intellectual insanity is a condition that is well recognized by alienists, which tends to support the view of special centres for the moral faculties. The affections, temper, habits, and moral sense of the subject may be entirely changed, yet no evidence of intellectual impairment be discoverable. Drunkenness, prodigality, improvidence, gross immorality, neglect of family,—all these things may appear more or less suddenly in previously exemplary individuals. I have elsewhere spoken in detail of the relation of such perversions to the climacteric.

Although hallucinations and delusions do not exist in the typic forms of moral insanity, its phenomena should be regarded as probably the early stage of paresis. Although primarily limited to the moral faculties, the process is too serious to be regarded as likely to remain limited in its scope. It must be admitted, however, that many cases occur, most often at about middle life, in which a complete change in the moral character develops, yet no evidences of serious mental disease are ever discoverable in after-life.

The relation of the prefrontal lobes to memory in general is important, although the various faculties of memory are highly developed in many cases in which the intellect is almost *nil.* Bianchi destroyed the cortex of the prefrontal lobes in dogs and monkeys, and found that memory, judgment, and attention were impaired. He believes the cortex of the region in question to be the organ of association of the various memories. Destruction of the prefrontal lobes, then, impairs the intellect much more seriously than does destruction of one or more of the special memory-centres.

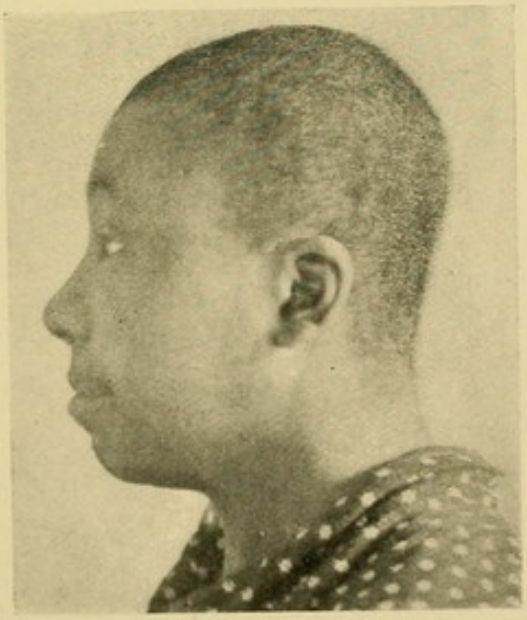
Gall located the centre of veneration in the upper portion of

FIG. 10.

HYDROCEPHALUS.

Circumference of skull 29 inches.

FIG. 11.



MICROCEPHALUS.

the superior frontal convolution. Whether he was justified in localizing the sentiment of veneration in any part of the brain or not, the fact remains that disease or injury of the part indicated by him is sometimes associated with *mania religiosa.* The celebrated "crowbar" case, Gage, who has done duty for some decades as an illustration of the tolerance of injury by the brain, sustained a severe traumatism of the frontal lobes. He became profane, irreverent, and oblivious of the rights and feelings of his fellows.

According to Ferrier,[7] the central regions of the brain should be termed, not motor, but psychomotor. The central regions are not only motor, but voluntary motor, and intimately associated with the outward manifestations of intelligence. It is noteworthy in this connection that criminal cerebrologists find the most marked deviation from the normal in the frontal convolutions. The motor centres are usually comparatively well developed. The primitive cast of such brains is at once obvious.

CRANIAL CONFORMATION—THE CRIMINAL SKULL

It has been well established that in a general way the form of the skull corresponds to the form of the brain which it contains. This is a natural sequence of the physiologic and anatomic fact that the skull functionates merely as a case and protective covering for the brain, and adapts itself to its contents. The skull moulds itself upon the brain, not the reverse. It is to be remembered in this connection that the time and degree of completeness of closure of the sutures and fontanelles, both in fetal life and after birth, is a criterion of, and is determined by, to a great degree, the size, form, and integrity of the brain. In hydrocephalus the extent and rapidity of closure determine somewhat not only the size of the abnormal head, but the degree of intellect. (Figs. 10, 11.) Where the hydrocephalic fluid forms so rapidly that the head does not yield proportionately to the pressure, the intellect is seriously impaired. In microcephalic idiocy the sutures and

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[7] Op. cit.

fontanelles close prematurely. The microcephaly is not caused by, but is coincidental with, the premature closure.

RELATION OF CRANIAL CONFORMATION TO MIND

Granting that the size of the brain and the conformation and relative proportions of its various parts determine, in the main, the intellectual and moral qualities of the brain, and, further, that the skull is moulded upon the brain, it follows that the form of the skull is, to a certain extent, a criterion of the mental qualities of the individual. This is the basis of Gall's views of craniology, which have been so perverted and misapplied by phrenologic quacks and pretenders. Strange to say, it is the basis of much of our modern criminal craniology. If distorted skulls mean anything in criminology, they imply correspondingly aberrant development of the brain beneath, with resultant perversions of the intellectual and moral faculties. It is probably true that Gall was extreme in his views of criminology and localization, but I doubt whether many scientists of to-day are in a position to fairly judge him. In the matter of careful observation and analysis of the correlation of mental and craniophysical phenomena he still stands alone. It is possible that many of those who have laughed Gall's phrenologic bias out of court would better have laughed at the narrow limitation of the views and methods of some more modern investigators.

The main principles of cerebral localization and the relation of mental and moral phenomena to brain development and physiologic integrity having been established, the probability of the dependence of criminality upon a psychophysical cause cannot be denied. Beneath all phenomena of social disease lies a variation of intellectual and moral faculties from the normal average standard. Who can deny that varying brain conditions determine the quality of these faculties? The cogency of the foregoing propositions is not impaired by our inability to frequently associate a given form of skull and brain with a special or even general criminal tendency. Again, failure to discover any physical change whatever, in a given case, does not disprove the physical cause of crime, but reflects merely upon the limitations and accuracy of

scientific research at the present day. Neither does the physical theory of crime disprove the necessity of moral and other psychic influences in the prevention and correction of crime; on the contrary, it proves their necessity, for psychic influences are the chief factor in brain building, other things being equal as to the physical health of the given subject. I will again revert to the fact that the success of moral and intellectual training depends upon the relative capacity of cerebral development possessed by the subject at birth. As already remarked, human beings are not born with morals and intellect, but with varying degrees of capacity for their development.

One of the obstacles in the way of phrenologic observations is the lack of absolute correspondence of cranial and brain conformity in many skulls. This has been the chief argument against the theory. It must be remembered, however, that Gall himself was the first to call attention to this formidable source of fallacy. He emphasized the fact that the two tables of the skull did not necessarily correspond, that the size of the frontal sinuses varied, and that old age and disease produced variations. Despite variations due to the influences mentioned, authorities are not lacking to prove that, in general, the correspondence of skull, brain, and mental attributes may be relied upon. Some of the coarser observations are certainly well grounded. Thus, Maudsley calls attention to the importance of the form and size of the frontal region of the skull in estimating the intellect, and emphasizes the fact that individual moral qualities are determinable, to a certain degree, by estimating the comparative development of the posterior, middle, and frontal regions. Benedikt goes so far as to say, "A special part of the brain belongs to every special part of the skull. Deficient evolution of a part of the skull indicates a deficiency of the corresponding part of the brain." The accidental secondary prominences that have no counterpart in the brain refer only to unimportant changeable details and comparatively rare abnormalities. It is significant that criminal craniology has been studied along lines that are at least suggestive of the old phrenologic bias. Modern craniology has been inclined to record many unessentials, but, in so far as it claims the general

relation of cranial conformation to mental and moral types, it is operating along logical lines.

Certain basic principles of craniology are fairly well established. It is found that, as Maudsley claims, the degenerate frequently shows an inferior frontal development. Criminals are found to tend rather towards brachycephaly, the middle lobes of the brain preponderating. Occipital development is defective, in a large proportion of criminals. In prostitutes and sexual derelicts, cerebellar development is frequently excessive. That extremes of cranial index, high or low, are indicative of degeneracy is fairly well established, a median index being the closest approximation to the normal average type. Racial characteristics should be given due consideration in connection with the cranial index. In general, I believe that in races that are relatively brachycephalic, degeneracy tends rather in the direction of exaggeration of brachycephaly, the dolichocephalic racial type tending towards increased dolichocephaly under similar conditions. This accords with the observations of others.[8]

Maudsley's description of a brutal head is not the product of a fertile imagination, but can be verified by any one who will take the trouble to study criminal types. It is, in brief, a narrow, low forehead, flatness of the dome of the cranium, a bulging of the sides towards the base, disproportionate development of the lower and posterior part, a wideness of the zygomatic arch as in the carnivora, and massive jaws. Numerous other observers practically support Maudsley's description. Hollander says,[9] "The head of the typic criminal rises little above the level of ossification of the parietal and frontal bones—the altruistic sentiments are absent. He has well-developed temporal lobes,—the seat of the animal propensities,—deficient frontal lobes,—and therefore defective intellect,—and deficient occipital lobes." As a consequence of the latter deficiency, the criminal is rarely domestic or affectionate. This has an important bearing upon the celibacy of the criminal, and shows that his criminality and celibacy may depend upon the same brain cause.

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[8] *Vide* The Criminal, Havelock Ellis.

[9] Op. cit.

Benedikt's studies of Gall's collection of criminal skulls show a reversion to the carnivorous type, as evidenced by great temporal breadth, and a defective development of the cerebellar region.

Lombroso enumerates the following atavistic features frequently noted in a large series of criminal crania: Sclerosis, marked frontal sinuses, retreating forehead, gutter-shaped nasal notch of the frontal bone, ankylosis of the atlas, masculinity of type in the female, double articular surface of the occipital condyle and flattening of the palate, Wormian bones, enlarged or oblique orbits, and a median occipital fossa.

Many of the psychopathic phenomena noted in criminals tally with the foregoing cerebrologic and craniologic observations. Small frontal lobes in criminals are often associated with imbecility. Even among criminals who are not classed as insane, great irascibility, destructiveness, and impulses to violence are frequent. Not only is their animality excessive, but their inhibitions are weak, as might be expected from their peculiarities of cranial—*i.e.,* cerebral and cerebellar—conformation. The egotism and lack of altruistic sentiments of criminals are natural sequences of the same physical conditions that proper developmental influences brought to bear upon the fore-brain during childhood might have corrected in many instances. *Mania furiosa,* irascibility, delusions of persecution, and auditory hallucinations are peculiarly frequent among criminal insane.

INSANITY IN ITS RELATIONS TO CRIME

Assuming that crime is due to degeneracy, and that the foundation of degeneracy is neuropathy, crime in general might be said to be a neurosis. This, however, is too broad an assumption to be practical, especially in view of the difficulty in establishing an arbitrary standard of the normal type of mankind. There are, however, many instances of crime in which a distinct neurosis of one kind or another is the underlying cause. Neuroses of various kinds are often found in criminals, but nothing will now be considered save those distinctly recognizable neuropathic phenomena

which may occasionally act as indubitable causes of given criminal acts..

In strict justice, an insane person cannot be considered a criminal. Criminality, in the eyes of the law, implies responsibility, with a certain degree of knowledge of the immorality,—*i.e.*, the antisocial character of the given act. Were we to split hairs in nomenclature, we might say that an insane person cannot become a criminal, but a criminal may become insane. Insanity develops among criminals more frequently than what is termed criminality does among the insane. Notwithstanding the foregoing, we are obliged to legally classify many insane antisocial acts as crimes. As Ireland [10] remarks, "Medical insanity and legal irresponsibility can never have the same boundary-line."

The legal line of demarcation between criminality and insanity in general was once imperceptible. Criminals and the insane were alike punished in the most atrocious manner. In some periods and in some localities both were supposed to be possessed of devils that were to be exorcised, chiefly by sorely afflicting the bodies of their hosts. History shows but little that is flattering to humanity in the old-time treatment of criminals and the insane. Gall showed that insanity meant brain disease, and later, the immortal Pinel broke the chains of the insane, and established the fact that the madman is an invalid, demanding the same kind consideration as other sick persons. The differentiation of the insane from the criminal has never been complete, because of the existence of a numerous class of insane dominated by criminal impulses. With the passing of time, however, the tendency has been to the growth of the humane idea, as applied to individuals who commit crime because of insane impulses or a lack of responsibility due to brain disease. It is true that the application of humane and intelligent principles in the management of the criminal has not kept pace with progress in the treatment of the insane, yet Pinel, the master alienist, and John Howard, the prison reform "crank," would find much to delight them were they to return to earth to-day. In no civilized social system

[10] Through the Ivory Gate.

worthy of the name are the insane now regarded as demon-possessed brutes, to be treated worse than dogs. In all social systems of an elevated type, the condition of the criminal in prison has also been alleviated, until, while many instances of brutal and stupid treatment exist, the trend is now towards a betterment of penology which, combined with and dominated by modern scientific ideas, must eventually work great good.

The tendency to leniency towards criminals alleged to be irresponsible from brain disease has, to be sure, been taken advantage of by the criminal and his lawyer, but it has, nevertheless, on the average, been beneficent so far as doing justice to those who are irresponsible is concerned. Whether it would be more logical to kill or immure for life the criminal lunatic than the man who is responsible for his actions is not a subject for discussion at this juncture. Admitting that the plea of insanity has been abused at the Bar, the fact remains that a large proportion of insane criminals are punished. Richter claims that in a series of one hundred and forty-four lunatics tried for crime, in Germany, only about twenty-five per cent. were recognized in court as insane. Any one familiar with the subtlety of insanity in many cases, and with the stupidity of courts, will not be surprised at this. Lombroso states that one criminal in twenty is insane. This is far too high an estimate for American prisons.

Although, as Ellis [11] says, "The insane criminal is clearly in a category of his own," it does not follow that he is classified with ease and labelled at will. The standard of sanity, and consequently the standard of responsibility, is a variable and uncertain quantity, and the irregularity and unreliability of the phenomena of insanity are well known. Then, too, many cases of criminality involve individuals who are just on the border-line between sanity and insanity. Although in such cases careful subsequent study will often serve to clear up the doubt, much injustice is done by snap judgments, hurried convictions, and unreasonably speedy commitments or executions.

Granting that a perfectly sound intellect and moral sense are

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[11] The Criminal.

dependent upon an organically and functionally perfect brain, it is easy to understand that both organic and so-called functional brain disease may develop criminal impulses. When I use the term "functional," it is in deference to the fact that in many cases of insanity no evidence of organic change can be found by any known method of research. Whether there is such a thing as functional brain disease is an open question, although the existence of cerebro-toxæmia without structural change in the brain or its envelopes lends color to the functional theory. Even here, however, there is a physiochemical foundation for the perturbation of function.

Granting that typically insane individuals may present no evidences of brain disease post mortem, by any method of examination now in vogue, it is easy to understand the possibility of brain disease underlying criminality, although the subject shows no evidence of what is ordinarily termed insanity, nor any changes post mortem which serve to distinguish his brain from that of any other individual of the same racial type.

One of the most hotly contested questions in criminal jurisprudence has been that of emotional and impulsive insanity. This bears especially upon murder and suicide. The most typic crime involving the question of emotional insanity is wife murder followed by suicide, or perhaps by the murder of a family of children prior to the suicide of the miserable husband and father. Jealousy is the impelling motive here in a majority of instances. Whether the jealousy is well or ill founded is of no account in the final result. The lack of mental stability existing, any grievance is real to the victim of the impulse to kill. Murders of this class are always to be scientifically explained on the ground of insanity, whatever the attitude of the law may be. The man who discovers the faithlessness of a beloved wife or mistress is often no more accountable for his subsequent actions than the veriest lunatic in a madhouse. Jealousy is the most powerful and disturbing emotion of the human mind. Add to this wounded pride, a sense of outraged honor, and the utter blankness of the future that looms up so horridly before the man in the first flush of discovery of his betrayal, and the mind that remains sound and well

balanced must needs belong to a very indifferent being. It does not necessarily follow, of course, that the injured person will do murder or commit suicide. The power of the controlling centres varies, and individuals act differently under similar conditions. What has been said of the betrayed man applies with equal, if not greater, force to the betrayed woman.

The border-line between jealousy and insanity is easily overstepped. Frelat [12] and Dores [13] have expatiated at length upon "hyperesthesias of jealousy," in which the sufferer finds cause for suspicion in the most trivial circumstances. An unusual expression, a word that ordinarily would have no especial significance, innocent and accidental meeting with the opposite sex; in short, any action whatever of the suspected person is construed by the jealous monomaniac into evidence of odious infidelity. Once suspicion is aroused, nothing is too trivial to serve as fire to the heart of the victim of jealous suspicion. The monomania once developed, murder and suicide are logical sequences.

Morbid and insane jealousy is especially frequent in alcoholics. Krafft-Ebing,[14] especially, calls attention to jealous insanity as a manifestation of the neuropsychic degeneracy of alcoholics.

The epidemic tendency of homicidal monomania from jealousy is a matter of common observation. Psychic suggestion and imitation are very powerful factors here. The published incidents of one wife murder suggest not only a reason, but an uncontrollable impulse to kill, and often the precise method of murder. It is true that, in many instances, careful inquiry will elicit symptoms of insanity existing long before the murder, but in many cases the development of symptoms of mental aberration are synchronous with the psychic shock of the cause, or apparent cause, for jealousy. It is certain that cases of murder of children by parents who justify themselves by their inability to care for and rear them properly are due to insanity.

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[12] La Jalousie Morbide.
[13] L'Amour Morbide.
[14] Treatise on Mental Disease.

The history of crime is not lacking in cases of homicidal monomania in which multiple murders have been committed without provocation and, so far as could be determined, without a tangible object. A celebrated case of this kind was the murder of two entire families in London, by one John Williams, in 1812. The victims numbered eight in all. Williams was described as a tall, yellow-haired, ghastly-pale individual, with sinister, glaring eyes. He was said to be of a highly sensitive, refined nature. He was finally arrested, and before his trial hanged himself in his cell. Another excellent historic example of homicidal monomania is Theodore, King of Abyssynia.[15]

Even in cases where robbery is the ostensible object, the unnecessary murder of a number of persons justifies doubts of the murderer's sanity.

While it would be a dangerous principle to establish in jurisprudence, it is probable that a majority of, if not all, sudden impulses to murder are due to emotional insanity. The relative degree of responsibility from a medico-legal stand-point has no bearing upon the truth of the assertion that the civilized man who yields to a sudden impulse to kill his fellow-man, whether in anger or not, is not in a normal condition for the time being. Deliberate, purposeful assassination for selfish objects, murders by criminals in the pursuit of their occupation, and killings in self-defence are usually to be excluded from the category of murders by the emotionally insane, although the so-called killing in self-defence is quite likely due, in some instances, to temporary insanity from fear of bodily harm.

In cases of assault, murder or suicide committed without either provocation or possible object, insane impulse is often assigned as a cause. In establishing such a diagnosis, the absolutely purposeless and unprovoked nature of the crime is very important and, while in many instances no mental aberration is discoverable, careful inquiry into the personal history and antecedents of the subject will usually elicit a neuropathic taint, and perhaps distinctly neuropathic phenomena. The sudden impulse

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[15] *Vide* Ireland, Through the Ivory Gate.

to kill may be developed by alcoholic indulgence. Attacks of impulsive insanity have been likened to epilepsy. They often show a certain periodicity, and are followed by a relief of nervous tension, with lamb-like docility. The danger of forensic mistakes in such cases, so far as society's safety is concerned, is mitigated by the fact that impulsive insane murderers are the most dangerous class, and their permanent seclusion or "removal" is strictly altruistic in result, no matter how fallacious the motive may be.

Murders by persons under the influence of alcoholic or other drugs are illustrative of the disasters that may result from temporary mental aberration. That the alcohol-crazed murderer is temporarily insane is scientifically probable, no matter what the attitude of the law on the question may be. The psychic state of the subject is normal only so long as his intellectual inhibitions control. Once they are removed, he is for the nonce insane.

The point at which responsibility terminates and irresponsibility begins is sometimes difficult to establish. It would, however, be hazardous to apply too literally Prosper Despine's view that all great malefactors are irresponsible because deprived of the nobler sentiments of humanity, and especially of moral sense.[16] To him the absence of a sense of the wickedness of a criminal act and a complete lack of remorse subsequent to it is proof positive of irresponsibility,—*i.e.*, moral insanity. According to Despine's view, only the criminal whose acts involve the operation of a free will should be punished; the morally insane should not. His view is fallacious, because neither a lack of appreciation of the wickedness of an act nor incapacity for remorse proves absence of will.

The chief predisposing cause of murder under the stress of emotional or alcoholic excitement is necessarily a certain degree of mental instability inherent to the given subject. One of the most powerful predisposing factors is the knowledge of the possession of a weapon. The psychic suggestion involved in carrying and handling a deadly weapon has cost many valuable

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[16] Psychologie Naturale.

lives, both by murder and suicide. There is a peculiar and fascinating suggestiveness about weapons which, in some individuals, may at any moment lead to their use, under trifling causes of emotional excitement. Were this psychic fact better appreciated, the sale and carrying of deadly weapons would be more strictly regulated. The mere possession of a weapon is, in some subjects, an announcement of willingness and readiness to kill on occasion. The English law wisely holds that a weapon found upon a burglar or footpad is *prima facie* evidence of intent to kill.

The readiness with which weapons are to be obtained is an illustration of our social inconsistency. One may sell a pistol and ammunition, or a dagger; he may not sell a small dose of morphine, according to the law. Morphine in bulk, however, he may either sell or purchase at will. Small, therapeutic doses of deadly poisons are sold, or supposed to be sold, on a physician's prescription only, but any drug clerk is privileged to supply in bulk enough poison to kill a regiment. The ease with which poison may be procured is one of the most potent factors in the suggestion of murder and suicide. Practically no restrictions are put upon the sale of some of the deadliest poisons. It requires no ingenuity whatever to purchase carbolic acid or arsenic.

There are many clinical facts that apparently support the view of localization of special faculties of the mind in narrowly circumscribed areas. Emotional insanity and melancholia—the latter of which is intimately associated with suicide—have been shown to be often associated with disease or injury of the angular and supramarginal gyri of the parietal lobes.[17] It is noteworthy in this connection that melancholia may exist without any intellectual aberration whatever. This alone lends color to the probability that melancholia may be due to conditions which in nowise affect the frontal lobes.

The line of demarcation between simple, violent, uncontrollable anger and *mania furiosa*—defined by Hollander as " that form of mental derangement characterized by ungovernable spon-

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[17] Hollander, op. cit.

taneous motor impulses and violent anger, with or without knowledge of one's surroundings"—is somewhat shadowy. The one may drift almost imperceptibly into the other. As already indicated, it is questionable whether every individual who kills in a sudden outburst of anger is not emotionally insane. His degree of legal responsibility is not in question here. Killing in anger may be inconsistent with a sound mind, although, on the other hand, murder may be the result of calm, dispassionate reflection and deliberate intent.

Mania furiosa is a frequent cause of assault and murder. Irascible insanity may be associated with epilepsy,—*furor epilepticus,*—both being dependent on the same cause. A tumor or inflammation of the brain, especially of the temporosphenoidal lobe, may be the cause. The *furor epilepticus* may, however, exist where no localization of the lesion is possible. Numerous cases have been noted in which excessive development of the temporal lobes produced *mania furiosa.* A case is reported in which, associated with this abnormal brain development, the subject showed *mania furiosa,* kleptomania, and pyromania.[18]

An actual enlargement of the head, chiefly in the temporal region, has been noted in *mania furiosa.* Middle-ear disease has been known to be followed by violent homicidal mania. Lesions of the lateral ventricles, such as solid gumma, and cystic or other tumors, also produce it. It may be due to mere pressure, meningitis, or toxins.

It has been noted by Ferrier that experimental excitation of the temporosphenoidal convolutions in monkeys, dogs, and cats develops the phenomena characteristic of violent rage in these animals. Benedikt has noted the resemblance of the brains of murderers to those of the carnivora, in respect to the relatively large development of the temporal lobes. Meynert made a comparison of the brains of the herbivora and carnivora, with reference to the comparative development of the temporal region of the brain, and showed it to be greater in the latter. It is significant that Gall, nearly a hundred years ago, noted the prominence

[18] W. L. Babcock, State Hospitals Bulletin, New York, 1896.

of the temporal lobes in the carnivora and in murderers, and claimed this region to be the seat of the irascible emotions.

Mania furiosa does not necessarily involve the intellect, so far as shown by symptoms between attacks. Pinel long ago said, "A madman may have no intellectual bias, and yet be the victim of *mania furiosa.*" Cases of moral turpitude, *mania furiosa,* and other mental disturbances are met with in which the patient is harshly treated, because of supposed moral perverseness, and only the autopsy has shown how undeservedly the patient has been condemned. When a tumor or other disease of the brain is found in a punished criminal, the case is most pathetic, however altruistic the result.

One can readily understand that cerebro-toxemia, acting by irritation of the temporal and occipital lobes, whilst at the same time inhibiting the functions of the frontal lobes, may give rise to immoral or criminal acts.

Cases of homicidal and suicidal impulses following head injuries or sunstroke are very frequent. In some of these cases dipsomania affords the intermediary factor necessary to the development of the impulse to murder. I recall a case of my own in which, following sunstroke, a single glass of liquor developed attacks of homicidal mania. On one occasion I narrowly escaped stabbing at the hands of this patient.

Hollander [19] reports a case of pyromania, in which a brain tumor was found on autopsy, and further calls special attention to the intimate association of irascibility with lesions of the temporosphenoidal lobe, and to the existence of a basal lesion near the same region in certain cases of epilepsy characterized by violent mania, preceding or following the fit. He also attributes the mental aberrations of middle-ear diseases to a similarly localized lesion.

Either melancholia or *mania furiosa* may be associated with delusions of persecution, and may lead to murder or suicide, the subject killing himself to avoid his imaginary persecutors, or killing some one else whom he considers a persecutor. He may

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[19] Op. cit.

kill himself unintentionally while trying to escape hallucinatory persecutions, by jumping from a height or into water. These cases are often associated with hallucinations of hearing and suspicional delusions, such a combination often being seen in middle-ear disease. This has been attributed to localized lesion of the posterotemporal portion of the parietal lobe.

I recently saw a case of a woman suffering from recurrent melancholia with suicidal impulses, that was very interesting. There was a history of an occipital head injury, some years before, the connection of which with the mental symptoms was not well established. The intellect was clear and the subject realized the gravity of her condition as well as the unreality of her hallucinations. At periodic intervals she suffered with great mental depression, occipital headache, and persecution by mocking faces of whose unsubstantiality she was fully cognizant. Associated with these phenomena there was an uncontrollable impulse to suicide. What, if any, pelvic disease existed as a possible cause had not been determined.

Epileptics often show great emotional irritability, usually just before or after an attack, becoming very quarrelsome, violent, and dangerous. The disease is peculiar, on the other hand, in that patients often continue in an extreme of placidity and gentleness. According to Kraepelin,[20] sudden morbid impulses are frequent, and characteristic of epileptic insanity. These are largely due to irritability or lack of self-control. Such patients will attack any one who disturbs them, and often in blind rage injure innocent by-standers without provocation. These impulses are not confined to the pre- or post-paroxysmal stage, but may occur at long intervals between seizures. The wild stage of blind rage—the running amok—of epileptics, striking at everybody within reach, is a nerve-storm that has been termed the epileptic "equivalent," acting vicariously, so to speak, with the fits. Many epileptics are especially dangerous to others, although they rarely exhibit suicidal impulses. In some instances they are kleptomaniacs.

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[20] Lehrbuch der Psychiatrie.

It is a peculiar fact that many insane are not altogether irresponsible. Even the epileptic furor is not infrequently restrained by fear of consequences. The patient will sometimes attack only those who are not physically dangerous to him. Many insane have a certain consciousness of their condition. In many instances the patient is as well aware of his condition as those about him. This question is worthy of note in considering the question of the value of correctionary measures in insane criminals.

One of the most dangerous types of insane is the paranoiac, who, under the dominance of a fixed delusion of some kind, is very likely to commit murder. The victim of delusions of persecution is to be regarded as especially dangerous. The diagnosis and the determination of the degree of responsibility are sometimes very difficult in paranoiacs. This accounts, in part, for the differences in expert opinions in certain murder trials. The Guiteau case is a pertinent illustration.

Insanity in criminals is not of a special type. The more insane they are, the more they approximate to the non-criminal insane. Non-criminal insane are often more depraved than those with a criminal record. One of the best behaved and most proper in speech of all the patients in an asylum ward was a professional prostitute. This was in accordance with the change in character often seen in the insane. There is, however, no absolute or general rule. The worst patients in an asylum are generally the alcoholic cases. They are not always the most violent, but the most treacherous and unreliable. The most dangerous insane are those whose insanity is least apparent and only partial,—*e.g.*, the paranoiacs and the quiet melancholiacs.

Kleptomania is a much abused term. In strict justice, it should be applied only to stealing by the unequivocally insane. In every-day life the diagnosis revolves largely around the social standing of the thief. What would be indubitable thievery in a poor servant girl is styled by courtesy kleptomania in " Miladi." The " silk-stocking" variety of kleptomania is only too familiar to the managers of the large department stores.

It is true that an uncontrollable impulse to steal exists in sane people who are otherwise normal, but in most instances this

impulse requires very careful analysis before it is justifiable to pronounce it kleptomania. Stealing without rhyme or reason—*i.e.*, where no necessity exists, where the articles stolen are useless, and where no attempt is made to dispose of them—is to be looked upon with suspicion. There may be a question even here as to whether an atavistic criminal tendency—the predatory instinct of the monkey or dog—rather than insanity, is not the explanation. In any event, the phenomenon is observed only in degenerates, and there should be no splitting of hairs in differentiating wealthy and aristocratic subjects from those less fortunately situated. In genuine kleptomania other evidences of insanity will usually be found. As Blandford [21] says,—

"When we are consulted about stealing by persons supposed to be insane, and to whom the article stolen is of no moment, we may suspect one of several things,—viz.:

1. "If the individual is a man of twenty-five to fifty-five years of age, we must examine him closely for early evidences of general paresis, in which stealing is not uncommon.

2. "The patient may be in a state of moral insanity, where there are no delusions, and the chief symptom is an alteration and degradation of character. In these cases the stage of delusion has either not been reached or has been transitory and ephemeral, leaving the patient half-cured.

3. "There is the imbecile class. These weak-minded persons are given to thievery as they are to lying, drinking, and low associations. In the lower station of life such thefts lead to the prison; in the higher they come under our notice, and much care is required in diagnosis.

"We read of ladies appropriating articles in shops, and pregnant women whose longings lead them to thefts, but such are not insane—they are people of weak or ill-regulated minds. The plea of insanity cannot be raised unless other symptoms exist or develop later."

Observation of kleptomaniacs, real and alleged, shows that some kleptomania neuropaths, who find that their kleptomania has attracted attention, seem to take especial pride in stealing and boasting of their predilection as of an accomplishment. The suggestion of inability to resist temptation sometimes made by prison or asylum officials may cause the ordinary thief to assume kleptomania. The insane may really acquire it by suggestion.

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[21] Twentieth Century Practice, vol. xii.

The more closely kleptomania and its simulations are studied, the more wide-spread disregard of property rights will be found to be. The weakness of human nature in the direction of theft and swindling is most evident at the two extremes of such crimes, —*i.e.*, petty thefts and big thefts. Persons who would be horrified were they to be called thieves and swindlers will misappropriate certain articles without a tremor of conscience. The stolen umbrella has been a joke for so long that the memory of man runneth not to the contrary. The pompous business man and the lady in the sealskin sacque consider it smart to beat the street-car company out of a nickel; the conductor who "holds out" on the railroad company is regarded with a certain degree of approbation, and when he builds a house for himself out of his small salary his neighbors smile benignantly; the alderman pockets his bribe, and the public "winks the other eye;" the promoter with his fake enterprises plucks his pigeons right and left; the pusillanimous sport bets his money on the safe side of a fixed race or prize fight; the wealthy corporation waters its stock or gets a fraudulent franchise and swindles the public out of millions; the inside man wrecks an insurance company and amasses a fortune; the would-be fashionable defrauds his doctor, his tailor, his wife's dressmaker, his butcher and grocer; men and women who are able to pay fees patronize charity hospitals and dispensaries,— and so the game of theft without crime or loss of social prestige goes merrily on.

The standard of honesty by which some supposedly respectable people gauge their actions is as elastic as India-rubber; their system of ethics is for the guidance of the other fellow. The hotel- and restaurant-keepers know this to their cost. Spoons, towels, napkins, hair-brushes, combs,—these things, like the umbrella, seem to be stamped *pro bono publico*. The pretext of souvenir-collecting covers up much thievery and vandalism. Women are the chief offenders. And it is by no means among the less-cultured classes that light-fingered habits prevail. On the contrary, the ultra-fashionable set—as might be expected from the high average of degeneracy it exhibits—is far less honest than the poorer classes. The detective in civilian dress

who mingles with the guests at a reception, or stands conveniently near the display of gifts at the fashionable wedding, is evidence enough of the truth of what I have said. The plea that uninvited persons must be guarded against deceives no one familiar with the facts.

That women are more given to petty thievery than men will be testified to by almost any intelligent woman who has noticed the frequency with which articles of value disappear from the dressing- and cloak-rooms at fashionable functions. The woman who has her sealskin surreptitiously exchanged for an inferior garment, or stolen outright, is likely to have some very decided opinions on the subject. There are few women who do not know that only the green and inexperienced of their sex leave small change and expensive handkerchiefs in the pockets of their wraps. Rarely, indeed, are they stolen by the attendants; only too frequently are they appropriated by the guests. While the loss of articles from men's dressing-rooms at social functions is by no means unknown, it is rare as compared with losses among women under similar circumstances.

The fact that the proprietors of large city stores have a regular profit and loss charge against stealing, a certain by no means insignificant percentage of loss by theft being expected every year, is in itself illustrative of the wide-spread tendency to yield to the temptation to steal, especially on the part of women, in whom the conception of property rights is so often primitive or childish.

In view of the facts above set forth, the conviction and imprisonment of a large proportion of petty thieves, who chance to be caught red-handed while stealing to live, seems a social satire, and the acme of unjust discrimination. At the very least, it should incline sweet Charity to broaden her mantle.

THE RELATION OF THE CEREBELLUM TO SOCIAL DISEASE

The relation of the cerebellum to the faculties of the mind is somewhat obscure; its physiologic functions are not scientifically well defined. There is considerable evidence, however, to show that defective or excessive development, disease, or traumatism

of the cerebellum produces a profound disturbance of the *morale* of the subject. Inasmuch as the indications point to this portion of the brain as having a distinctly sexual function, it is not surprising that various lesions affecting it should be associated with moral lapses revolving around the sexual instinct,—*i.e.*, with sexual vice and crime. Gall located the centre of sexual desire in the cerebellum, and his views have since been corroborated by many observers. Nothnagel, while looking in the direction of the cerebellum for the seat of sexual desire, localized it in a more limited area than did Gall, claiming that it was restricted to the vermiform process. It will be noted that the faculty of affection was located by Gall in the occipital lobes. He thus made a distinction between the affections, around which centre friendship and the domestic instincts, and mere sexual desire. The evidence goes to show that the nobler emotions of love, while influenced by the cerebellum, depend upon the functional integrity of the occipital lobes, on the one hand, and a proper balance between these lobes and the cerebellum, upon the other. Sexuality emanating from the cerebellum, ennobled and refined by the faculties of the posterior cerebral lobes and controlled by the intellectual faculties of the frontal lobes, may be said to constitute the sex attraction of normal civilized man. A loss of balance anywhere in the chain may, by excess of function, on the one hand, or lack of inhibition, on the other, give rise to sexual abnormalities and offences.

Women are relatively dolichocephalic or long-headed. This cranial characteristic has been found to be indicative of a greater capacity for affection, and implies a superior occipital development. That they are more affectionate, less intellectual, and more emotional than men is a matter of common knowledge.

It is interesting to note the similarity of Gall's and Lombroso's observations. The former claimed that women who commit infanticide have a defective posterior brain development. The latter asserts that female criminals have no love for their offspring, even where sexual passion is exaggerated, and that they have short occiputs—brachycephaly. Benedikt's observa-

tions have a similar trend. He found in the brains of a series of murderers defective occipital lobes.

The close association of the emotions and the sense of sight, which is located in the occipital lobes, is self-evident. The influence of sight upon sexual attraction is well-known. Admitting that the occipital lobes are the seat of the optic sense, there is an apparent contradiction in the fact that visual sexual attraction is much stronger in men than in women. The sexual impressions made upon the optic centre, however, are passed on to the cerebellum, and it is the relative development of this organ, not of the posterior cerebral lobes, that determines the degree of sexuality. Men have a greater cerebellar development than women, consequently more powerful sexual impulses. It has been noted that men whose cerebellar development is extreme—a mark of atavism—are likely to be the victims of inordinate sexual desire. Where the cerebellum is undeveloped, sexual desire is relatively weak. Women with large cerebellar development approximate the male in sexual desire. From such defectives "born prostitutes" are recruited.

Lombroso [22] says that "female criminals, who have a large cerebellar development, have no chastity." There is a source of fallacy here. I deny that the female criminal whom Lombroso has studied is a fair criterion of her American sister. I also deny that all female criminals have a large cerebellar development. If the premise be correct that prostitution is the correlative of crime, the existence of great cerebellar development should lead to prostitution rather than criminality as an occupation. Indeed, it is not difficult to show that prostitution acts vicariously with crime. My observation has been that the better class of criminal female is often sexually moral and a loyal and devoted wife or lover; even discounting the control element of the fear that the female consort of the male criminal is likely to have of physical punishment for faithlessness. Many women see no immorality in stealing, lying, or swindling, yet abhor a lack of virtue. Such examples prove that, while prostitution and crime are correla-

[22] The Female Offender.

tives, they are not morally identical. Were thievery indicative of prostitution, there would be no difficulty in classifying a certain proportion of "respectable" women.

The muscular co-ordination function of the cerebellum has been advanced as an argument against its sexual function. This is far-fetched, for there is nothing illogical in the assumption that the organ has several functions. In any event, the muscle function of the cerebellum cannot be altogether dissociated from its sexual function. The venereal orgasm is not a local phenomenon, but involves a general spasm of the muscular system. It is worthy of comment that both disease of the cerebellum and sexual excess produce neurasthenia.

Hollander [23] claims that the relative size of the cerebellum is indicated by a corresponding conformation of the skull. He lays stress upon the width of the head between the mastoid processes as a criterion of the curvature—*i.e.*, the depth—of the occipital or cerebellar fossæ of the skull. He asserts that this measurement is an accurate criterion of the intensity of the *libido sexualis* in a given subject.

Notwithstanding the conflicting observations and experiments regarding the sexual function of the cerebellum, certain clinical facts support the view that the organ is at least an important physiologic factor in sexual desire. Satyriasis, homicidal mania with morbid sexual impulses, rape, and persistent priapism have been noted in injuries, tumors, and excessive development of the cerebellum. Impotency has also resulted from injury of the organ. Baron Larrey [24] reported a case in which, associated with impotency, atrophy of the testes resulted from cerebellar injuries. A very interesting case was reported by Bennet.[25] A girl, six years of age, presented a tumor projecting through the cranial wall at the lower posterior part of the skull. At the age of eleven years inordinate sexual desire developed. Death occurred suddenly six years later. The tumor was found to be an enormously developed cerebellum, protruding through a defect in the cranium.

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[23] Op. cit. [24] On Wounds. [25] Gazette Médicale, 1834.

THE CRIMINAL BRAIN

Our knowledge of the normal and pathologic anatomy of the criminal brain is as yet crude and imperfect. Much of the work that has been done has been upon insane criminals, in whom the brain lesions were in no wise different from those of other insane. Little effort has been made to co-ordinate psychoses noted in the living criminal with special lesions of the brain by subsequent post-mortem study, or at least to prove their relation by a sufficiently large number of observations. It is obvious that the co-existence of psychoses with cranial and brain defects does not necessarily prove the causal relation of the one to the other. It is evident also that a much larger number of observations would be required to prove their relations than it has yet been practicable to obtain. In no field of medicine is investigation so difficult; in no department of research is so much time and skill required for comparative studies.

Among the criminal insane, especially, coarse brain and meningeal disease has been found. In a series of ninety-two autopsies of criminals, Lombroso [26] reports the following brain lesions,—viz.: Meningeal opacities and adhesions, 3; slight ossifications in various parts of the brain, 3; osteoma, 1; softening, 2; hemorrhagic points, 5; arterial degeneration, 4; tumors, 3; adhesion of posterior horns, 1; hemorrhage into the lateral ventricles, 2; cerebral and cerebellar abscesses, 2.

Flesch [27] examined the brains of fifty criminals, and found abnormalities or anomalies in all. In twenty-eight he found, in different cases, meningeal disease, such as adhesions, pachymeningitis interna hemorrhagica, tubercular meningitis, leptomeningitis, edema of the pia mater, and hemorrhagic spinal meningitis; also atheroma of the basilary arteries, cortical atrophy, and cerebral hemorrhage. In most cases the pathologic conditions were not associated with the psychoses that are usually found under such circumstances.

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[26] L'Homme Criminel.

[27] Untersuchungen über Verbrecher Gehirne.

Benedikt, in a series of nineteen criminal brains, found a deficient brain-substance and confluence of the fissures, the three most important fissures—the central, third frontal, and parietal—tending to unite with the Sylvian. In general, the conformation of the criminal brain is of the relatively simple type observed in the negro and other primitive races.

Benedikt says, quite logically, " To suppose that an atypically constructed brain can functionate normally is out of the question." Granting the accuracy of Benedikt's observations and the correctness of his conclusions, it still remains to be shown that the brain of the criminal is more primitive and simple than that of other individuals of the same race, station in life, general physical development, and facilities for educational training. With regard to coarse brain disease in criminal brains, the lesions found bear no arbitrary relation to criminality, for the reason that a previously normal individual, so far as morality is concerned, might develop criminal tendencies from such conditions. It must be admitted also that such conditions may develop and produce insanity or psychic aberrations without the slightest immoral or criminal tendency.

Roncorini has found in criminals of the congenital type and in epileptics absence of the internal granular layer of the cerebral cortex, an exaggerated size and scarcity of the large pyramidal cells, and the presence of nerve-cells in the white matter, as in the Gallinaceæ.

The weight of the criminal brain has been the subject of much controversy. That it is less, on the average, than that of the educated classes seems to be well-established. That it is less than that of the non-criminal of the same degree of mental training has not been shown; nor is there any logical reason why it should be less.

Despite the scant and conflicting testimony of cerebrologists with reference to the brain defects of criminals, there is so much clinical evidence of the aberration of morals and conduct from brain disease or injury that we are justified in believing that brain defect of some kind affecting the mental and moral faculties is the *fons origo* of criminality. This defect, as already seen, may

be congenital or acquired, and may consist of a lack of development due to vicious environment and faulty education, mental and physical.

It is difficult to dissociate Gall's view that the fundamental sentiments and affections have separate centres in the brain, from the known clinical facts in psychoses, criminal and non-criminal. His contention is obviously difficult of proof, but sufficient data are at hand to lend a color of probability to his theory, and, if the time ever arrives when a favorable and intelligent public sentiment shall enable us to procure material sufficient for thorough research, he may one day be ranked as one of the immortals of science, who was misunderstood and unappreciated because so far ahead of his time. Possibly phrenology has within it more than we have been willing to admit. When so great a thinker as Herbert Spencer sees much of truth in phrenology,—and, forsooth, assimilates its principles, often without acknowledgment, —it is hardly becoming in authors of less mentality to discard it *in toto,* without even a hearing. Many of our modern alienists and psychologists have a phrenologic bias, perhaps without realizing it themselves. Ferrier, Voisin, and Flechsig have a distinct leaning in that direction. Hollander has done a great work in bringing together the clinical evidences of refinement in cerebral localization, and in giving Gall a portion at least of the credit due him as a pioneer in psychology and brain pathology and localization.

THE NECESSITY FOR LABORATORY STUDY OF DEFECTIVES

In how far the general principles of cerebrology and craniology will eventually be proved by the study of degenerate brains and skulls is open to question. The State offers at present very meagre facilities for study, even of the insane. The State, if public sentiment would permit it, could do a great work in the study of anthropology, by permitting unlimited facilities for clinical, autopsical, and laboratory research. Every public institution should have up-to-date facilities for scientific research, and up-to-date men to conduct it. With full consciousness of the enormity of the offence in the eyes of sentimentalists, I will

suggest that, where the consent of condemned criminals can be obtained, experimentation *in vivo* should be made. The State might provide bounties for criminals who shall consent to submit themselves to scientific experimentation. Submission to observation and study should be made compulsory in every penal institution.

If there be any merit in repression of crime through fear of consequences, the legal assignment of condemned murderers to a scientific laboratory for experimental observation might not be ineffectual, although, were the truth known, the prospect of the scientist's scalpel and inoculation syringe, used with the precautions most scientists employ in animal experimentation, would be pleasing, in contrast with the noose or electric chair. I have seen several murderers slowly strangled to death on the gallows. In a recent case of electrocution, five separate and distinct shocks were required to kill the miserable wretch.

Sentiment aside, there are numerous observations and experiments, to which no one of well-balanced intellect should take exception, that might be made in a proper laboratory. The proposition of the distinguished criminologist, Mr. Arthur MacDonald, to establish a National Laboratory for the study of degeneracy was a step in the right direction, but not the proper way to set about the furtherment of scientific research.[28] What is needed is individual laboratories in all our large public institutions. Until pathologists, at least, have been provided for our prisons and asylums, a National Laboratory will be an enthusiast's dream, albeit not an idle one. The State should begin work at the bottom.

HYSTERIA IN ITS RELATIONS TO ANTISOCIAL ACTS

Hysteria is apparently not often either a cause or a result of crime. It is exceptionally found among criminals. Salsatto found it to exist in a very small percentage only of the graver types of

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[28] A Bill to establish a Laboratory for the Study of the Criminal, Pauper, and Defective Classes. Senate Doc. 400. Fifty-seventh Session.

Italian female offenders. Lombroso says that in the prison of Turin it exists in 3.9 per cent. of the inmates. Even these figures are fallacious, so far as establishing hysteria as an etiologic factor in crime is concerned. In the larger portion of criminal hysterics the neurosis is probably acquired incidentally in their careers. Hysteria is probably somewhat more prevalent among American female criminals, especially among the native-born, than among European. While no statistics are available on this point, hysteria has not been markedly infrequent in criminals coming under my observation, although less frequent than in normal women. The American criminal female partakes of the nervous constitution of her more fortunate sisters, but she is coarser-grained and therefore not so subject to hysteria.

Tarnowsky found but fifteen per cent. of hysterics among prostitutes. Even this is a high estimate, from the American stand-point. In the vulgar, besotted lower-class prostitute hysteria is not to be expected; in the better class of public women the excitement and carousal of their lives is an outlet for nerve-storms that prevents hysteria,—acting, in short, vicariously with it.

Hysterics are notoriously unstable of nervous equilibrium, the will being especially weak and vacillating; they are easily moved to anger, perhaps even to ferocity, and grief; their excessive egotism and introspection excites in them a love of the sensational and scandalous.[29]

Hysterical women often bring false accusations of crime against others. The victim is generally a man, and the alleged crime, assault. Physicians recognize this as one of the dangers to be guarded against in their work. Hysterical women in the primary stage of anesthesia sometimes imagine themselves the victims of assault. In one well-known case the woman accused a dentist of assault while he was administering nitrous oxide to her. Her husband was in the room during the imaginary assault. A few years since five respectable young men in a Western town were accused by a young woman of having successively assaulted

[29] Lombroso, op. cit.

her. An attempt was made to lynch the accused, which almost succeeded. At the trial it was proved that the woman was an hysteric who had been insane and in an asylum, and, most important of all, that she was *virgo intacta.*

Sexual transgressions are frequent in hysterics, largely because of sudden, transitory impulse, rather than inordinate desire. There are, however, notable exceptions to this rule, in which the desire is nymphomaniacal. Hysterical subjects are not prone to suicide, although much given to threats and theatrical simulations of its performance. In some of the cases where the hysteric actually carries her threat into execution, she is the victim of over-zealous acting; her histrionic efforts are attended by a realism that is unintentional. In other cases the hysteric destroys her own life under the influence of a sudden erratic impulse, or in response to the suggestion afforded by similar acts by others.

Certain hysterics have a singular penchant for anonymous letter-writing. Sometimes the letters are self-addressed, but they are usually addressed to another person. These letters often contain accusations of immorality. They are especially likely to do so if the writer is dominated by eroticism. In verbal or written accusations of assault, under such conditions, the wish is not seldom father to the thought. It is probable that certain subjects actually believe in their accusations, so powerful is the sexual autosuggestion.

Lombroso [30] says that "the impulses of hysterical women are like those of big children; they would accomplish greater evil than they do, did they not lack the strength for its accomplishment." It is probably not because of a lack of physical strength that they do not oftener commit more atrocious crimes, but because they are vacillating in will, and their impulses fitful and transitory, changing in rapid succession. As Lombroso remarks, however, the exceptional hysteric may commit enormous and varied crimes, showing a criminality more terrible than man's.

A favorite crime among hysterical women is poisoning, or

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[30] Op. cit.

attempts at poisoning. They sometimes do the work very cleverly, and either escape detection or even suspicion, or, when accused, invent so clever a defence that they escape paying the penalty of their crimes. Cases are known in which experimentation with poison upon people who had in no wise offended the murderess seemed to have a peculiar fascination for her.

The especial danger of criminality in hysterics is their susceptibility to suggestion and hypnotism. This may come through interested individuals, or by autosuggestion. It is probable that autosuggestion has more to do with the immoral conduct of hysterics than is generally supposed. The lie of the hysterical woman is not always a lie, for by autosuggestion she may come to believe it herself.

SUICIDE

Suicide is perhaps more intimately associated with insanity than is any other antisocial act. Its prevalence is one of the most convincing proofs of the fact that under present conditions a certain rather constant percentage of degeneracy is to be counted on in every social system. Long before degeneracy was talked of as the foundation of social disease, sociologists recognized that a certain ratio of suicides was inevitable. Buckle [31] and others attributed this to an occult law controlling the moral world, as arbitrary and remorseless as the laws controlling the physical world. It was claimed that this moral law, like mechanical laws, could be modified by accidental disturbances but not abrogated. Buckle says,—

> "In a given state of society a certain number of persons must put an end to their own lives. This is the general law, and the special question as to who shall commit the crime depends, of course, upon special laws, which, however, in their total action, must obey the large social law to which they are all subordinate. The power of the larger law is so irresistible that neither the love of life nor the fear of another world can avail anything towards even checking its operations."

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[31] History of Civilization in England.

Buckle further shows by statistics that, notwithstanding the varying causes of suicide which exist in society, such as political excitement, want, mercantile crises, disappointments in love, depression induced by disease, etc., there had been in London a very constant average of suicides, the average having been during five years two hundred and forty per year. The variation in the number was not very great in proportion to the number of population, running from two hundred and thirteen to two hundred and sixty-six, the latter number being attained in the year 1846, distinguished by the great railway panic. At this time the ratio of suicides might naturally have been expected to be extremely high, but, as a matter of fact, it was less than one-half per cent. higher than the preceding year. "Mechanical laws," says Buckle, "may be disturbed by accidental disturbances, yet they prevail; so it is with moral law."

Recent history has shown the fallacy of Buckle's deductions as to the constancy of the ratio of suicides in a given social system. The source of error probably lay in the relative fixity of European social systems as compared with newer ones. Whatever the explanation, the fact remains that with increasing degeneracy an increase in the proportion of suicides and antisocial acts in general is to be expected. In this country the numerical increase has been a little over thirty-three and one-third per cent. in the last ten years. Statistics bearing upon suicide, especially, must take all the environmental conditions into consideration. Thus, in one of our large Western cities, St. Louis, the percentage of suicides is nearly double that of the country at large.[32]

The total number of deaths in the United States due to suicide during the census year 1900 was 5498, of which 4313 were males and 1185 females. The proportion of deaths from this cause in one thousand deaths from all known causes was 5.5. In 1890 the corresponding proportion was 4.5. These statistics treat deaths from suicide collectively. The following is a statement in detail, which is authentic so far as it is possible to collect the data.

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[32] *Vide* paper of Frederick L. Hoffman in the London Spectator.

Obviously, the sum-total must be greater than these figures show. Many suicides are of course concealed.

The number of suicides in 1904 was 9240, as against 5340 in 1899.

Method of Suicide.	Entire United States.		Registration Area.	
	Males.	Females.	Males.	Females.
Drowning	157	84	112	52
Poison	761	464	551	364
Shooting	1190	103	764	53
Other means	2205	534	1203	301

Recent statistics show that the ratio of female to male suicides is increasing.

The present attitude of science as to the degeneration etiology of social disease in general is peculiarly applicable to suicide. Statistics proving the steadily increasing ratio of suicides in the United States also prove that the causes of degeneracy in general are peculiarly active and potent in this country.

The nerve-racking strain and tension of modern civilization is nowhere so powerful as in America. The struggle for supremacy in the pursuit of fame and dollars, conjoined with the enormous artificial necessities, increasing fixed charges of existence, and industrial disturbances of the country, entails a fearful burden of expenditure of nerve energy. The man who gets enormously rich, does so not only at the expense of his fellow-man, but also at the expense of his own nervous system. The *nouveau riche* is a distinctively American product. Only the wise can stand prosperity; the porcine multimillionaire is usually neither wise nor intellectual, albeit he is crafty. His hot-house bred children are degenerate branches of a rotten tree. If the plutocrat himself does not play the fool with his money, it is because he has not time to both make and spend it, and, besides, his constant pursuit of the dollar has become a monomania. He has no longer capacity for thrills not stamped with the dollar-mark. But his children—they compensate for their father's avarice phase of degeneracy by profligacy, gross immorality, and perhaps crime. The American Order of the Golden Pig is often a fatal inheritance.

It has been regarded as peculiar that suicide and general prosperity should be coeval, but the explanation is simple enough. With the possession of great wealth comes a departure from simple and healthful habits of living. The earning of much money means the expenditure of much force. The possession of money by men of undisciplined minds, leaving out of consideration the money monomaniac, means the pursuit of new thrills, the capture of which brings satiety and nerve-degeneracy in its train. Satiety breeds that "world weariness" and discontent which make life intolerable, and then—suicide.

Certain determining factors in the etiology of suicide must always be taken into consideration. Chief among these are too intense mental and physical strain, the greed and excitement of speculation, alcoholism, morbid literature and plays, financial disappointments and disasters, disappointed hopes and ambitions of all kinds, grief, thwarted love, jealousy, physical suffering, domestic misery, suggestive newspaper accounts of self-murders, and true insanity. Behind the majority of cases is a varying and often unknown degree of neuropsychic degeneracy.

A recent magazine editorial has descanted on a special race factor in suicide, as follows:[33]

"The population of the United States contains a large percentage of people of Teutonic origin. It is well known that the Germans and Scandinavians, and, to a minor degree, the Anglo-Saxon branch of the Teutonic race, are particularly prone to commit self-slaughter. Saxony and Sweden have a high suicide rate. Some authorities assert that excessive intellectual development is responsible for the suicidal penchant in Teutonic countries, but there must be some additional factor to account for it. The Teutons have always exhibited a marked tendency towards pessimism. With few exceptions their philosophers regard life as an evil, as something to be endured, to be hated rather than enjoyed and loved. Pessimism is rampant in the works of Hartmann, Schopenhauer, Ibsen, Materlinck, and Nietzsche. All these have the ills and miseries of life as their leading theme. While they do not preach suicide, their writings tend to instill disgust with life. They have an insidiously morbid influence upon unbalanced brains. And they have, unfortunately, done much to promulgate pessimism and to foster a

[33] The Valley Magazine, October, 1892.

literary school that emphasizes the vanities and disenchantments of human existence. The newspapers recently reported the case of a preacher's son who took his own life after devouring the hair-brained pseudo-philosophy of Marie Corelli. In modern problem plays suicide is held as the only fitting end to a life of debauchery, crime, and social degradation. The popularity of the Rubaiyat is another indication of the spread of the cult of pessimism. Even Latin countries are beginning to be affected by the teachings of the Teutonic school of philosophy. French, Spanish, and Italian writers are fairly revelling in life weariness. Pierre Loti's literary efforts are a constant, dismal wail over the nothingness of life and human endeavor. D'Annunzio is finding infinite pleasure in dissecting moral rottenness and preaching the glory of self-slaughter. And so it is everywhere. Teutonism is converting the civilized world into a veritable vale of despair. Its philosophy is one long groan. Is it any wonder that suicide is increasing, and that even the United States is becoming susceptible to the gospel of pessimism and suicide?"

The element of suggestion in the literature alluded to—which literature is itself the product of degeneracy—is sufficiently plain. It is especially disastrous in the case of neuropsychic degenerates. This point has been expatiated upon in the chapter on the etiology of social disease in general.

In a general way " world-weariness" is but a manifestation of social hysteria, one of the surest signs of the general spread of degeneracy. There are, however, exceptions.

The classification of suicides by the average social philosopher is very simple. He divides them into two classes,—lunatics and cowards. Suicide, however, is not *prima facie* evidence of either lunacy or cowardice. Suicides may be divided into several classes, viz.: (1) Logicians, or, at least, philosophers. (2) Degenerates, comprising the insane, the hysterical, hypochondriacs (short of insanity), and weaklings who take a short cut to the evasion of cares and responsibilities which they are in no wise fitted to assume. (3) Sufferers from intolerable and incurable disease, who refuse to longer bear their misery.

That suicide requires a high degree of courage in some instances seems obvious enough, if we admit that suicides are ever sane. In some cases, however, the fear of self-destruction is inhibited or overpowered by fear of something else. Fear of disgrace or punishment after detection of criminal or immoral acts

is an illustration. There are, however, instances in which the subject canvasses the situation most thoroughly and arrives at the determination to cease living only after calm and thoughtful deliberation. Some persons find that life has nothing to offer them. Friends, family, and perhaps all resources are gone. Subjects past middle life are not unlikely to have this experience. Life simply bores, or, worse, produces psychic pain in such persons. It is not always that they are weary of living; their lives are simply without a purpose. The uselessness of life makes it a burden. To such subjects suicide may seem the only logical solution of an embarrassing problem.

The relation of insanity to suicide is sufficiently obvious. There are instances, however, in which self-destruction is the first known manifestation of insanity. A correct diagnosis is sometimes impossible in such cases, although careful inquiry will usually elicit a history of premonitory symptoms. The banding together of persons who mutually agree to commit suicide is *prima facie* evidence of their insanity. The "suicide clubs" are mainly aggregations of lunatics, although it is probable that there are exceptions in their ranks, who are merely seeking notoriety, and have not the least intention of self-destruction.

The healthy individual can have no conception of the weight of the burden of life upon the hypochondriac. To the person suffering from hypochondriasis life is unattractive at best, and often intolerable. The neuropathic individual who suffers from a disordered liver and gastro-intestinal tract, who, in short, is the victim of autotoxemia, is not unlikely to feel that there is no joy anywhere, and to commit suicide to escape the ills he has, with little regard to the alleged ills of the future state promised the suicidist by theology.

The sufferer from painful or loathsome incurable disease sometimes applies the philosophy of Epictetus to his physical troubles, and walks out of the door that is always so near and so open.[34]

That suicide is always an illogical or immoral act is incon-

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[34] Encheiridion.

ceivable. That the individual should be denied a voice in determining the question, "To live, or not to live?" is absurd, and an encroachment upon individual rights. It is, moreover, an integral part of man's inhumanity to man. Man destroys the lives of the lower animals to end pain produced by injury or disease, yet not only devises ways and means of prolonging the sufferings of human beings afflicted by incurable physical ills, or psychic torment, but denies them the right to end their own misery. So long as society has no regularly appointed commission whose duty it is to chloroform out of existence sufferers from painful incurable disease, the right of the afflicted to interpose in their own behalf cannot logically be denied, whatever objections may be urged on sentimental or moral grounds.

So far as the prevalent insanity explanation is concerned,—and temporary insanity is the favorite coroner's verdict,—there are too many carefully planned and methodic suicides to admit of its general application. Even the social hysteria evident in some suicide epidemics is not necessarily a sign of madness. History shows many examples of suicides who were not insane. Cleopatra, Boadicea, and Brutus were not mad. Cato, in particular, was philosophic. His reply to Plato, "Thou reasonest well," does not savor of madness.

The race element in suicide is a most important one. The Chinese commit suicide on the slightest provocation. With them the philosophy of Sophocles should be very popular:

> "Not to be born surpasses every lot,
> And the next best lot, when one is born,
> Is to go whence he came as soon as possible." [35]

That insanity is not the impelling power with the Chinese is shown by the relative infrequency of mental disease among them, and the fact that they rarely commit suicide in alien lands. Despite the race tendency to self-destruction and the large number of Chinese in this country, very few suicides have been reported. The religious desire to have his bones buried in his

[35] The Œdipus.

native soil deters the Chinaman from suicide abroad. An instance of wholesale suicide of Chinese in a foreign land is, however, recorded. Early in the history of the Panama Canal some eight hundred coolies were brought over from China as laborers. The hardships they endured, and their frightful mortality from Chagres fever, so demoralized them that they drowned themselves by dozens. Their method was to walk out on the harbor sands at low tide, perch upon the rocks, and patiently await the rising of the tide which was to bring them surcease from toil and misery.[36]

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[36] Nelson, Five Years at Panama.

CHAPTER V

THE CHEMISTRY OF SOCIAL DISEASES

Toxemia in its relations to Vice and Crime—Alcoholism, Narcotic Inebriety, and Auto-intoxication

TOXEMIA in its relations to vice and crime is intended to cover in a general way the effect of various poisons upon the nervous system in producing abnormal conditions, functional or organic, acute or chronic, that sway the conduct of the individual. Obviously, the minutiæ of these conditions have no place in this volume. The principles governing the physiologic or pathologic action of the various poisons, organic or inorganic, heterogenetic or autogenetic, are the same, and it is upon these general principles that my discussion of the subject will be based. The local effects of irritant poisons will not be touched upon, save in so far as they produce secondary nervous results. The effects of intoxication of the nervous system are germane to the subject in hand, only so far as perturbation of temper, will, and moral responsibility are concerned. Much that is here presented is speculative, as new applications of scientific facts are likely to be, but the main argument is based upon known effects of poisons, more especially of narcotics and alcohol, and upon practical clinical observations of an analogous character.

It will be at once understood that this is not an attempt to put crime upon a purely chemical basis; I am simply elaborating a factor in the etiology of crime that has been in the main ignored, save in so far as the effects of alcohol are concerned. Its importance, in my opinion, will grow as science progresses, although it is now merely a subordinate part of the foundation of materialism underlying social diseases.

INEBRIETY AND CRIME

The first and most important poison for discussion is alcohol, one of the best of man's servants and unquestionably his worst

enemy. Alcoholism is primarily a toxemia, pure and simple, whether it be acute or chronic. It should really be regarded as a double toxemia. Every function of the body is vitiated and perturbed by it. Metabolism and the integrity of the glandular system especially are perverted, and as is usual under such circumstances, secondary toxemia results. Auto-intoxication then, may be inferred in every alcoholic subject. So far as the vice and crime question is concerned, we have to do only with the effects of this toxemia upon the nervous system; which effects may be primary or secondary. The effects of alcohol upon the circulation are important here, only so far as they are productive of functional or organic change in the nervous system.

The idea that drunkenness should be considered on a purely physical basis has been abhorrent to the moralist. The physical view is, however, gaining ground, and may even now be said to be on a firm footing. Drunkenness has long been regarded as a vice over which the individual has perfect control, to be cured by exhortation and prayer. Worse than the fallacious ideas of the laity, worse than the errors of the pulpit, is the influence of the physician who regards the study of inebriety solely from a moral stand-point. The individual who entertains such narrow ideas is a most formidable impediment to the advancement of science.

The bigotry and intolerance exhibited regarding the inebriety question is familiar in other directions. It is not long since the lunatic was thought to be possessed of a devil to be exorcised. The cold shower and the straight-jacket were once the armamentarium of the asylum. It is not so very long since the genius of a Le Sage had not far to seek for a Dr. Sangrado, with his ever-ready lancet and barrels of hot water. The world should now be too enlightened to be misled upon the inebriety question, yet a short time ago a prominent Chicago physician publicly said that "a drunkard should be punished like any other criminal."

The inebriety question is as important from an evolutionary stand-point as is any other condition bearing upon the physical and social welfare of the race. The moral factor *per se* bears no more relation to the causation of inebriety than it does to typhoid fever. Certain moralists claim that, inasmuch as the inebriate

wilfully took the first drink, the question is of moral significance only. This is as logical as that typhoid fever is to be cured by moral persuasion, because the victim voluntarily drank water containing the germs of the disease.

The fallacious reasoning of the moralist is due to a perceptive faculty primarily narrow and a misconception of the inebriate's condition. The moralist sees in his mind's eye the inebriated individual deliberately taking his first drink, although he has seen the evil consequences of alcohol and has perhaps been warned of its dangers. The moralist forgets that he is not confronted by the man as he took his first drink, but by one who has systematically abused his physiologic functions. Admitting that in certain cases the insatiable craving for liquor is a result and not a cause of alcoholism, the physician must accept the physical conditions as he finds them. Whether or not the inebriate was primarily predisposed to drunkenness is a secondary matter. He is called upon to treat a man whose tissues and organs have been saturated and thoroughly poisoned by a powerful drug. No logical physician claims that a morphinomaniac is to be treated entirely upon moral grounds. Such subjects are none the less diseased because the craving for morphia is a result of the drug and did not exist primarily. The same reasoning should be applied to the one drug as to the other. In brief, alcoholism should be regarded as a disease-producing vice, and a vice-producing disease.

Susceptibility to alcohol varies as much as susceptibility to other poisons. Some persons would be killed by half a grain of morphine, whilst others tolerate many times this quantity. What is temperate indulgence in one man, is gross intemperance in another. The amount of alcohol tolerated by a robust man would be most disastrous in its effects upon a child or woman. Nervous susceptibility, the condition of the eliminative organs, and the sensitiveness of the circulatory system modify the effects of alcohol. This susceptibility is often discovered late in life. Alcohol prescribed as a remedy has wrought great harm in such cases.

What are the results of alcohol taken in quantity sufficient to produce physiologic effects?

Briefly, alcohol produces primarily overstimulation, and secondarily exhaustion and perhaps a varying degree of paralysis of the heart and blood-vessels. It causes congestion which, if prolonged, is followed by a deposit of connective tissue, with resulting condensation of the tissues of the brain, spinal cord, nerves, and important organs of the body.

The effects of alcohol are well shown by the drunkard's liver. Here, as a consequence of long-continued congestion produced by alcohol, occurs the formation of new tissues as hard and firm as those of an ordinary scar. This contracts and strangulates the liver substance, and finally so reduces the size and functional capacity of the liver that it ceases work altogether, with a fatal result. Similar changes occur in the kidney. Considering the extreme toxicity of the biliary and renal secretions, an element of secondary toxemia may be readily appreciated. Moral persuasion will not restore a gin liver or kidneys to a normal condition.

The conditions described in the liver and kidneys occur in greater or less degree in the brain and its coverings, and blood-vessels. Even where there is as yet no permanent thickening of tissues, there is produced by the temporary influence of alcohol disturbed circulation. That diseased brain circulation and structure cause defective reasoning and will is incontestable. Moral means of restoration of the will where such changes have occurred are mere moonshine. This is not, however, an argument against judicious moral means as an adjunct in the correction of inebriety in general, nor is it a denial of the fact that the strong emotional influence of religious conversion often cures inebriety.

In the majority of cases of inebriety there is a primarily weakened will power, incidental to unstable nervous equilibrium. This may be due to acquired organic disease or to heredity, or may be peculiar to the individual himself, and bear no relation to either heredity or disease. Its recognition is imperative, if we would cure inebriety. It certainly should be considered in studying the general relations of alcohol to vice and crime, for it is the key to the situation.

The question of heredity in alcoholism is important. Whether the acquired drunkenness of the parent may be transmitted to the child has been seriously questioned. Probably, in most instances, a bad nervous heredity in the parent is responsible for his own and his child's inebriety, but I firmly believe that indulgence in alcohol in one generation may appear as neuropathy and inebriety in the next, or perhaps in several succeeding generations. Whatever the explanation, a considerable proportion of the children of inebriates become drunkards. Example and early training, of course, often play a subordinate rôle here.

That a primary neuropathic predisposition to drunkenness underlies many cases of inebriety is easily shown. We will take for illustration half a dozen individuals of average physique and degree of intelligence—men who present no striking differences, intellectual or physical. Subject these persons to the same environment, social influences, and facilities for indulgence in liquor; give them from the beginning the same amount of liquor for a certain length of time, and observe the difference in effects. One subject becomes moody and taciturn; another quarrelsome; another maniacal; another garrulous; another overflows with good nature. A certain proportion becomes confirmed inebriates. There must be some primary difference of physical constitution in these individuals to account for the wide variation in results. A and B, perhaps, indulge in a social glass of champagne. B finishes his wine and goes quietly home. A, however, goes on a drunken debauch, which is the forerunner of many more. There is surely some primary structural difference in these two men to account for the difference in actions.

The same primary instability of will is often responsible for other forms of vice, and for crime. This instability is enhanced by alcoholic indulgence. The intimate association of alcoholism with all forms of viciousness and criminality is easily explained upon this basis.

The existence of an unstable will may be unsuspected until its development by the first indulgence in liquor. Add to this primary feebleness of will the poisonous effects of alcohol on the brain, and it is easy to understand that after the individual has

been a drunkard for some years he is in a condition in which moral means, and too often even physical means, are of very little service. Preach to this subject, dose him with drugs, or " punish him like any other criminal," and at the end of the treatment the patient will be no better. Possibly what little will he has remaining has been developed into a disposition to drink out of sheer obstinacy.

Practically, then, inebriety means degeneracy, the subject being usually primarily defective in nervous structure and will-power. If he was not so primarily, he has become so by the action of the drug habit. It is a noteworthy fact that the family histories of dipsomaniacs are largely tinctured with nerve disorder. Hysteria, epilepsy, migraine, and even insanity are found all along the line. In such cases inebriety is but one of the varying manifestations of bad heredity. The degeneracy of nerve structure and function, with the correlated defective will, may develop criminal or depraved instincts, as already remarked.

Physical degeneracy alone excepted, alcohol is unquestionably the most potent factor in the vice and crime problem. Here is the only phase of the subject in which the materialist and moralist have ever met upon common ground. Arguments against the truth of the proposition that inebriety is the most important factor in the etiology of vice and crime have had for their basis the cupidity of those who manufacture and sell liquor, the apologies of those who resent any reflection upon the social glass,—the " moderate" use of alcohol,—and, finally, the egotism of the respectable inebriate who sees in the proposition an implied reflection upon his own moral character.

Statistics on the relation of alcohol to vice and crime have been juggled with *ad nauseam*. Communities in which alcoholic beverages are freely indulged in have been compared both favorably and unfavorably with those in which blue laws prevail. I unhesitatingly state my belief that statistics bearing upon this question are worthless. The statement which has been made that criminality is greater in Berne, with only four saloons per thousand of population, than in Zurich, with its twelve per thousand, is a most fallacious and sophistical argument. The problem of

the relation of alcohol to vice and crime is not to be settled by mathematical computation and comparative statistics, but by physiologic and clinical facts.

Let us revert again briefly to the action of alcohol upon the nervous system. We will begin with the premise that a maintenance of nervous equilibrium is absolutely essential to right thinking and right acting,—this from the physiologic, not from a moral, view-point. If this be true, it is obvious that anything that seriously impairs nervous physiology must necessarily impair the individual's conception of his proper relation to his community. Granting that this is not seriously impaired, but is overbalanced by animal impulses, all that is necessary to impel to criminal or vicious acts is a corresponding inhibition of the will. That alcohol brings this about cannot be denied. The loss of environmental control is of especial importance, for with it comes the removal of the thin veneer imparted by civilization in its broadest sense, and the immediate cropping-out of the animal that this veneer so difficultly and so imperfectly conceals. The results vary with the dosage of alcohol and the innate susceptibility of the subject. The damage done may be temporary or permanent, according to the duration of the influence of alcohol and the hereditary proclivities of the subject. The dosage and individual characteristics determine, in conjunction with environment and hetero-suggestion, the degree of viciousness or criminality that results. Theft, murder, suicide, assault, sexual crime, indecency, sexual perversion—any or several of these may accrue from the action of alcohol on the nervous centres. The pernicious action of alcohol on various organs of the body, and their functions, has been demonstrated by experiment, time out of mind. That the sense of moral responsibility can remain unimpaired by the use of a poison that seriously disturbs all the viscera, and particularly the brain, is impossible. The defenders of alcohol must admit that a drug which impairs brain functions down to the point of coma is not likely to leave the moral sense unscathed. The danger of alcohol is so pronounced that a marked reaction against it has developed of recent years among medical men. It is no longer considered a remedy to be prescribed offhand. The list of

conditions in which it should not be given has steadily grown, until it should be alarming to those who are wont to prescribe or drink alcohol as a matter of routine.

Alcohol is not a cause of all classes of crimes. Great crimes, demanding mental activity, keen perception, cleverness of conception, intrepidity, fixity of purpose, great mechanical skill, fertility of resource, or a profound knowledge of human nature, are not perpetrated by alcoholics. Many crimes, such as gigantic swindling schemes, demand the highest degree of intelligence.

Petty crimes, and crimes of impulse and emotion especially, are characteristic of alcoholism. The occasional drinker is more likely to commit crimes of impulse than the steady drinker, whose consciousness of right and wrong is palsied, it is true, but who is too sodden and inanimate to respond to sources of acute brain excitation. Fully seventy per cent. of crimes of impulse, brutality, and emotion are committed by persons whose brains are alcoholized. The central organs of control are out of use for the time-being, and at such times certain subjects are very dangerous. I say certain subjects advisedly, for, as already shown, all do not act alike under alcohol. Whiskey is a great demonstrator of character. The old adage, " What's in a man when he is sober, comes out when he's drunk," had more than a germ of truth in it. *In vino veritas* was meant in a literal, not a figurative, sense.

The true dipsomaniac almost invariably has criminal tendencies that may develop at any time. His criminality, like his periodic sprees, is of an explosive type. The impulse to kill is especially likely to develop suddenly, like an epileptic seizure.

Alcoholism is often a cause of crime which is so plain and direct that he who runs may read. Excessive indulgence in alcohol often so lessens the earning capacity of the victim that sooner or later he cannot obtain the wherewithal to purchase his enemy. His moral sense is lowered and his appetite for liquor increased from day to day. Should necessity demand, he will steal either liquor, money to buy it, or goods that he can sell to obtain money. Few realize what the craving for liquor means. I have known dipsomaniacs to drink the alcohol from specimen bottles in a museum of pathology. Pure alcohol is often drunk

by persons who claim that it gives them more drink for less money than any milder tipple. Among the lower classes even benzine is drunk as a beverage.

Whether alcoholism is on the increase in this country has been discussed from all sides. As usual, statistics have been invoked to prove the question. I have already expressed an opinion as to their value in the issue under consideration. Although the per capita consumption of spirits has decreased of late years, I am convinced, from personal observation, that it is on the increase among the higher classes, especially among women. The high-pressure life of America has had its effect here as elsewhere. Tippling among women was once rare, and subject to taboo, whilst now it is so common in our large cities as to pass without comment. The frequency with which even respectable women may be seen in public drinking an anteprandial cocktail is a matter of common observation. At a recent ladies' social affair within my knowledge, attended by from twenty-five to thirty respectable women, cocktails were served; one woman only declined to partake. Cocktails at women's clubs pass without comment; indeed, they are so common that the situation is often a source of embarrassment to the female teetotaler. If the increase of tippling on the part of women does not indicate a lowering of the moral standard of society, the observations and deductions of physicians and sociologists on the effects of alcohol on women are fallacious. The disastrous results of tippling by females are only too well known to the physician. The drinking American woman, already neurasthenic, is fostering degeneracy for the race. No pretext is now too flimsy to excuse the taking of "bracers" by society women, whose lives are spent in enervating dissipation and excitement. The shrewd "nerve tonic" patent medicine man takes advantage of the fashionable woman's appetite, and has no difficulty in selling his soul-destroying, nerve-wrecking mixtures of alcohol, morphine, cocaine, and other drugs.

The relation of alcohol to prostitution is a matter of common knowledge. I will merely allude to it here, as it will appear in detail in the chapter on Sexual Vice and Crime. Suffice it to

say, in this connection, that inebriety is both a cause and a result of prostitution. The woman tippler who has not abundant means prostitutes herself sooner or later. The male inebriate in necessitous circumstances steals that he may drink. The female sells herself for drink money if she can, and steals if she must.

Society is peculiarly responsible for one of the principal causes of alcoholic inebriety. The saloon has been well said to be "the poor man's club." It has, however, all the evil qualities with none of the redeeming features of the rich man's club. The well-to-do club member may drink or not, as he chooses. The member, by courtesy, of the poor man's club who does not drink soon realizes that he is *persona non grata* in the saloon-keeper's eyes. Society does nothing to keep the poor man's club from ruining him. There is only one way it can be done, and that is to give him an attractive and efficient substitute. Clubs, in the higher sense, for the poor are a crying necessity. The poor man clamors for social life, for warmth, light, recreation, and happiness. We give him libraries—and saloons. The saloon has matters all its own way. Many a man buys liquor in the saloon to compensate the proprietor for the use of sanitary conveniences that can be found nowhere else, thanks to the mock modesty and prudery of our social system. Free lunches for the poor man and the workingman are thrown in with liquor purchased, as an inducement to buy more liquor. The workingman has no other noonday cheap lunch club, hence he must resort to the saloon, willy nilly, or content himself with the cold comfort of his dinner-pail.

The only apparently logical attempt to legislate against drunkenness has recently been made in England. Its practicality can only be demonstrated by experience, but it will surely have the effect of lessening crime. The new English law interferes in no sense with personal rights. The right to sell and to drink liquor cannot be denied. The right to get drunk and become a menace and a burden to society, and the right to further debauch and practically rob a drunkard, may logically be denied.

The chief features of the act concern saloon-keepers, associations known as clubs, grocers, drinkers and drunkards, and

even "treaters." The saloon-keeper is forbidden to sell to drunken people. The burden of proof is upon him to show that the drunkenness, when reported, was not his fault; that he took all reasonable means to prevent it. The penalty for supplying a drunkard with liquor is a fine, varying in amount, or imprisonment for a month, with or without hard labor. This applies generally to the person who "treats." There are special penalties for saloon-keepers and club managers.

If a man or woman has been convicted as an habitual drunkard, notification, with photograph and description, is made to every establishment in which liquor is sold, and all license-holders, saloon-keepers, club managers, and grocers are warned against selling the person liquors. There is a fine of fifty dollars for the first offence, and one hundred dollars for subsequent ones. Clubs must be registered, and must report on their organization and rules. They may sell liquor only on the premises to members and their guests. These restrictions are aimed at bogus clubs, and are fortified with penalties. Grocers are licensed on the same terms as public houses. The grocer who sells liquor under the name of "groceries" is prosecuted.

Other provisions relate specifically to the drunkard. The police may arrest him, even if not disorderly, if he is not capable of taking care of himself, and he will be held until sober. If the drunken person is accompanied by a child under seven years of age, punishment by fine and imprisonment is provided, being aimed particularly against drunken mothers. Habitual drunkenness is a ground for marital separation. Habitual drunkards may be black-listed for three years, and penalized for soliciting drink.

Licenses have been surrendered since the law went into effect. One paper says, "For the first time for a long period not a single case of drunkenness came before the Kettering Bench yesterday. The presiding magistrate said this was due to the new licensing act, which statement was confirmed by the superintendent of police."

The rise and fall of crime in Chicago has been found to correspond with the privileges accorded the all-night saloon.

NARCOTIC INEBRIETY AND CRIME

Narcotic inebriety—using the term narcotic in the sense of its usual application as distinguished from alcoholic—bears a certain etiologic relation to vice and crime. Much of what has been said regarding alcohol bears with equal force upon the action of narcotic drugs. They are less important than alcohol in vice and crime etiology, because of the relative facility of obtaining the latter and its common usage. Few people go through life without being tempted to drink liquor, whereas relatively few are ever tempted to use narcotic drugs. The taste of liquor is inviting; that of drugs is repelling. The social drink that develops a taste for liquor, perhaps even a latent dipsomania, is usual; the social dose of morphine or cocaine is unknown.

The use of narcotic drugs by the incautious physician is often responsible for moral and physical wreckage. Pain clamors for relief—relief at any price. The physician of inexperience, and sometimes of experience, resorts immediately to his hypodermic —perhaps again and again. Almost imperceptibly a habit is established. The patient has been relieved of pain at frightful cost. It is true that the relief of pain is often an imperative indication; it is true that a primary nervous instability is often the reason for acquirement of the morphine habit, yet the fact remains that physicians in general are too hasty with the nerve-wrecking hypodermic. Modern surgery has done much to check the indiscriminate use of morphine, by removing painful conditions that once doomed humanity to a choice between the morphine habit and the agonies of the damned. In abdominal diseases, especially, it has been shown that morphine and its congeners work evil by masking symptoms and locking up the bowels,—the natural outlet for abdominal infection. Surgical science has shown that, to paraphrase good Master Shakespeare, the patient would better bear the colic that he has, than fly to dangers that he knows not of.

Notwithstanding the relative infrequency of narcotic inebriety as compared with the alcoholic form, it is a more important factor in the etiology of vice and crime than is generally supposed. It is a far cry from the infuriated hasheesh-eating

Polynesian to the refined victim of morphine or cocaine in civilized society, yet the way between the two is strewn with the moral and physical wreckage produced by drugs.

The moral sense and will are most seriously impaired by narcotics. Lying and deceit are second nature to those addicted to the narcotic habit. In many instances moral obliquity begins with the deception necessary to conceal the use of the drug. It may be due to the subterfuges necessary to obtain the longed-for narcotic. By no means infrequently the victim is first impelled to lie by the circumstances surrounding the procurement of the drug. In many cases the victim is compelled to steal to procure money for its purchase. This is often due to necessity, but sometimes to a desire for secrecy in the habit, where expenditure of money must be accounted for. That the narcotic habitué is generally an habitual liar is conceded by the majority of physicians experienced in narcotism.

Justice demands the statement that not all victims of the opium or cocaine habit owe their condition to the use of the drug to relieve pain. Physicians, nurses, and druggists often become habituated to it, primarily through curiosity, and secondarily through the peculiar fascination exerted by it. Morphine is the most fascinating substance known to man—far more seductive, indeed, than liquor, once the habit has begun. One of its principal dangers is that the system can be become adapted to it, to a degree, although, despite the evidence of that king of opium eaters, De Quincey, who lived to the ripe old age of seventy, the average longevity of habitués is only about forty-five to fifty years.

The world owes some of its choicest gems of literature, oratory, and art to opium, for in certain brains its effect is enhancement of intellectual brilliancy, and especially the faculty of imagination. But such instances are rare, and even in them the morbidity and suffering in the intervals of the action of the drug more than compensate for the flashes of genius it excites. Under its use the clod becomes more brutish than ever, while mediocrity speedily sinks to the level of the clod. Such brain flashes as the mediocre victim has are weird, kaleidoscopic fantasies. He is

more likely to see red devils than the "dream maidens" of a De Quincey.

In general, it may be said that no drug so lowers the moral tone as opium. Cocaine comes next in order of potency in this direction. Nerve-degeneracy soon succeeds the period in which mental exhilaration is experienced, and nerve-cell and fibre simply refuse to perform their functions properly without their accustomed stimulus. Between doses the life of the habitué is largely vegetative. In time the victim cannot arouse his degenerated brain-cells, even with the drug that has enslaved him, no matter how large the quantity taken. Cocaine has been a false friend to such unfortunates. By superadding the new drug to the old, they have succeeded in temporarily reviving the benumbed cerebrum. The succeeding depression is worse than that following opium alone. Dulness, negligence of habit, slothfulness, uncleanliness of person, loss of memory, indifference to business, moral depravity,—all follow in the wake of narcotism. With these phenomena comes psychic as well as physical agony that is often beyond endurance, and relieved only by taking more of the drug.

The dangers of opium in woman are even greater than in man. Should she be a neuropath primarily, she is well-nigh beyond moral redemption. It requires only opportunity and temptation to degrade her to the uttermost limit. To obtain the drug she will descend to the very depths of depravity. When under its influence, and especially after the period of nerve-degeneracy has been established, there is no phase of vice and petty crime into which she cannot be led. If one would see the picture as it is, let him visit some of our opium dens. I remember seeing on one occasion a narcotized group composed of several Chinamen, a supposedly reputable woman, two prostitutes, and a boy of sixteen, huddled together in a most promiscous fashion in various degrees of stupefaction and *dêshabille*. There were "no opium dens in the city" at the time, so the authorities claimed. The police official who conducted me, and I, thought differently.

In some cases insomnia, dyspepsia, severe headaches, and constipation develop, and are associated with mental disturbance,

great melancholy, suspicions, delusions, and hallucinations of sight and hearing. Suicidal, or even homicidal, mania may rarely occur. The latter is especially liable to develop if alcohol be superadded to the opium.

Crimes of impulse are not frequent in narcotic habitués, yet they do occur. They are of an intense, explosive nature, of which the fury of the hasheesh-eater is the type. This action of cannabis indica is well known. Fortunately, opium rarely acts in a similar manner. Such crimes as forgery and swindling are not infrequent in opium-eaters. They seem to get enjoyment from crimes requiring great deception and secretiveness. True kleptomania is occasionally developed by it in women. This must not be confused with ordinary thieving.

Cocaine has been a very dangerous addition to our therapeutic armamentarium. Deadlier than morphine, less reliable in its action, and liable to kill without warning, it has nevertheless been hailed with delight by the degenerate, and, alas! by the sufferer who does not belong to the army of degenerates. Primarily, cocaine is more stimulating than opium. Intellectual brilliancy, increased physical energy and capacity for sustained mental effort, beautiful thought imagery, fanciful yet coherent flights of imagination, relief of psychic pain, surcease of sorrow,—any or all of these remarkable effects may accrue from the action of cocaine. But the debit side of the ledger is a terrible record indeed: Death, as sudden and unexpected as a crash of thunder from a clear sky, produced by a single minute dose of the deadly drug,—this alone should warn both physician and laity against too great familiarity with cocaine. Prostration, mental depression, nervous irritability, vacillation of the mind, hallucinations, delusions of persecution, violent outbursts of temper,—these are the more prominent evils following in the wake of the cocaine habit. Physical, mental, and moral wreckage are as certain as from opium, and occur much earlier. What has been said of opium is equally pertinent with regard to cocaine. The latter drug, however, is peculiar in that it may lead to crimes perpetrated in self-defence against an imaginary foe. A violent homicidal impulse may thus be developed.

Ether drinking is more frequent than might be supposed. What has been said of alcohol applies equally to ether.

Chloral and the bromides are intensely depressing, and quite as demoralizing to the brain faculties as any of the foregoing drugs. The mental and moral disaster resulting from bromides is only too evident in the treatment of epilepsy. Petty vice and criminality, rather than crimes of impulse, characterize habitués of chloral and the bromides. Profound melancholy with suicidal tendencies are not unusual.

The tremendous consumption of the coal-tar products, such as antipyrin and phenacetin, has not been without its influence in adding to the neuropathy of the public at large. The danger to the physical constitution and moral sense of habitués of the coal-tar series is sufficiently obvious. The indiscriminate dosing with these drugs that is going on is most reprehensible. Numerous proprietary remedies containing them are on the market, under the guise of antipain remedies. The self-dosing thereby induced is doing great harm. The responsibility for this should be equally divided between the doctor who prescribes such remedies designated by trade names or hieroglyphics, the avaricious proprietary medicine-man, and the counter-prescribing druggist.

The relation of narcotic inebriety to degeneracy is a double one. Not only is degeneracy a cause of narcotic habit through lack of will-power to resist the temptation to use the drug, once its fascinations have been experienced, but it causes degeneracy in the offspring of habitués, as well as accentuating any primary degeneracy that may be transmitted by the parent. Children born of opium-eating mothers are afflicted by nervous symptoms, such as convulsions and delirium, and are likely to die unless opium be administered to them. Should they survive, they are distinctly neuropathic and their longevity is short. In a manner they resemble the children of alcoholics, save that the immediate results are not so prominent in the latter.

One of the most demoralizing drugs used as a stimulant is absinthe. The wide-spread consumption of this nerve-shattering decoction of wormwood in France is responsible for much of the nerve-degeneracy and moral perversion of the French nation.

The relation of absinthe-drinking to vice and crime in France is by no means indefinite. In confirmed absinthe inebriates, epileptiform convulsions are not unusual. The effects of absinthe combine the action of alcohol with that of wormwood.

AUTOTOXEMIA AND CRIME

Modern investigations of the biochemistry of the animal body, and of autointoxication in general, have developed some of the most interesting and valuable of the recent additions to medical science. That organic and inorganic poisons of greater or less degree of toxicity are developed or retained in the human body as a consequence of perverted metabolism, improper food, defective respiration, faulty elimination, deranged glandular action, or bacterial action in the tissues and viscera, especially in the gastro-intestinal tract, is now generally accepted. The application of the various toxemias thereby produced to the etiology of vice and crime may seem, at first sight, far-fetched; but tolerant and critical reflection should put it in a different light. The physiologic or pathologic effects of poisons vary both in degree and kind, but in sufficient doses they are sure and certain. Granting that what has been said of alcohol and narcotic poisons in general is true, the logic of the position I shall assume regarding autotoxemias can hardly be disputed, for there is no essential difference between the action of autogenetic and heterogenetic poisons. The tissues and organs do not discriminate between them. Each class acts more or less definitely upon the economy, albeit in its own characteristic fashion. We may, therefore, reason from the known effects of alcohol, morphine, cannabis indica, cocaine, and other narcotics upon the brain, nerves, and viscera, to the effects —both known and presumed—of autogenetic poisons upon the same structures. Structural disease and degenerate conditions of the nervous system underlie most of the phenomena of vice and crime, but the functional integrity of these structures has a basis that is largely biochemical. In many instances, where no organic disease of the central or peripheral nervous system exists, neuropathic phenomena—psychic, sensory, motor, and reflex—are produced by autotoxemia. Unstable will and emo-

tions, erratic impulses, acute mania,—perhaps of the homicidal variety,—hypochondriasis, melancholia, suicidal tendencies, convulsions, delusions of persecution, *folie du doute,* etc., have long been known to be produced by organic poisons introduced from without. Modern science is gradually developing the fact that they can be produced by poisons elaborated in the body.

The biochemistry of the human body and our studies of normal and perverted metabolism certainly show a theoretic basis for the autogenetic origin of neuropathic disturbances. Experimental and clinical observations unquestionably bear out what theoretically we should expect from such organic poisons.

The powerful influence of the sympathetic system upon secretion, metabolism, and elimination deserves serious consideration in this connection. The question of autotoxemia revolves largely around the integrity of the sympathetic. The effects of powerful emotions, such as joy, fear, anger, and grief, are far-reaching. In many cases, the effects of emotion are identical with those of surgical shock,—the typic "insult" to the sympathetic. The reactionary fever following surgical shock and the so-called ferment fever following severe traumatism are quite likely often due to metabolic toxemia. Twenty years ago I described the fever following severe trauma as "reactionary," without appreciating the possible relation of perverted metabolism to it. This toxemia is sometimes inextricably confused with wound infection. Fright, shock, and anesthetics also often interfere with elimination, and vitiate the secretions of glandular organs. The effect of emotion in elaborating deadly toxins in the mother's milk is well known. That profound neurasthenia and nerve-degeneracy in general may follow psychic shock is well known. I know of a case of fulminant locomotor ataxia apparently produced in this way. That autotoxemia from metabolic perversion underlies these cases is probable. In a general way the following propositions are safe, namely,—(1) Nerve-degeneracy, or disease, produces instability of will and perversion of the moral sense. (2) These neuropathic disturbances are the basis of vice and crime. (3) Anything that will produce neuropathy bears a causal relation to vice and crime. (4) As autotoxemia is productive of neuro-

pathic conditions, its etiologic relation to vice and crime is proved.

Probably the most powerful factor in the production of nerve-disorder is syphilis. I have long contended that the neuropathic influence of this disease is largely through a toxic effect upon the sympathetic. My papers on trophoneurosis in syphilis will be recalled in this connection.[1] The impression is now quite general that tabes syphilitica, syphilitic general paresis, and other neuro-syphilitic phenomena are due to the irritating and nutrition-perverting effects of toxins elaborated during the germ evolution of the disease.[2] Long before the germ toxins of syphilis were talked of, I expressed the belief that certain phenomena of syphilis were due to some peculiar action of the infection upon the nervous system, akin to the toxic effects of certain poisons, particularly the organic poisons of over-ripe tomatoes, bad-conditioned shell-fish, etc.[3]

The relation of the nerve phenomena of syphilis to vice and crime are those of neuropathy in general. It is noteworthy, however, that in the Ohio State Penitentiary seventy per cent. of the convicts have syphilis. The relation of cause and effect would, of course, be difficult to determine.

One of the most striking and suggestive diseases bearing upon the relation of toxemia to vice and crime is classic epilepsy. The consensus of medical opinion at the present day is that the intermittent nervous explosions characterized by convulsions occurring in this disease are due to some autogenetic irritant poison or poisons acting upon the nerve-centres. The origin of the toxemia seems to be perverted tissue metabolism associated with defective elimination, more particularly as regards the kidneys. It is probable that some unknown individual neurosis affecting the sympathetic underlies both the perverted metabolism and defective excretion, the periodic explosion being a secondary

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[1] Journal American Medical Association, June 21, 1889; Transactions Southern Surgical Association, 1892; Medical Age, December 26, 1893.

[2] *Vide* Author's Text-Book on Genito-Urinary Diseases.

[3] Lectures on Syphilis, 1884.

phenomenon and not the essential disease. It is hardly probable that the toxic materials elaborated in epilepsy are any different from those forming on occasion in other subjects. The difference in results is due to trophoneurotic instability and inherent irritability of the brain in the epileptic.

The low moral status of pronounced epileptics is well known. Epilepsy among criminals is frequent. It does not always cause criminality, for the same nervous degeneracy that underlies the criminality may be also responsible for the epilepsy. Epilepsy may lead to crime, however, for it does lower the moral standard, and invariably increases a tendency to vice and crime where such tendencies primarily exist. It may directly cause crimes of impulse. The *furor epilepticus,* in which the subject becomes violent and destructive, is familiar. Maniacal outbursts, with homicidal tendencies, are not infrequent in epileptics. The typic epileptic seizure may be either preceded or followed by violent and dangerous cerebral explosions. Homicidal outbreaks may replace the systematic attacks. This is the " maniacal equivalent" of epilepsy, that is well understood by alienists. Here the toxins act upon the psychic instead of the motor areas.

How much of the vagaries and mental aberrations of the insane, and consequently how much of the misconduct of the criminal, is due to autointoxication is open to question. That toxemia is a factor in insanity is more than probable. Beyer has shown by experiment the toxicity of the blood in delirium and dementia. What particular toxin is responsible for delirium, epilepsy, and their congeners is not absolutely proved. So far as investigations have gone, the group comprising xanthin, hypoxanthin, and guanin seems the most probable cause.

The sources of toxicity of the blood, from a biochemical stand-point, are several,—namely, food substances, normal or perverted tissue metabolism, perversion of the function of secretory organs, putrefaction and fermentations within the body, and the evolution of the germs of infectious disease.

That poisons are normally elaborated in the performance of the physiologic functions of the animal body is well known. They are products of retrograde tissue change. When equi-

librium of the functions is maintained, these poisonous "normal" products are harmless. The conditions that make them harmful are: (1) Their elaboration in excess. (2) Imperfect elaboration, resulting in exceedingly toxic intermediate or by-products. (3) Imperfect elimination. This may be due to excessive formation or to defective excretory organs. (4) Decreased disintoxication.

Exercise and alimentation are all-important as bearing upon the formation and retention of toxic material.

That various diseases produce toxins which may result in serious systemic disturbances has come to be well understood. Infectious diseases act largely by the production of germ toxins in the tissues, but secondarily through impairment of elimination and the absorption of germ products from areas of suppuration, or from the stomach and bowel.

Certain surgical procedures are suspected of seriously perturbing the biochemistry of the human body. Thus, removal of the testes or ovaries is often followed by serious nervous disturbance, even mania being occasionally produced. Cessation of the formation and absorption into the circulation of some unknown internal secretion necessary to general nerve-integrity is held responsible for this. That this view is not fanciful is shown by the production of myxedema and pseudocretinism by removal of the thyroid gland, and by the cure of both pseudo- and true cretinism through the administration of thyroid extract. Spontaneous degeneration or tumor formation in the thyroid produces a similar effect.

In myxedema the various psychoses are produced by an indirect intoxication,—*i.e.*, presumably by deficient disintoxication. The blood normally contains a substance that can inhibit metabolism; this substance is toxic, and is controlled by the thyroid secretion. Too much thyroid, as in exophthalmic goitre, neutralizes this body completely, consequently metabolism is not inhibited, but accelerated. On the other hand, in myxedema, there is no control of this inhibition, and metabolism is retarded. This is an indirect intoxication.

Diseases of the kidney, liver, spleen, intestines, ovary, and testis have a double influence on human biochemistry. There is

not only a perversion or cessation of glandular secretion, but there is a reflex effect upon the great sympathetic, or upon its trophic function, that acts upon general metabolism and the secretion of organs correlated, via the sympathetic.

Prostatic disease is a special cause of nervous disturbance in the male. It produces a most profound impression upon the sympathetic, and consequently upon general metabolism. That local perversion of secretion has something to do with the resulting phenomena I feel confident. I refer, of course, to the prostate during the period of sexual activity. The extent to which prostatic irritation enters into the etiology of vice and crime is by no means appreciated. Prostatic pathology is often associated with the most profound disturbances of the nervous system. The mentality of men with prostatic irritation is rarely, if ever, well balanced. Suicide, sexual vice, and varying degrees of neurasthenia often have their foundation in an irritable, congested, or inflamed prostate.

Probably the most important of the general conditions due to perverted biochemism and acting profoundly upon the nervous system is lithemia. In this condition of retarded metabolism there is an accumulation of abnormal products in the blood and tissues that should normally be oxidized. This retention is a reversion to a lower type, for in lower animals we find many of these products—which in man are intermediary and should lead to higher urinary products—excreted in the urine as terminal products.

The multiform effects of lithemia are well known. Scarcely a symptom of nerve disorder but has been attributed to it. Neuralgias, neurasthenia, migraine, paralysis, mental disturbances, more especially irritability of temper,—so-called "suppressed gout" coming into play here,—moroseness, melancholy, and hypochondriasis, are the chief resulting conditions bearing upon the vice and crime problem.

Renal disturbance, organic or functional, is intimately associated with lithemia as a cause or result of the general disorder. I will not discuss the mooted question of the particular toxemia existing in renal disease. Suffice it to say that, as a result of

impairment of the renal functions, certain excrementitious products of metabolism and secretory action of the kidney itself are not excreted. The retention of these toxic materials in the blood and tissues causes the varying degrees of so-caled uremia, or "urinemia." The nerve-phenomena of this toxemia are only too familiar. Mental disturbances are not rare. Actual insanity may be caused by it. The *morale* of the subject is usually profoundly disturbed. The mania of puerperal women, sometimes leading to infanticide, is partially explained by it. Disturbances of the organs of special sense are frequent. These latter may be functional or organic. Muscular twitchings, impairment of the faculty of attention, and drowsiness are not rare. Convulsions and coma are the serious phenomena attending the falling of the curtain.

Irritability of temper, suspicional delusions, and suicidal tendencies are not unknown among persons suffering from kidney disease.

The impression is growing that neurasthenia is due mainly to autointoxication of one kind or another. Lithemia often bears a close relation to it. Toxemia from the absorption of gastro-intestinal products is also a factor, often, perhaps, the principal one. The effects of worry and overwork upon the nervous system are well known. That the impression made upon the sympathetic via the cerebrospinal system results in perverted secretion, excretion, and metabolism is quite likely. The resulting toxemia feeds the pathologic fire, and many of the symptoms depend directly upon it. The bearing of neurasthenia upon vice and crime is self-evident. The loss of nerve equilibrium may often be held responsible for serious moral lapses. Suicidal tendencies are not rare in neurasthenics. Alcoholic and narcotic inebriety are frequent in them. The intimate relation of the strenuous American life to vice and crime is largely through the neurasthenia it produces.

Vicariously eliminated urinary poisons produce such marked irritation of other tissues, as seen in the diarrhea, vomiting, and skin eruptions of urinemics, that the most disastrous effects upon the nervous and mental functions should be expected from their

retention in the blood. The sudden and complete blindness resulting from cerebral urinemic intoxication is illustrative in this connection.

Abnormal fermentive and putrefactive processes in the gastro-intestinal tract unquestionably produce autotoxemia, with serious involvement of the nerve-centres. Granting a resulting disturbance of the *morale* of the subject, the relation of bacteria to vice and crime is not absurdly far-fetched. Gastro-intestinal toxins often produce fatigue, headache, tinnitus aurium, deafness, visual disturbances, and vertigo. Fecal absorption in constipated subjects and the retention in the blood of matter which should be eliminated by the bowel are often responsible for serious nerve-intoxication.

I have recently had under my care a young physician who developed several degrees of fever and serious mental impairment associated with loss of will and memory, as a result of prolonged constipation. My attention was especially attracted by the patient's misstatements regarding his history and condition. His condition in general resembled a mild delirium of typhoid. He himself afterwards called attention to the unreliability of all statements that he made while ill.

Cases of acute confusional insanity have resulted from constipation. A certain proportion of persons committed to the asylum would better be treated by a mercurial purge followed by a saline. That constipation often aggravates cases of indubitable insanity is hardly open to controversy.

It is noteworthy in this connection that the delirium of fevers and septic infection in general is fairly attributable to cerebral excitation from autotoxemia associated with germ toxemia. Imperfect elimination and rapid tissue-combustion, with its poisonous products, enter into the etiology of the delirium. Suicide and violent assaults, perhaps homicidal in character, are not unfamiliar phenomena in fevers.

Diseases of the liver bear a very important relation to autotoxemia. The old-time doctor, with his lancet, purges, diaphoretics, and emetics, was by no means a fool. He knew the relation of peccant materials to disease. He also knew the

shortest cut to elimination. Possibly he was not far wrong when he attributed so many ills to the liver. Bouchard claims that the biliary extractives are six times as toxic as the urinary. The old diagnosis of "malaise," with "sluggish liver," was perhaps logical enough. At any rate, when the old doctor was confronted with a patient suffering from headache, constipation, furred tongue, bad breath, loss of appetite, and melancholy or irritability of temper, he knew what to do and did it. There is nothing new under the sun; an old-fashioned fit of the "blues" is nowadays known to be often associated with indicanuria, showing autointoxication. The coincidence of the popular name with the blue organic poison is amusing.

Dyspepsia, from a dilated stomach, especially, is likely to be associated with nervous troubles. Irritability of temper resulting in crimes of impulse are not unlikely to have dyspepsia as their basis in some cases. The physical and mental debility chargeable to dyspepsia are often erroneously attributed to laziness,—"the mother of mischief." The liver and kidney are secondarily deranged in such cases, enhancing the toxemia. Autointoxication and the absorption of crude products of digestion are here associated with nerve and brain starvation. The patient may or may not eat well; in either event his nerve-tissues are not properly nourished.

While experiments upon animals have not conclusively shown the precise relation of any given autogenetic poison to a particular disease, they have, nevertheless, definitely proved the toxic action of certain principles formed in the human body. Fecal extractives, biliary coloring-matters, various urinary extractives,—especially the alloxuric bases, comprising xanthin, hypoxanthin, guanin, and other congeners of uric acid,—indican, and the potassa and soda salts have been proved to have a powerfully toxic effect on the nerve-centres. Convulsions, local or general, myosis, and death result from some of them.

The particular chemical substances producing toxemic phenomena concern us here only in a general way. To each of seven different poisons credit has been given. They probably act conjointly in some cases. Suffice it to say that the toxic

materials come from the various sources already enumerated, and act more or less viciously upon the nerve-centres. The toxic principles due to defective or perverted metabolism, to normal metabolism with defective elimination, to perverted secretory action, or to absorption of putrefactive products and bacterial products from the bowel, are mainly organic, but, as already stated, inorganic materials, such as potassium, sodium, and calcium in various combinations, may have much to do with auto-intoxication.

Indican has been shown to be the substance chiefly at fault in toxemia from abnormal gastro-intestinal fermentations and putrefactions. The products of changes in proteid, both from the food and tissues, are of especial toxic importance. Urea has been displaced from its position as the uncrowned king of auto-genetic poisons by substances formed by imperfect oxidation. The xanthin group is here of especial importance.

It is inconceivable that toxic principles producing experimentally severe nervous phenomena should not produce more or less serious functional perturbations of the brain. Clinical experience shows their causal relation to defective will, melancholia, hypochondria, irritability of temper, insanity, and unstable mental equilibrium in general. Adding these effects to primary neuropathy, and also taking into consideration the fact that degenerates are especially liable to the conditions producing auto-intoxication, the relation between autotoxemia and breaches of social ethics is readily understood. The relation of autotoxemia to vice and crime is, therefore, one of action and reaction.

The relation of autointoxication to murder, suicide, and crimes of impulse in general seems definite enough. It may not be often effective in persons otherwise sound, but in nervous defectives the dangers of autotoxemia are sufficiently obvious. The predisposition existing, autointoxication does the rest. In the case of suicides, especially, the complete overthrow of mental equilibrium by autointoxication in subjects of primary unstable mentality—whether congenital or the result of acquired disease—can be readily understood. Alcohol might act similarly, if taken for a long time, and to excess. Even here, autointoxica-

tion is a powerful factor. It is always a factor in alcoholism. An attack of the " blues" is bad enough in well-balanced subjects. In degenerates or sufferers from disease, it may precipitate the unstable brain into psychic suffering for which only the open door to the Great Beyond seems to offer relief.

The marked ratio of increase in suicide in the United States in the last decade has for its basis the neurodegeneracy produced by the nerve-racking high pressure of social and industrial conditions now prevailing. Our proportion of neuropaths is well known to be on the increase. Given this general state of unstable nerve and brain equilibrium, autointoxication from disturbance of sympathetic physiology, acting viciously on the brain, will logically explain a certain proportion of our suicides.

If the foregoing premises be correct, vice and crime will one day be shown more definitely than ever to be a matter to be dealt with by medical science rather than by law.

Whether the biochemistry of the criminal will ever be shown to be different from other individuals similarly situated may be seriously questioned. Marro and Ottolenghi have made a series of observations upon metabolism in criminals, but have succeeded in showing only an increased elimination of phosphoric acid, a condition that had previously been demonstrated in chronic alcoholism.[4]

REMEDIES

A detailed account of the various means for the cure of inebriety does not come within the scope of this volume. A few general remarks, however, may not be out of place. The inebriate should be regarded as a sick person. Methods of treatment of the inebriate that do not take into account the physical side of the question are irrational. I make this assertion, despite the fact that psychic impressions have many cures to their credit. Many subjects have been cured by powerful emotional impressions. Religious emotion, and psychic shocks of various kinds often cure inebriety. The psychic element is always to be

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[4] Ottolenghi, Archivio di Psichiatria, 1886, No. iv.

considered, for without its co-operation treatment is futile. The much-vaunted Keeley "cure" probably depends largely upon psychic impressions and suggestion. The regular life imposed at the various "institutes" has much to do with modifying the physical condition of the drunkard. I am not in a position to speak dogmatically of the Keeley remedies, as they are secret. There are certain drugs, however, which, as is well known, are valuable adjuvants in the treatment of inebriety. No argument can convince me that the Keeley treatment has not been of service to humanity. There have been many relapses, the method may be a "fake," and some damage has been done, it is true, but the sum total of years of sobriety acquired by drunkards all over the world has been large. Whatever may be said to its discredit, the Keeley cure has impressed the laity with the physical aspect of inebriety, and has popularized medical and institutional treatment. Institutional treatment by means designed to build up the general health, such as hydrotherapy, electricity, dietetics, exercise, and massage, brings about the best results, on the average. Nervous equilibrium is often restored thereby, with resulting improvement in will-power.

The key-note of the inebriety problem is prevention. All measures thus far instituted have ignominiously failed. At first sight it would seem that restriction of the manufacture and sale of alcoholics would accomplish much. The experience of prohibition States has been apparently discouraging in this direction. The general government, the State, and the municipality have been levying blackmail on the liquor trade for many years. The heavy governmental tax is such a rich source of income that our political machines would be loath to relinquish it. Were the tax raised to the prohibitive point, there would be such a howl from the voter that the government would be glad to fall back to the old standard. That standard is, as much blackmail as the liquor traffic can stand and yet exist. Should the liquor traffic ever become obnoxious to the majority of voters in this country, there would soon be no more liquor traffic. As a matter of fact, the majority of our people favor it. This is the insuperable obstacle at present lying in the way of reform. The fact that

Vermont has just voted prohibition out of existence in that State is pertinent here. The juggler with statistics and the idiot who preaches "wine for the stomach's sake" are further stumbling-blocks. The man who weighs other men in his own physical and moral balance, and mouths loudly of "moderation," is also an obstructionist. The Pharisee, who uses the "holier than thou" principle as an explanation of his own sobriety, is by no means a stimulus to reform. Preaching and moral influences, in general, have done much individual good, but King Alcohol still sits firmly on his throne. And his prosperity is on the increase, if anything. With society behind him, and an "incompetent" born every other minute, he should never lack for subjects.

The action of municipalities on the liquor question would be amusing were it not disgusting. A license is given to the dealer in liquor that ostensibly puts him upon the same moral plane as that occupied by other licensed occupations, but he pays dearly for his license. A heavy special tax is thus put upon his business, which is tantamount to an admission that the liquor traffic is immoral and subject to blackmail. In some communities the fashion is to stamp the liquor traffic as legal, blackmail it heavily, and then compel the dealer to close his place of business on Sunday,—often the most profitable of his business days. And this passes for an attempt at reform, protection of the public, and regulation of the liquor traffic. I make no comment save that discrimination against the dispenser of alcoholics is absurd. A traffic that is moral and legal on six days of the week should not be illegal, nor is it immoral, on the seventh. If the law of supply and demand justifies a traffic of any kind seven days in the week, there is no reason why it should not continue, once it is licensed, unless the license itself is restricted in its scope to week days. This latter plan is the only logical solution of the Sunday liquor problem.

Even were more stringent regulation of the manufacture and sale of liquor put in practice it would be of questionable value, for its practicality would be based upon the opinion of the majority of the people, and with the opinion of the majority against it, the liquor traffic would adjust itself to the law of

supply and demand, and restrictive legislation would be superfluous. Under present conditions no great practical good can come of restrictions placed upon the rights of the people to buy, sell, and drink liquor. Infringement of personal rights breeds resentment. Resentment breeds indulgence, by " hook or crook." Such is human nature. Drinking is general in homes and at hotels and restaurant tables. The social glass is in fashion, and the public at large is well aware of it. The public also has its craving for stimulants, and resents any discrimination against it and in favor of a privileged class of drinkers in fashionable society. The only practicable legal regulation would be such as would prescribe and enforce a purity standard. Much of the damage done by liquor is chargeable to impure quality.

In my opinion, the remedy for inebriety lies in the physical training and education of the masses. Every child should be taught at least the rudiments of physiology and chemistry. The properties of alcohol should be taught—and impressively. The drug should be taught for what it really is, a poison, that is not only unnecessary to the human economy but injurious—in varying degrees, but always injurious. Children should understand that alcohol is a drug that is useful in the arts and manufactures, and sometimes of service in the treatment of disease, but one which ought to be taken into the human body with the greatest circumspection and under medical advice. An appeal to the selfishness of the individual by exalting physical perfection and showing that the use of alcohol is incompatible with it should always be made. There is but little use in laying stress upon the evils of alcohol from the moral stand-point alone. Youth is imitative, and the object-lessons afforded by its elders, who conform with social custom, are more powerful than preaching. A youth may possibly be convinced that his father is mistaken in his ideas and customs, for youth has an intensified ego, but any effort to prove the evil of his father's ways will not only be lost upon him, but doubtless will serve only to arouse his antagonism. I do not say that moral and religious persuasion is not, in a measure, deterrent of the liquor habit,—the Sunday-school has its sphere of usefulness,—but it should occupy a position

subordinate to the rational education of youth in the physical evils of alcohol. The general results of moral influences have not been what they should be, because of the lack of scientific materialism behind them.

Physicians can do much to discourage the alcohol habit by promulgating sound knowledge of its evils among the laity. They can also do much good by prescribing liquor as rarely as possible, and with discrimination in all cases. In many instances the physician should know at a glance that the individual courts danger when he takes alcoholics, even as a medicine.

Apropos of the question of "moderate drinking," it is only just that a special point bearing upon it should be considered. One of the most impractical movements of American moral reformers of recent years has been the crusade against the army canteen. From practical observations I have concluded that the canteen is disastrous to volunteer regiments. The best record made by any volunteer regiment during the Spanish-American War, from the disability and mortality stand-point, was by an Illinois organization, the colonel of which would not permit the establishment of a canteen. In my own experience with volunteers, pay-day was followed within a week by seventy-five per cent. increase in the sick-list, directly or indirectly attributable to drinking at the post canteen. Volunteer soldiers are careless in habits, know little about caring for their bodily condition, and are comparatively undisciplined. The regular soldier is directly the opposite. When he has access to beer and light wines in the canteen—which is the soldiers' club—he rarely drinks to excess. Indeed, he is not permitted to do so. In posts near large cities and towns where the canteen has been abolished the soldiers frequent the drinking- and gambling-dens and brothels outside. Cheap whiskey, cards, and gross immorality are his indulgences, when the milder dissipations and comforts of the canteen are denied him. There has been a marked increase in drunkenness, disorderly conduct, vice, crime, and venereal diseases in the regular army since canteens were abolished. Under ordinary conditions, the canteen would be an evil,—it is hardly a blessing in its remote effects as it is,—but under prevailing conditions, in

the regular service, it is a minor evil as compared with the vicious influences to which the soldier turns as a substitute.

One of the most important features of the prophylaxis of inebriety is physical training. I will not expatiate upon this at length in this connection, as it will receive exhaustive attention in another chapter. Physical training and the acquirement of a sound, well-developed, muscular and visceral organization is, as elsewhere stated, accompanied by a corresponding development of the nervous system, and especially the brain. Neuropathy in children and youths may often, as elsewhere stated, be corrected by proper physical culture. Improved nervous physiology and coincident increase of mental stability and will-power lessen the primary appetite for stimulants, and, in case the subject chances to be exposed to the action of alcohol, enable him to resist more effectively its seductions.

What has been said of the prevention of alcoholism bears with equal force upon narcotic inebriety. The responsibility of the physician is here much greater than in the case of alcoholics. The greatest care should be taken in prescribing narcotics, and a knowledge of their danger should be spread broadcast. Much greater restrictions should be placed upon their sale. This will apply to poisons in general. The would-be suicide has no difficulty in procuring arsenic or carbolic acid, and very little in purchasing morphine or laudanum. I have had some amusing experiences in this respect. On one occasion I asked a strange druggist for a single tablet containing one one-hundredth grain of atropine, and one-eighth grain of morphine. He refused to sell it to me until I had written a prescription for it. While I was waiting, a woman entered the shop and purchased an unbroken vial of one hundred one-fourth-grain morphine tablets without question.

The absurdity of a law that permits morphine to be retailed in bulk indiscriminately, yet prohibits the sale of small quantities without a physician's prescription, is manifest. It is, however, a fair sample of the intelligence of legislation in such matters.

The treatment of narcotic inebriety is without my province. I will merely say that means to correct or prevent degeneracy and

neuropathy are of the same importance here as in the case of alcoholism. Proper institutional treatment is usually the narcotic habitué's only hope. Unaided effort may check the alcohol inebriate in his downward career, but the victim of narcotism, never.

In direct proportion as success is met with in the prevention and cure of all forms of inebriety, and especially the alcoholic, will be the results achieved in the prevention and cure of the various forms of vice and crime dependent upon it. Simultaneously with diminution in the number of inebriates and narcotic habitués in a given community will come a lessening in the proportion of the vicious and criminal classes. The lessened proportions will not precisely correspond, because many alcoholics are degenerates whose morbid propensities may still lead to vice and crime after inebriety has ceased, but the end will always be sufficiently beneficial to society to justify the means.

In every large community there should be a public lock hospital for non-criminal inebriates, of whatever sort. Society should protect itself against the evil influence of inebriety in producing degeneracy, vice, crime, insanity, and disease in general. The custom in many of our large cities is to send drunkards to the same institutions in which criminals are confined. Plain drunks, drunken criminals, offenders who commit petty crimes, because they are too drunk to know better, and typic dipsomaniacs are herded together with hardened criminals. The ordinary "drunk" winds up in the police station, and into a cell he goes, to enjoy the society and instruction of thieves. Sometimes a case of fractured skull lands in the same good company. A man who is picked up comatose or stupid, with the odor of liquor on his breath, and a fractured skull, has very little chance for his life once he falls into the hands of the police.

Confining inebriates in penal institutions is a blot upon modern civilization and worthy of barbarians. On the other hand, the law should have absolute, intelligent, and humane jurisdiction over the confirmed inebriate, based upon modern scientific principles of the nature and treatment of inebriety. Altruism demands that the confirmed drunkard, or morphinomaniac, who is a poisonous fungus on the body social, should be confined and

kept in hospital till he is cured. The same principles should govern here as in the management of insanity.

It is obvious that the remedy for the autotoxemic element in the etiology of vice and crime is the prevention or cure of the various conditions upon which the self-empoisonment depends. The subject is of the greatest moment, as showing the importance of treating actual and prospective criminals upon the old principle of *mens sana in corpore sano.* The degenerate, the vicious, the criminal, and the insane are less amenable to moral persuasion than ever, when suffering from autointoxication. The difference between an unruly and a tractable criminal or insane person is often determined by the relative efficiency of elimination. This hint may be of service to some correctionary institution managements, who believe in treating souls rather than curing bodies. Possibly the seat of the soul is nearer the machinery of metabolism than is generally supposed.

CHAPTER VI

ANARCHY IN ITS RELATIONS TO CRIME

General Considerations—The Chicago Anarchists—Deeds against Rulers—Anarchy in the Name of Order and Social Revenge—Governmental Anarchy—Political Anarchy—Municipal Anarchy—The Anarchy of Labor—The Anarchy of Capital—The Anarchy of our Legal Machinery—The Therapeutics of Anarchy

GENERAL CONSIDERATIONS.—As previously stated, the true criminal, anthropologically speaking, is an animal whose instincts are largely antisocial. He is a reversionary product in human evolution. In normal man the social instinct is second only to that of self-preservation, of which it is an outgrowth. It is, so to speak, the highest, most altruistic phase of the instinct of self-preservation. Altruistic though it is in result, its basis is individual selfishness. By normal civilized man this selfishness is submerged in the conservation of the common weal. In the criminal, however, the ego is so intensified that the benefits of a social aggregation of interests is not appreciated. It will be seen, therefore, that, as the term anarchy is popularly understood, every criminal may be justly termed an anarchist in action, whatever his theories of social conditions may be; if, indeed, he has any theories. Anarchy, however, in the strictest sense of its interpretation, is not merely a contempt for law, nor is its cornerstone infraction of the law. The true anarchist is not a firebrand, but a mistaken, misguided philosopher, an idealist whose conceptions of what ought to be are not in harmony with what is. "Whatever is, is right," is not his creed. "Whatever of law there is, is unnecessary, and therefore wrong," comes nearer his fallacious position. He forgets that social perfection is not possible in the presence of that human imperfection,—as old as the everlasting hills,—which will endure as long as humanity itself endures. The ideal social state, which shall have no law because

no law is needed, will come to humanity only when the plan on which man is said to have been built is reversed and he becomes a little higher than the angels.

Out of the glaring inconsistencies, absurdities, outrages, and injustice perpetrated in the name of the law, there has been evolved something worse than anarchistic philosophy. The spirit of rebellion against existing things that is inborn in the human race, and comes to the front as soon as its toes are trodden upon, has put on the cloak of anarchy, and preached and practised the doctrine of revolution and destruction. It is not the ass in the lion's skin; it is the human hyena who has put on the garb of a nobler, if erratic, beast and gone forth to destroy, not to teach or reform. This human hyena has been heard from before. He has tortured, killed, and robbed in the name of religion, assassinated in the name of liberty, and executed and imprisoned in the name of the law, through countless generations. He has worn the ermine of the judge, the cloak of the saint, the patriot, the martyr—of the good and the wise. He has ever been and is hydraheaded, and whatever name he has been known by,—and this has varied with his environment,—his true patronymic is Fanatic. His cause has sometimes been a just one, he has sometimes made for the common good of humanity, but this has been more often accidental than is generally supposed. The soul of good in things evil oft flashes from the degenerate and unstable brain. Charlotte Corday was as much of a fanatic as Marat, and lacked his intelligence. Both had their uses. His usefulness had passed, and her stab was timely. History has done more for the Corday than for the Marat, but history requires time to be just. Had Louis Riel, the rebel, succeeded, he would have been accorded the laurel-wreath of fame, instead of a rope. Insane though he was, he would have added another page to the history of patriotism.[1]

Following in the wake of anarchy comes the paranoiac. Re-

[1] Dr. Ireland, in Through the Ivory Gate, asserts the insanity of Riel. Data furnished me by Riel's friend and co-worker, Mr. H. J. Jaxon, of Chicago, confirm Dr. Ireland's view.

ligion, politics, patriotism—any of these things—might by suggestion impel him to evil deeds, but anarchy is the thing which has most impressed him, and forthwith he puts the label, "Anarchist," on himself, and goes forth to destroy and kill. Should he forget to assume the guise of anarchy, the press and the police take the poor misguided, publicly unclassified maverick into their tender arms and brand him. Should the law slay him, the autopsy may show a brain cut on the bias; he may have meningitis or a huge brain tumor—he is an "anarchist" all the same. Side by side with the fanatic and the paranoiac in the train of evils that follow the enunciation of anarchistic doctrines comes the true criminal, who finds in the doctrine a safe cover from which to make his depredations. The police official who is desirous of self-aggrandizement, like the devil, "comes also."

In considering anarchy, the average citizen is usually carried away by the panicky notions of the public at large. He forgets that anarchy in some of its phases has stood for some of the grandest onward movements in the history of human progress. Every dissension against state paternalism, however offensive and oppressive the latter might be; every act against existing established forms of church or state; and every struggle for liberty has been termed anarchy, from time immemorial.

Taking the popular notion of anarchy as the point of departure, and accepting it as rebellion against law and order, I have no hesitancy in saying that instinctive anarchy is a part of human psychology in general. That the average man is an anarchist at heart, I verily believe. When it pleases or profits him to defy the law—that law which he has constructed ostensibly from altruistic motives, but really to protect his selfish self—he does so. The soldier, under the cloak of that organization of selfish interests known as government, or the proletarian, under the guise of a trades-unionist, may defy all law and play the brute. We make a hero of the first, and wink at the transgressions of the latter.

From boyhood up the average man, and especially the American, hates all authority, however submissive he may be from fear or policy. He dearly loves to wear the badge of authority

himself; he loves a uniform, but cordially hates the man whose straps permit him to stand on the next round above him. The well-beloved commander is largely a story-book creation. There are such, it is true, but for every one of these there are ten who are disliked. Men may submit to authority, but they hate it just the same.

The psychology of crowds, and especially mobs, has taught me much. What a selfish, mean, cruel, unreasoning thing a mob is, to be sure. In a conflict between a mob and the police or militia, who gets the sympathy of the should-be-disinterested onlooker? The law-breaker, usually. And moral antagonism is not all the police or soldiers have to contend with. Many a brick is thrown, many a shot fired at the law by men and women who have no possible grievance to redress. A long service with the National Guard has enabled me to make some very practical, and sometimes personally disagreeable, observations on this point. One would suspect that rebellion against authority is peculiarly American, judging by the comparative respect shown to uniforms abroad. An American policeman without his club could not obtain prestige for his star.

While this chapter was in preparation, one of the frequently occurring proofs of the correctness of the foregoing remarks appeared in the Chicago dailies. I quote it verbatim. It bears not only on the special point to which attention has been called, but also upon the general question of the too frequent anarchical trend of labor:

"The struggle between the Special Order Clothing Makers' Union and the Garment Workers resulted in a riot last night, in which a policeman was given a beating after a crowd of men and women had torn his star from his breast and wrested the club from his hand. Just as he sank unconscious to the street and the crowd was preparing to trample upon him, a wagon-load of officers appeared, and the crowd scattered.

"There had been trouble before at the same place, and the officer had been detailed to preserve order. When the officer reached the scene of the trouble, he ordered the crowd to disperse. Yells of derision greeted him, and the demonstration continued. Finding it impossible to restore order, the officer placed one of the men who was foremost

in the rioting under arrest. Before he had an opportunity to draw his club, the crowd was upon him from all sides. Some one seized his hands and held them behind his back, while the prisoner disappeared. Others tore off his star and took away his revolver and belt. Blows showered from all sides until he sank to the ground, just as the patrol wagon came around the corner."

The foreign-born anarchist has been the *bête noir* of the American public since 1886—the fateful year of the Haymarket Massacre. Reviewing the country's history since that time, very little has happened that justifies serious apprehension of the stereotyped form of destructive anarchy. The argument will, of course, be advanced that the legal murder of a few anarchists in revenge for the illegal murder of a number of policemen at the Haymarket put a stop to further serious anarchistic demonstrations. I have no sympathy with anarchy in any guise, but believing, as I do, that anarchy *per se* is not dangerous; that it is dangerous only in so far as it brings paranoia, criminality, and fanaticism to the fore,—for which elements in humanity philosophic anarchy is no more responsible than is the Church,—and being convinced that nothing punitive can long repress the outcropping of the criminal impulses of degenerates, I am forced to a different conclusion. I believe that, despite the Haymarket affair, the anarchist bugaboo has been largely fuss and feathers. If capital punishment has repressed revolutionary anarchy, it has accomplished more than it has elsewhere. I believe, moreover, that something more than anarchistic ideas, something more than fanaticism, was responsible for the anarchist troubles in Chicago. Those disturbances were the ill-advised and incoherent efforts of diseased and undisciplined minds to right by revolution obvious social and economic wrongs, which logically should have been left to the slower and surer process of evolution.

Comparing the record of crimes committed since 1884 by avowed or known anarchists with those perpetrated by native Americans or fostered by a distinctively American sentiment, even a superficial observer will require a microscope to detect the influence of recognized, foreign-bred anarchy on the criminal

history of this country. The American is not particularly distinguished by his innate regard for law and order. Remove his social and legal inhibitions, and he is a pretty tough customer. In some civilized countries Americanism and lawlessness are synonymous. The Kentucky mountaineer, ethnologically speaking, is the type of native American, if Professor Starr is to be believed. United States revenue officers have some very definite ideas as to his respect for the law. Under the fallacious impression that he could do as he liked with his own, he has moonshined, and slain those who have interfered with him, for, lo, these many generations. What of the feuds of the South, in which whole families, children and all, have been exterminated? The Southern feud is peculiarly an American adaptation of the vendetta, an adaptation that outplays the Corsican at his own game, and puts the hasheesh-crazed Malay and his kris to the blush. The history of the great West shows the American with inhibitions removed in all his glory. Jesse James, Billy the Kid, the Earps, and my boyhood's hero, Three-Fingered Jack of Calaveras, were distinctively American products. The Rustler's War in New Mexico and Wyoming some years ago cost over four hundred lives, yet nobody was legally brought to book. This war was certainly an American institution. The sheep "war" in Montana is recent history. Even as I write, Colorado is in the throes of the "reddest" of anarchy. How does the dynamiting of several dozen non-union laborers compare with the Haymarket massacre? A few days since a "tenderfoot" was shot to death for wearing a silk hat. The day of the pistol and the bowie has not yet passed in the South. It is not long since two distinguished Kentuckians, Swope and Goodloe, stabbed and shot each other to death in the Lexington post-office. Kentucky soil is still warm with the blood of Governor Goebel, assassinated at the behest of rivals in politics. The South is the lyncher's paradise. The smoke of burning negroes is a stench in American nostrils, and has made American lawlessness a by-word and reproach abroad. Kansas, Illinois, Indiana, and many other States have stamped mob violence as superior to law. The Whitecaps of Indiana are still the Terrors

of the Night. A few days since a respectable farmer and his daughter were driven from their homes by these dastards. The man became insane, and the daughter a nervous wreck, as a consequence of the abuse they received. And still we prate of the dangers of foreign-born anarchy, which, pernicious as it is, is scarcely a drop in the black sea of crime compared with American anarchy.

ANARCHY IN CHICAGO

On the night of May 4, 1886, an ineffaceable blot was placed upon the history of America and the fair fame of the city of Chicago. The Haymarket Massacre was one of the most terrible events this country has ever witnessed. Following it came a demoralized and unreasoning state of the public mind—social hysteria—that lasted for many months. The psychic tension and excitement of the public were fostered and kept at the boiling-point by the social, personal, and political enemies of the anarchists accused of the terrible crime by the police, which was naturally revengeful, and which, moreover, was anxious for self-aggrandizement; by the cowardly and panicky mental state of a goodly portion of Chicago's population, and by the press. The sympathies and influence of the latter were naturally with the upper dog in an issue in which public opinion and the wealth and culture of the city were arrayed against social elements that combined, in varying proportions, anarchy, socialism, destructivism, fanaticism, paranoia, and poverty.

The whole truth regarding the Haymarket affair, the events that led up to it, and the trial and execution of the law's victims which followed it may never be known. If it is ever written, it will not be by a policeman, nor yet by an anarchist, real or alleged. Some of the young newspaper men of that day might have written a fairly accurate account of it all, but it is safe to say that the blue pencil of newspaper policy would have played havoc with it. The topic is now hardly a live issue, from the newspaper view-point, hence there is no incentive to action on the part of those best fitted to chronicle the events under consideration. The most pretentious account of the anarchist troubles in Chicago was written by, or for, an inspector of

police, whose connection with them was so intimate, so interested, and responsible that the huge book was taken *cum grano salis.* In the market it brings just about the value of the paper it contains.[2]

The psychologic—or psychopathic—state of a certain portion of the working classes in Chicago that led to the Haymarket affair was not an unusual one. History shows many similar examples. Sometimes it is one thing, sometimes another, that fosters a revolutionary spirit in the human mind. Whatever the incentive, the psychic status is the same. The struggle between capital and labor had been on for many years. Crack-brained enthusiasts, with half-baked and perverted socialistic ideas, recognized the many injustices perpetrated upon those who had not by those who had. These distorted brains could not reason logically along economic lines. They saw the misery alone of the working classes. With a complete misconception of the tenets of the philosophic anarchistic cult, and seeing in the law only a weapon of unjust discrimination against the wage-worker, they believed that anarchy was the panacea for all social and economic ills. Unlike the philosophers whom they aped, they believed that the only way to cure these ills was by revolution and violence. And so the party of "Destructivists" was born.

The Chicago anarchy of 1886 was the product of certain vicious social and economic conditions acting upon unstable brains. It was a phase of the struggle between capital and labor, in which the radicalism of a few men was concentrated as anarchy, and abetted by paranoiacs. In principle, it was no better and no worse than some other phases of it conducted under the auspices of trades unionism. The people of America are welcome to such consolation as they may obtain from hair-splitting differences in the nomenclature of riots; they may also go on in the fatuous belief that revolutionary anarchy died on a Chicago scaffold, but the sooner they comprehend social, economic, and psychopathic conditions in their true relations, the better for the country. They should not be blinded by an unreasoning patriotism.

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[2] Anarchy and the Anarchists, Capt. Michael J. Schaack.

For many months the anarchists had given public vent to their feelings and opinions, without interference by the police; the leaders, at first somewhat tame, grew more and more radical as time went on. The necessity for radicalism in theory increased from day to day. It required more and more radical means to attract attention. Anarchistic orators who desired to draw a crowd must needs spit oratorical fire. In some instances the orator began to believe in himself, and to fancy that he was really blood-thirsty; in other instances he was a degenerate savage primarily. The suggestion worked both ways,—*i.e.*, upon the orator and his audience. The doctrine preached by the anarchists who were wont to harangue the crowds on the lake front and street-corners of Chicago was a jumble of socialism, anarchy, revolution, labor grievances, real or alleged sympathy with the poor and down-trodden, and a mortal antipathy for the police—which was supposed to be the embodiment of every foe to the working classes. Each orator saw behind him, in his mind's eye, the Constitution of the United States, with its guarantee of the right of free speech. As his psychology became more and more distorted, his enthusiasm increased, and he mouthed more and more loudly of blood, fire, and that modern substitute for the sword, dynamite. His auditors were mainly curiosity seekers, or idle workers, seeking in vain for employment and consolation. Although dangerous, the really sincere followers of the revolutionary cult were few and far between—as few as the professors of religion who surround the Salvation Army lasses. The public knew this, the authorities appreciated it, and the anarchists were stupidly treated as a huge joke, until the terrible awakening came, when the police went to the other extreme and discovered a menace to society in the most innocuous gatherings. Once serious trouble had arisen, no congregation of citizens was too humble or too peaceable to suffer the opprobrium of anarchy. Labor meetings, socialistic gatherings, and meetings of radicals of all kinds were branded by the police and press alarmists with the stigma of anarchy. A new element had also entered politics. Instead of endeavoring to allay the excitement and relieve the tension of the public nerves, press and

police united in adding fuel to the psychic fire. Both were actuated by business motives, tinctured with the prevalent hysteria. The police added the flavor of revenge. The wealthy classes added the element of fear,—innocent and illogical, even if natural, in some cases; the reflex of a guilty conscience in others.

The history of the Haymarket Massacre was, in brief, as follows:

On May 2, 1886, occurred what is known as the McCormick or "Black Roads" riot. This was a conflict between the police and a band of striking workmen, whose connection with the anarchists was a phantasm of police construction. Several workmen were killed, perhaps justly, but the police gained no laurels in the encounter. The remark made by a certain police inspector after the riot was a reflex of official chagrin and desire for revenge,—"Wait until we catch a lot of those fellows together."

The label of "anarchist," put upon the workingman by the police, was accepted by the radicals, who were quite as anxious to claim the workingman and the socialist for their own as the police were to label them anarchists. The opportunity of "catching a lot of those fellows together" came only too soon.

On May 3 a meeting was held by the radicals to arrange for an indignation meeting at the Haymarket Square on the following evening. Appropriating the slain workmen as their own, the anarchists, like the police, made "revenge" their watchword.

On the evening of May 4 the memorable Haymarket meeting occurred. The mayor of Chicago visited the meeting to reassure himself. He had been warned that trouble was brewing. He listened to the speeches, noted the temper of the crowd, and saying, "This is a peaceable meeting," went his way.

Soon after the mayor's departure several hundred policemen —some say with revolvers drawn—descended upon the crowd, which had now dwindled down, it is said by persons in a position to know, to five hundred persons or less, most of whom were probably curiosity seekers, judging from the composition of the average crowd. As the police approached, a bomb was

thrown, which, exploding, killed or wounded a number of officers.

Accounts of the events immediately following the explosion of the bomb vary. One newspaper man whom I heard relating his experience said that the police practically all ran away, firing their revolvers wildly in all directions. According to his account, they re-formed outside the square, and then charged back, shooting and clubbing at everything in sight. As he himself happened to get clubbed, possibly his testimony was biased. I give it for what it is worth.

That many of the wounds sustained by the police were inflicted by their brethren is more than possible, and has been asserted. The location of the wounds and the number of regulation bullets said to have been extracted were suggestive, to say the least. This is no reflection upon the bravery of the police. There is none braver than ours, but the bravest men can be stampeded, and police officers are not drilled in facing such surprises. The foregoing remarks bear merely upon the question of whether a concerted revolver onslaught upon the police was made by the anarchists, or the massacre was the work of one or more paranoiacs acting independently, according to their depraved and vicious lights. There are several theories from which to make a selection,—viz.:

1. The bomb was thrown by a paranoiac hanger-on of anarchy, and was as much of a surprise to the anarchists in general as to the police. The crowd scattered and so did the officers, the latter, blinded, stunned, and demoralized, firing their revolvers at random as they fled.

2. The bomb-throwing was a prearranged affair, and was followed by a concerted attack on the police by a large number of anarchists armed with regulation revolvers. Neither anarchists nor police were surprised nor demoralized by the bomb. They stood like veterans of 1861, and fought each other to the death. The killing and wounding was all on one side.

3. The bomb fired was as big as a barrel and loaded to the fuse hole with bullets, mostly regulation. As to the conduct of police and crowd, one may take his choice.

Of the twenty-nine men chronicled by Captain Schaack[3] as having been wounded by bullets, six were wounded in the back and five in the calf of the leg. The other officers were variously wounded in the thighs or legs (front or rear not stated), elbows, etc. But one man was shot in the chest, and none in the abdomen. One man only was shot in the head. Were the anarchists so merciful as to aim at the officers' legs? Incidentally, which way were the officers going, relative to the position of the anarchists, in order that eleven could be shot from behind? Shell wounds are, of course, excluded from the foregoing. In all, forty men were listed as wounded by the shell. The projectile must have been immense if this be a true account. An intelligent newspaper man who was on the ground says that a large part of the pistol-firing was done by detectives in citizens' dress, who shot at everything and everybody in sight. He also says that when the officers were ordered to "fall in" after the explosion, there was but one hero to respond. He further claims that the bomb was thrown, not from behind the speakers' stand, as the authorities contended, but from a corner of the street remote from it.

I submit that this analysis does not bear out the published account of a pitched battle, and supports the view that a lunatic, acting practically independently, threw the bomb and had no armed support.

Schaack says, "The killed and wounded on the anarchist side was far in excess of the police loss, although nobody knows how many were shot." He further says that the police were "good marksmen, and shot to kill." What became of the dead and dying anarchists nobody knows. Schaack had only one name of a wounded anarchist to offer, and not a single name of a dead one. This looks queer for a pitched battle with a mob. The anarchists are to be congratulated on the excellence of their hospital corps and ambulance system. The police are to be commended for their hitherto unknown leniency in not booking the wounded anarchists, who, Schaack says, "were taken to the

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[3] Op. cit.

Desplaines Street Station, whence they were afterwards removed by their friends."

Scarcely had the smoke of the bomb cleared away before the police drag-net had snared a number of men who were suspected of planning the throwing of the missile. The real culprit has never been found. Men of known anarchistic proclivities were tried and convicted by a strained application of the conspiracy law,—a law introduced by Senator Merritt, in 1877, to control strikers in the coal-mines.

The fact that the application of the law was illogical and biased was so evident that a more complete "whitewash" conspiracy law was adopted by the Legislature of Illinois in 1887. This was entitled, "An Act to further define Conspiracy and to punish the Same and Crimes committed in Pursuance thereof." This law was repealed in 1901. When a vain attempt to introduce this law in New York was subsequently made in the Legislature of that State, Whitelaw Reid stigmatized it as "a law under which no man's life or property would be safe."

Of the convicted anarchists, four were executed. One, under sentence of death, Louis Lingg, the merriest, maddest anarchist of them all, ended his career of diseased cerebration by blowing his head off in his cell with a dynamite cartridge. Oscar W. Neebe was sent to the penitentiary for fifteen years. Michael Schwab and Samuel Fielden were sentenced to death, but their sentences were afterwards commuted to imprisonment for life. The accused had about as much chance as a yellow dog under indictment for hydrophobia. Police, press, public prosecutors, and the public joined in the cry, "Convict and hang!" without much rhyme and less reason. The police sought revenge and aggrandizement, and did not hesitate to still further inflame public sentiment. Bombs of absurd manufacture were found in the most ridiculous places. Fake anarchistic plots and counter-plots were discovered daily. The prosecution was working for fame and professional prestige; a few lives, more or less, weighed but little in the balance. The press reflected public opinion and desire. Conviction and execution were a foregone conclusion. That the trial was a legal farce many thinking and

unprejudiced lawyers conversant with the facts asserted. Governor Altgeld's published reasons for pardoning the anarchists, drastic as they were, scarce did the subject justice.

And then came the execution. Possibly the victims belonged to the better dead, possibly history may vindicate Chicago on altruistic grounds for the execution of the anarchists, but the Lady with the Blinders—Justice—will never exonerate the city. Time is a great Court of Appeals, by which the trial and execution of the anarchists will eventually be assigned their proper place in the record of legal crimes.

No evidence was forthcoming at the trial to show that the Haymarket meeting was called for other than a peaceful purpose. Only two of the men convicted were proved to be implicated in calling the meeting. If there was on the part of anybody a prearranged plan to attack the police,—and there must have been such a plan on the part of the man who threw the bomb,—it was most probably based upon a paranoiac's notion of the rights supposed to be guaranteed by the Constitution. It will be remembered in this connection that the literal interpretation of the doctrine of State's rights on the part of the South precipitated the great Civil War. The lunatic who committed the horrible deed at the Haymarket was probably actuated by the principle of self-defence, viewed by a disordered brain that applied the principle literally, and saw in the actions of the police themselves a justification of its literal application. Of the men condemned, but one was of the type of man from whom such a deed might have been expected, and he, Louis Lingg, was a lunatic if ever there was one.

The Haymarket meeting was in no wise different from many others that had been openly held. If, as has been alleged, a large armed body of officers, acting on the individual responsibility of one or more inspectors, and without general orders, marched into the square for the avowed purpose of attacking a body of citizens acting within their rights, it is not surprising that some paranoiac hanger-on to the skirts of anarchy and socialism should have applied what he believed to be the principle of self-defence to the devoted band of police. Every radical

movement in human affairs has such mentally perturbed adherents and camp-followers. The skirts of religion and politics are similarly attainted. Instances of bloodshed and violence arising from religious or political fervor and zeal blacken the pages of the history of every social system.

The critical observer, whether he be a psychologist or not, is forced to the conclusion that, whatever the underlying cause may have been, the exciting cause of the Haymarket riot was an unwarrantable intrusion in force by the police of a meeting which, up to the time of their approach, had developed nothing that would warrant dispersing it. A little knowledge of psychology, a little knowledge of the effects of radical oratory on paranoiacs, and a moderate amount of secret service work would have prevented the loss of many useful lives. When brains rather than politics dominate police systems, such terrible sacrifices on the altar of ignorance as was the Haymarket Massacre will be impossible. An intelligent police system would have had sense enough to have muzzled the destructivist orators long before the Haymarket meeting, thus removing the source of psychic infection of their ignorant or degenerate auditors.

That indulgence of the right of free speech in America was alone responsible for the Haymarket affair is absurd. No country in the world is more tolerant of anarchistic talk than is England. That country is a haven of refuge for the anarchist, yet what country has been freer from the evils of anarchy? The flamboyant speech of the anarchist, like some of the more violent outward manifestations of hysteria, often serves to relieve nerve-tension. It is noteworthy that the first serious attempt to "bottle" anarchy in America was followed by disaster. I have already admitted the danger of such principles as were enunciated by the Chicago anarchists. Suggestion works havoc in the brains of degenerate converts to radical ideas of industrial evils, politics, religion, justice, and social reform, especially if those ideas be revolutionary. Such subjects are likely to commit crimes, and desperate ones. Suggestive literature has the same effect. But such cases have so far been individual, and whether definite opposition on principle is safer than watchful tolerance and

intelligent regulation and control, with instant interference when orators or authors begin preaching fire and dynamite, is open to serious question. I submit the respective methods of England and America for comparison. I also submit their records of riotous disturbances. But society's revenge for the result of its own ignorance, carelessness, and evil ways was complete. A statue, emblematic of the majesty of the law, was erected in Haymarket Square, "lest we forget" the blot upon Chicago's record. The officer selected as the model for the law's majesty was afterwards, so the newspapers claimed, discharged from the force, for its own good, and the statue removed. And now there is nothing to uphold the majesty of the law in Haymarket Square; but in the peaceful cemeteries of our city stand monuments to the victims of the anarchist's bomb and the hangman's rope, of which Chicago may well be ashamed. Whether history will one day stamp the anarchists as lunatics or martyrs, or will allow them to remain under the stigma of conspirators and assassins no man can say. The murderer or fanatic of to-day is the hero or martyr of to-morrow. Fanatical John Brown was dynamically an anarchist, pure and simple; he is now a patriot martyr. And the alienist, philosophic sociologist, and psychologist alone can understand why. One fact stands out clearly from the Cimmerian gloom of the anarchist case,—viz., were the anarchists to be tried again to-day, they would not be executed.

ANARCHY IN THE NAME OF ORDER AND SOCIAL REVENGE

The thinking person who follows the daily chronicle of events in this country must acknowledge that there is a type of anarchy which is peculiarly American, and a blot upon our scutcheon. Scarcely a day passes in which the newspapers do not relate one or more lynchings in various parts of the country. These lynchings are often accompanied by unspeakable barbarities. The South, and to a less degree the West, are the focal points of this particular phase of American lawlessness. The brutalizing and demoralizing effects of these atrocities—these society crimes of impulse designed to punish individual crimes of impulse—are bad enough, but the impressions of America dis-

seminated abroad by them are even worse, in remote results. While in Sydney, New South Wales, a few months ago, I was highly edified by reading in a prominent colonial paper a long account of a "roasting bee" in one of our Southern States, in which, as usual, a negro was the principal actor. Considerable space was devoted to a circumstantial account of the manner in which the roasting was conducted. Quoth the paper:

"The execution was delayed for several days, in order that the people of the surrounding country might get in to see the exhibition. Excursion trains were run upon all the railroads at reduced fares. A society event was made of it, the ladies in particular going to the lynching in gala attire."

A graphic account of the horrible agony of the victim and the glee of the spectators was appended.

I regret to say that the Australians took the report seriously. Still, the fact remains that a negro was roasted alive, and a few embellishments more or less really did not count for much. Even the imagination of a newspaper man cannot exaggerate the horrors of Southern lynchings.

Statistics show a record of lynchings in America by no means flattering to this country. In the past twenty-one years, 1872 negroes have been lynched, an average of 89½ per year. In that period, 1256 whites have been lynched, an average of 59 per year. There have been 61 women lynched in that period, 38 colored and 23 white, 9 of them for murder. Of the 615 white men who were lynched in the twenty-one years, 108 were executed for criminal assault. In the South, 1091 negroes were lynched and 598 whites. Statistics cannot be made to show that more than thirty-five per cent. of the negroes lynched were guilty of criminal assault. The discrimination against the black is obvious. In the West, 623 persons were lynched in the twenty-one years, about forty-three per cent. being for murder.[4]

It would be interesting to know how many of the victims of lynching were innocent. Knowing the fallibility of legal trials, we can imagine the accuracy of Judge Lynch's court.

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[4] Doctorate Thesis, J. Elbert Cutler (Yale).

Outrages committed in behalf of law and order are the most illogical acts of which human beings are capable. They are often incited by degenerates, whose evil tendencies are as marked as those of the victim whom they seek to destroy. Popular excitement and the cover of a mob gives a chance for the display of the murderous instincts of persons who are worse than the criminal whose life they seek. A mob hungers for the life of a criminal, not because he is a criminal, but because he is a helpless victim, whose death will satisfy the atavistic craving of human nature for blood and sacrifice. At a recent lynching in Kansas the rope broke, and while the mob surged about the prostrate victim of its fury, a contemptible assassin elbowed his way to the front and cut the prisoner's throat from ear to ear. The victim was then strung up again. Doubtless the crowd applauded—certainly the cowardly assassin has never been brought to book. Even a superficial student of psychology can recognize in the assassin a degenerate who needed only the suggestion and a safe opportunity to do murder. And in that crowd of lynchers were many more of the same type, albeit of varying degree of nerve.

It has been observed that both the morals and intelligence of a crowd are lower than the average of the individuals composing it.[5] It is this psychologic fact that justifies suspicion of the infallibility of public opinion.

The psychopathy of a mob surpasses the bounds of social hysteria, although the latter underlies it. Indeed, it transcends all bounds short of homicidal mania. This latter term epitomizes the morbid impulses of the average mob when aroused, whether assembled for the avowed purpose of a lynching or not. Once his inhibitions are removed, once his veneer of social, educational, and moral refinement is cracked, your civilized man runs amok like any other savage. Lynchings bear the same relation to a mob that homicidal crimes of impulse do to the individual.

Given the psychic moment, and anybody will serve for the leader of a mob. A lunatic is as likely to become the leader of

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[5] Fournial, Psychologie des Foules.

a so-called law and order movement as of the opposite kind. Aristocrat, plutocrat, or proletarian—each may lead a mob to violent acts. The more degenerate he is, the greater his violence and the more blindly the mob follows him. In 1894 two lynchings in behalf of law and order were led by paranoiacs. In 1889 the paranoiac book-thief, Funk, who was well educated, as I recall him, and intensely aristocratic in ideas and temperament, advocated blowing up the laboring classes with dynamite as the only remedy for the existing troubles between capital and labor. Had he been arrayed upon the side of labor, in 1886, he might have died on the scaffold as an anarchist. Placed in an atmosphere of suspicion and terror, Funk might have precipitated a social horror, the character of which would have depended upon the cause that enlisted his sympathies. Arrayed on the plutocratic side, he was not dangerous—the plutocracy have few social troubles that money will not soothe. On the side of the proletariat, he would have been very dangerous. The working classes have grievances for which the universal panacea, money, is not forthcoming.

History shows many examples of the aristocratic and intelligent classes using social hysteria to their own advantage. Before that most terrible outbreak of homicidal mania, the Reign of Terror in France, the great Burke publicly incited the French Royalists to become alarmists and diffuse terror in foreign countries. This led finally to the invasion of France simultaneously by England, Austria, and Prussia, and to the civil war in France that developed the national neuropathy upon which the suspicional atmosphere of the Reign of Terror with its horrors was based.

A mob is one of the most effective means known for removing inhibitions and developing the evil instincts of man. In many cases the leader of a mob is naturally a brute, with the lowest and most inhuman instincts. Unlike the typic degenerate, —who is not usually deterred from crime by fear of consequences to himself,—he has a wholesome regard for his own interests. He is like many a natural-born coward who is brave in battle. He becomes permeated with the "courage" of the living mass

about him. By and by the savage, which usually lies dormant in man, comes to the surface, and his native cowardice is swallowed up in his lust for blood and glory. Of such stuff are some heroes made. Every student of the temper of mobs understands this phase of human mass psychology. Obviously, the typic paranoiac degenerate is most powerfully swayed by human mass or mob impulse. The application of the foregoing to strikes and political agitation is at once evident, and is too mercilessly logical for the comfort of social optimists.

Were it practicable to do so, the cowardice of the individuals composing the average mob might easily be demonstrated. Let the officers of the law acquiesce in the mob's jurisdiction, clear a space about the prisoner, then let some law-abiding citizen or official who has found himself unable to cope with the situation ask for a volunteer to step forth and begin the torture. Nine times in ten there would be no single volunteer with courage enough to take the initiative in full view of the crowd of possible witnesses.

The social demoralization resulting from such disgusting exhibitions as the typic American lynching should be self-evident. Not only does lynching fail of its object, so far as preventing crime is concerned, but it often has the opposite effect by developing savagery in individuals in whom it has hitherto lain dormant, and affording the element of murder suggestion to degenerate brains. The moral tone of a community cannot fail to be lowered by such horrible deeds as burning a human being alive. Experience has proved that even legal public executions are brutalizing in their effects upon many of those who witness them. They develop the latent psychic morbidity characterized by a contempt for human life that exists in a certain portion of individuals in every community. Lynchings decently conducted are bad enough, but as practised in the majority of instances in this country they prove that the spirit of the Spanish Inquisition and other systems of torture still exists in the hearts of men. They show a social reversion which is by no means complimentary to civilization, with its vaunted progress and refinement. We shudder at the hellish ingenuity of a Torquemada, with his fearful methods of torture,—why should we in these modern

days tolerate the more horrible murders perpetrated under the pretext of protecting society from crime?

There have been, to be sure, instances in which a short shrift meted out to criminals has been productive of good. The experience of the Vigilance Committee of San Francisco, in the early history of that city, is a case in point. But the Judge Lynch of that day was the only recourse, and was the least of the evils that the early pioneers were compelled to face. Besides, he made a dominant social law, accepted as arbitrary by all classes. His court was a temporary expedient which was the preliminary stage of permanent law. Moreover, he did not operate through mob violence. In settled communities, with a regular system of laws, however, no possible benefit to the cause of law and order can result from infraction of the law and the disorder incidental to the execution of a criminal by a frenzied mob. In a community that has no respect for its own laws, the individual is not likely to be impressed with the majesty of the law. Anarchy is a poor object-lesson for the degenerate brain of the law-breaker, present or prospective.

Example has a prominent place in criminal reform. The influence of the example exerted by lynchings cannot but lower the moral tone of the community in which they are perpetrated. The remarks elsewhere made in this volume on capital punishment apply with especial force to lynchings, more particularly where brutality is exhibited. The danger of executing the wrong man is a thousand-fold greater in mob rule than in legal punishment. A friend of mine who was shot by hold-up men was identified by an excited woman as one of the robbers, and narrowly escaped lynching. The question of identification is of especial moment as bearing upon mob anarchy. Niceties of discrimination between negroes are not characteristic of a Southern mob once it gets its hands on a victim's throat. A savage with his blood lust aroused does not reason; no more does any mob, Northern or Southern, especially when killing a black man is in prospect, as witness the recent lynching of a negro in Belleville, Illinois, the lynching and burning of a negro in Danville, Illinois, and the terrible race riot at Evansville, Indiana.

In general, it is safe to take all acts of mob violence as criteria of the general enlightenment and degree of civilization of the community in which they occur. They certainly are an index of the general morality, psychology, and degree of respect for the law. A lynching is a confession of crudeness, lawlessness, and social degeneracy of which the community should be ashamed. If there is no legal redress or remedy for crime in a given community, the fault lies with the community. The law cannot rise superior to its source. A community that does not recognize and practise the simplest principle of common law, that one man's rights cease where another's begin, certainly cannot profess to be law-abiding. It feeds upon a murderous human instinct that is growing and is likely to continue to grow. The lynching of a single negro will one day be insufficient to quench the thirst for blood, and wholesale murder will be the fashion.

Lynching is a blot upon American manhood,—away with it! Until it has been relegated to oblivion, the protests of our people against the murder of Armenians by the Turks, and of Jews by the Russians, will savor of opera bouffe.

DEEDS OF VIOLENCE AGAINST RULERS

The world's peace of mind has been greatly disturbed in past as well as recent years by anarchistic demonstrations—real or alleged—against rulers. Murders and assaults have been committed which have been assigned offhand to anarchy, without due inquiry as to the facts. To show the absurdity of this custom, and the fallacy of the latter-day explanation offered for most of the assassinations and attempted assassinations of rulers, I will briefly review the characteristics of the more prominent offenders.

There have been numerous attacks upon Presidents in the United States. Lawrence, who attempted to kill President Jackson, was a paranoiac who was afterwards sent to an asylum. He was incited to attack Jackson by his removal of deposits from the United States Bank to State banks. This was denounced fiercely by the plutocracy of the day. Lawrence thought that his right to the funds, through his delusional claim to the English throne, was menaced. He believed that England had

monetary rights in this country,—*i.e.*, a claim to American funds. Here was a paranoiac defender of law and order, who proposed to punish President Jackson for something that his twisted brain distorted into a public as well as personal wrong.

John Wilkes Booth, the murderer of Lincoln, was a pertinent illustration of the danger from paranoiacs to which society at large, and men prominent in affairs of State in particular, are exposed in all social systems and epochs. The particular phase of social or political stress that brings out the latent destructivism of the given assassin vary widely, but the effect is essentially the same. The dominant psychic impulse to remove a political obstruction or remove a wrong, real or fancied, is certainly identical in all cases. False ideas of patriotism or, as in Booth's case, devotion to a cause which, having been lost, put him outside the pale of conventional patriotism, are quite as likely as anything to be the source of inspiration to kill. The conspiracy that made Booth its deadly instrument utilized—whether knowingly or not does not matter—his mental bias for its own ends. The result the whole world knows. The time and place selected for the cruel deed, and the tragic manner of its performance, are all suggestive of psychopathy. That the murderer made an attempt to save himself by flight is no argument against his psychopathy. Booth was of insane ancestry. His father, Junius Brutus Booth, once jumped overboard from a ship in Charleston Harbor, with suicidal intent, while laboring under a maniacal attack. As a boy, John Wilkes Booth was considered crazy. The boys in the streets of Baltimore were wont to run away from him in terror. He had what Kiernan has termed "insanity of manner," and a number of the stigmata of degeneracy. His eyes were unequally placed, and his ears were pointed, approximating what is known as the "Satanic ear." He was excessively emotional, erratic, of unstable will, and given to moods. His psychic constitution was such as makes a man either a pliable tool in the hands of corruptionists, or a leader of revolutionary or reform movements.

Charles J. Guiteau, Garfield's assassin, came of degenerate stock, characterized by mental defectiveness. The history of his grand-uncle, who died in an asylum in 1810, showed insanity for

several generations. His sister was a victim of hystero-epilepsy. During his youth Guiteau had a marked defect of speech. His skull and face were decidedly asymmetrical. His eyes were located on different levels. The pupils were naturally unequal. The convolutions of Guiteau's brain were irregular in type, along the lines characteristic of hereditary defectives. There was also chronic diffuse disease of the brain, of a type often found in chronic secondary psychoses. In other words, he suffered from both hereditary brain defect and acquired brain disease.

Guiteau claimed to be supported in his inspiration to kill Garfield by the newspapers. Clippings of this sort were found upon him. Some of these were introduced in evidence and some suppressed, according to their bearing upon the chances of hanging the poor lunatic. Among those suppressed was one from a prominent Chicago paper, denouncing Garfield, and saying that "he ought to be removed." The term "removed" was to Guiteau symbolic of assassination.

The "Prophet," Myers, believed he was divinely inspired, and had the right to regulate certain wrongs. A week before Hayes's inauguration he went to Washington for the purpose of showing the justice of God by removing Hayes in sight of the people. The day before the inauguration he met an officer of the United States Secret Service, to whom he confided his purpose. He recognized in the secret service officer, by "certain tokens given by God," John the Baptist. He was arrested and sent to the asylum.

In 1884 a paranoiac mulatto was admitted to Cook County Asylum, suffering from delusion of persecution. This man believed that his persecutions were due to witchcraft. To get rid of his persecutors he openly committed a burglary, and was sent to the penitentiary. When committed to the Insane Hospital of Cook County, he held General John A. Logan and President Arthur responsible for his troubles. During the election of 1884 he became temporarily quiet. He was soon transferred to Kankakee Asylum. In May, 1885, he escaped and went to Washington, entered the White House and demanded that Cleveland enforce the anti-witchcraft laws or be "removed."

Had any of the foregoing individuals been exposed to anarchistic suggestion, their criminal impulses would have appeared on the list charged up to anarchy. Had Guiteau slain a man in the ordinary walks of life, he would not have been sent to the gibbet, but to an asylum.

Czolgosz, the slayer of President McKinley, had a somewhat indefinite history. So far as could be learned, he had an extremely morbid period of pubescence. He had never been considered well-balanced mentally, although there was never any suspicion of insanity. He had always been solitary and unsocial in his habits, taciturn, and somewhat morose. He was at one time an ardent advocate of State socialism, and enthusiastically accepted McKinley's doctrine that opening the large mills would necessarily make labor in general prosperous. He was a Pole by birth, and had a long line of revolutionary ancestry behind him. The Polish race of all others is the most likely to advocate revolution and assassination as " reform" measures. Long years of oppression, and reaction against it, are responsible for this trait. The " removal" of political and social obstacles was, therefore, an inborn principle with Czolgosz. What heredity had begun education completed, for he was trained in Polish parochial schools. His grievance against McKinley must have been based upon general rather than personal grounds. He believed that McKinley had broken his promise by failing to open the mills. To the assassin this seemed to be due to perverse volition on the President's part. He evidently gave both the mill question and Mr. McKinley's responsibility in the matter undue importance. That he was insane seems probable to the author, although this is not so plain as would be the case with an American similarly placed. The latter has not so much of the revolutionary psychology. An education out of harmony with his environment might explain the murderer's perverted ideas. I do not believe that Czolgosz was an anarchist, although the matter of nomenclature is of little moment in the face of so terrible a crime as the assassination of McKinley. I protest, however, against obscuring true causes by a fallacious nomenclature. If all the anarchists in the world were slain, assassins of crowned heads and presidents

would still be at hand. The name by which each would be known would matter but little, either to society at large or to our large army of degenerates. Elnikoff, who slew the Czar, Alexander II., was styled a nihilist. He would have fitted the rôle of anarchist equally well.

Czolgosz was considered an anarchist because he claimed to be one after the assassination. The same line of reasoning should settle the identity of John Alexander Dowie, who claims to be John the Baptist. The assassin knew nothing of anarchistic doctrines, and was repudiated by both the philosophic and destructivist branches of that cult. His claim was based upon the suggestion afforded by anarchistic literature, his egotism, which impelled him to enlarge the importance of his deed, and, in a sense, upon cowardice. The suggestion to assassinate and the suggestion that he was an anarchist were simultaneous, and founded upon radical expressions in anarchistic publications.

Whether a fair study of Czolgosz was possible in the state of public excitement and resentment is open to question. A comparison of the rapidity with which his case was hurried through, with the drag of ordinary murder trials, is suggestive.

That facial and cranial asymmetry were marked in Czolgosz his photographs plainly show. This, irrespective of the bearing it may have had upon his case.

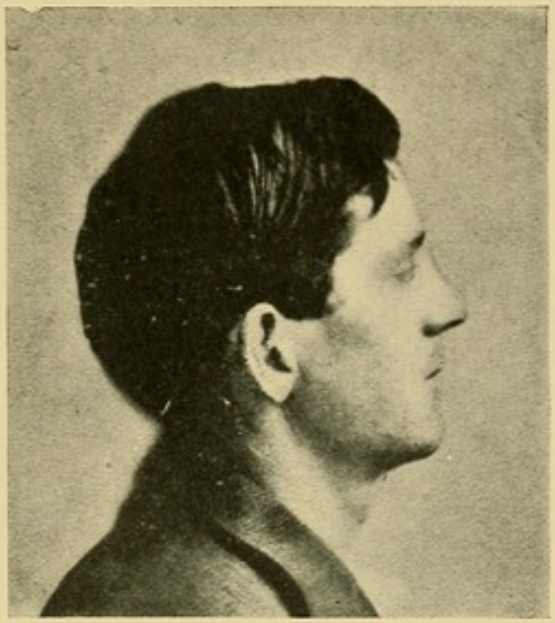
A distinguished alienist, writing of Czolgosz, says,[6]—

"His interest in anarchism appears to have been of late growth and foreign to the ordinary current of his life, and played but a small part in it until after the crime, when he said he was an anarchist, and his statements were accepted as a satisfactory explanation. Certainly it was most extraordinary that the man who committed the crime, and was at once branded as an anarchist, should have been publicly denounced in the leading anarchist publication of the country but five days before as a spy and dangerous character, not to be trusted by anarchists.

"I believe that he was dominated by a delusion, as stated by the expert for the defence, the delusion of a man of unsound mind, which was much broader than his belief that the President was an enemy of the working people. Not only that, but the President was going around

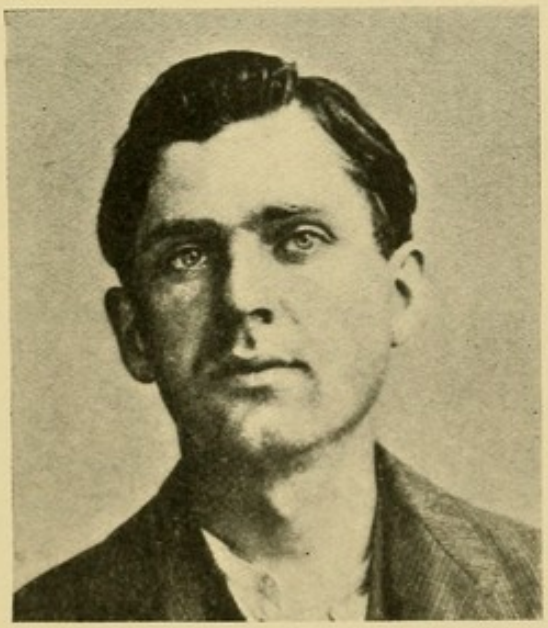
[6] The Mental Status of Czolgosz, Walter Channing; American Journal of Insanity, October, 1902.

FIG. 12.



LEON CZOLGOSZ.

FIG. 13.



LEON CZOLGOSZ.

the country deceiving people and shouting 'prosperity' when there was no prosperity for the poor man. Then, as he was also told by an anarchist leader, things were getting worse and worse, and something must be done; he did not believe in the Republican form of government; and there should not be any rulers. For all these reasons, he was himself called on to do something. This, then, was the essence of the delusion, that he had a duty to perform, which was to kill the President, because he was the enemy of the good working people, and things were getting worse and worse.

"Speaking from the stand-point of the medical expert, it is to me very difficult to believe that any American citizen of sound mind could plan and execute such a deed as the assassination of the President, and remain impervious to all influences after his arrest, and up to the time of the execution."

Christison [7] says, in reference to the act,—

"It may first be observed that acts themselves indicate the mental condition of the actors when all the circumstances are known. Up to the age of twenty-eight, and after a long record of an abnormally retiring, peaceful disposition, Czolgosz suddenly appears as a great criminal. Had he been sane, this act would imply an infraction of the law of normal growth, which is logically inconceivable. Such a monstrous conception and impulse as the wanton murder of the President of the United States, arising in the mind of so insignificant a citizen, without his being either insane or a degenerate, could be nothing short of a miracle, for the reason that we require like causes to produce like results. To assume that he was sane is to assume that he did a sane act,—*i.e.,* one based upon facts and having a rational purpose."

George III. of England was the victim of seven attempts at assassination. In each instance the would-be assassin was insane. Two of them were traumatic suspicional lunatics, who shot at the king to call attention to their own grievances. Five attempts were made to kill Queen Victoria. All were pubescent insane save one, and he was a case of traumatic lunacy. Sipido, who attempted the assassination of Edward VII., was a hebephreniac.

Inquiry into the characteristics and antecedents of Cesare Santo, the murderer of President Sadi Carnot, of France, shows

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[7] Epilepsy and Responsibility in the Czolgosz Case. Was the Assassin Sane or Insane? Dr. J. S. Christison.

him to have been a paranoiac. No actual connection with any anarchistic organization was ever proved. The same may be said of Luchesi, the wretch who stabbed the Empress of Austria; of Bresci, the assassin of King Humbert, of Italy; and of Jacob Reich, who made the attempt upon the life of Francis Joseph, of Austria. Science can but enter a protest against the masking of the facts by the label of anarchy, the latest phase of suggestion in the psychology of the paranoiac.

Apropos of the criminal tendencies of European-bred Radicals, the record of the Italian nation is very interesting. The Latin races, in particular, have a penchant for assassination, the Italian easily leading the world in this line of industry, as statistics show. Spitzka, who has made a most careful study of the subject, says that a racial impulse to do murder, rather than degeneracy, underlies the frequent assassinations by Italians. The Italian murderer is often the result of non-progression of the race from the days of barbarism, rather than of degeneracy or evolutionary retrogression.

THE ANARCHY OF GOVERNMENTS

In the sense of the popular interpretation of anarchy, it is the foundation upon which the prosperity of nations rests. Rapine, murder, robbery, and unjust confiscation of property are governmental privileges, and constitute the fundamental principles of international ethics. Criminal disregard of human rights is the main-spring of national power. The individual is prohibited by law from stealing and murder; nations may do both, under cover of a declaration of war. Political ambition, a desire for national, military, or commercial supremacy, lust for expansion,—which, reduced to its ultimate, is political and property greed,—an insult, real or fancied,—any or all of these may actuate nations in declaring war upon each other. Whatever the alleged motive may be, the real cause is usually the itching palm within the mailed fist. Patriotism is sometimes the sand that governments throw in the eyes of their people to blind them to the injustice and venality of a cause.

The end of the nineteenth and the beginning of the twentieth

century were signalized by three colossal crimes,—viz., the foreign occupation of China, and the Spanish-American and Boer Wars. Scarcely was the world-stage cleared before the Russo-Japanese war began. Careful analysis shows political jingoism, national hysteria, and expansion or commercial greed as the motive power of all of these wholesale throat cuttings. Russian Christians and heathen Japs are now busily engaged in cutting each other's throats in a quarrel over territory which neither owns, while the world looks on without protest. The trouble in China gave an unexampled opportunity for a display of the greed and unfairness of the great Christian nations of the world. The Spanish-American war was ostensibly waged in behalf of humanity,—of those poor reconcentradoes, of whom nobody spoke after the war was once begun,—when, as a matter of fact, a political response to hysterical popular clamor for revenge upon the supposed destroyers of the "Maine" was accountable for it. It was an attempt to right one heinous wrong by another. A quarrel over commercial and geographical plums precipitated Russia and Japan into war. England may give specious and hypocritic explanations of the war in the Transvaal till the end of time, but the glaring fact remains that if there had been no gold or diamonds in the land of the Boers, there would have been no war. The murderous record of these most recent wars is a blot upon humanity's scroll. Civilization boasts of its advancement, yet civilization is but a thin veneer of hypocrisy that imperfectly veils the savagery and rapacity of man; which "conceals and yet reveals" that lust for blood and plunder which is inborn in human nature; which has never changed, and which comes to the fore whenever civilized man's inhibitions are removed.

Humanity should boast but little of the refinements of civilization until war is no more; until that happy day when individual rights shall be paramount, and schools and gymnasia shall have risen from the ashes of our jails and reformatories; until cannon and battle-ships are a drug upon the market.

Governments have no more moral right to burn, pillage, rob, and kill than individuals. Poor old China, learning civilization

from the swindling diplomacy and glistening bayonets of Christian nations, was a spectacle of which civilization might well be ashamed. Babies tossed on alien bayonets, women outraged by ruffian white soldiery, unarmed yellow men slaughtered like sheep or drowned like empounded dogs, ruinous indemnities demanded by Christian governments, sacred temples defiled and robbed of holy relics,—this was the Oriental's object-lesson in progress and enlightenment—his civilization kindergarten; this was the white man's message to the "Yellow Terror;" this was Christianity's punishment for the Mongolian's failure to appreciate the missionaries' endeavor to cram an alien religion down his unwilling throat—for his rebellion against the building of railroads over the sacred bones of his ancestors. How the blood of Christian youth is wont to thrill over the declamation of brave Horatius, the Captain of the Gate,—

> "And how can men die better, than facing fearful odds
> For the ashes of his fathers and the temples of his Gods?"

As usual, the "civilizer" extended the Bible in one hand, whilst he grabbed for everything in sight with the other. The duplicity of French missionaries was responsible for the Boxer massacres.

There was plenty of loot for Christian soldiers in China, and some have said that, while we did not get our full share, we were not altogether left out in the cold.

The dominant lie of civilization has ever been that a nation with an up-to-date religion has a heaven-born right to rob and pillage primitive peoples; to confiscate their lands, because, forsooth, the civilized thief can make better use of them than the lawful owners.

The recent murder of Jews in Kishineff, Russia, is an illustration of the influence of the dominant lie. Here the Christian murdered the helpless Jew, just as the Turk, in the land where Mohammedanism is dominant, murders the Armenian. The cupidity of the Russian, backed by his "Christian" church, and aided and abetted by his ignorance and superstition, sufficed to give his version of the dominant lie a blood-curdling application.

England, the greatest of civilizers, has had one or more wars of conquest on her hands ever since the inception of Victoria's reign. In the eyes of the nations her cause has ever been a just one, because the under dog has usually been an ignorant race of savages. Civilized nations stand together in the matter of robbery of those whose skins chance to be of a darker hue than ours.

And so the game of civilization goes merrily on, and the chief concern of the nations has been whether one or another has grabbed more than its share.

When individuals attempt to cut each other's throats or steal each other's property or land, there is a strong hand to stay or punish them. Rulers of great nations may do these things on a wholesale plan with impunity It is not permissible for the individual to go after a debtor *vi et armis,* and collect his dues at the point of a gun, yet this is precisely what England and Germany recently did to Venezuela. The whole transaction was conducted on the same principles that govern a Chicago constable in attaching a widow's furniture for debt.

The attitude of governments towards the lives and rights of men is well shown by the manner in which the assassination of King Alexander and Queen Draga and their suite, of Servia, was regarded. The governments of Europe assumed various positions, none of which reflected credit upon civilization. Some held that it was none of their affair, some applauded, and the remainder condoned the murder. By nearly all the Powers it was considered in the light of political expediency. It was a " removal," that was all. Governments that tremble at the mention of anarchy welcomed the new Servian régime, builded on anarchy and assassination, and cemented with the blood of murdered degenerate aristocrats.

Militarism is a curse and a menace to the peace of the world. Armies and navies as now maintained are not, as some apologists claim, a partial guarantee of the safety and peace of the individual country. They are murderous instruments, engines of destruction, which are a constant source of internal and external oppression and danger.

Germany is the ideal of militarism. The benefits, mental and

physical, that military discipline imparts to her youth might count for something,—for there is no better training for prospective citizens,—but it is minimized almost to nothingness by the burden and expense imposed upon the people at large. Your German soldier typifies the insolence, oppression, and robbery of militarism. The German proletariat is growling, and asking, "Why this enormous army and this great navy?" The German Emperor will perforce be compelled to show it why, when the grumbling from below shakes the throne. The chip is continually on his shoulder, and if the people protest too much, he must needs find somebody to knock it off. He must find uses for his army and navy, else will his occupation be gone—the "War-Lord" will be no more.

Potential militarism—the standing armies and navies of the world, and their implied menace to the peace of nations—ofttimes furnishes the psychic suggestion necessary to develop revolutionary ideas and conduct in paranoiacs and degenerates in general. Under proper leaders the psychosis spreads, and may become formidable dynamic, revolutionary militarism. Actual war, especially, is an act of anarchy that is not without its effects on undisciplined minds and unstable wills.

It must be remembered that an hysterical psychosis may affect an entire nation. War is sometimes a manifestation of national hysteria. This condition may develop under stress of excitement of any kind, and in the presence of a large standing army and a fine navy it is dangerous, especially when the anarchy of governments is disposed to take advantage of psychic moments. It has been said that war is necessary, and consequently armies and navies must be maintained. If this be true, then our vaunted progress in civilization has missed the top—it has not permeated national governments. Necessary? Why, a combination of England and the United States alone would be sufficient to guarantee perpetual peace. As the situation is at present, these two countries may at any moment be compelled to temporarily combine and enjoin or declare war. They have so many selfish interests in common, that a menace to either may mean a menace to both.

War will one day wear itself out. The tremendous expense and destruction of life that it entails will eventually sicken the under dog, the public, and he will act as well as growl. The destruction of a vast number of men by machine guns, and the sinking of a few iron-clad marine coffins by a single shot that no armor can resist, carrying to the bottom within the space of three minutes from five hundred to one thousand victims of modern improvements in murder machines, will dull man's appetite for war and glory. The perfection of submarine navigation is no longer an idle dream. When it arrives, naval warfare will be a thing of the past. What submarine navigation and the great expense and life destruction incidental to war leave undone the airship will complete, and war will be no more. The individual instinct of self-preservation is the only thing that will ever cure the anarchy of governments.

Let the world meanwhile bear up under its load of cold iron, explosives, and expensive uniforms, and dream of the day when there will be an international court, from which none may appeal to arms; international soldiery with police duties alone, and armed ships that shall patrol the seas for the single purpose of protecting society against the natural evil instincts of its integers.

In this country war has ever been a cloak for political "graft." We need go no farther back than the Spanish-American War to find evidences of this. Persons who had commodities useful in war united to plunder the government, and the "powers that be" submitted because every large contract meant a large "rake off" for political favorites. One pure, multi-millionaire patriot, who once occupied a prominent official position under the government, secured a contract for many thousand army shoes. He farmed his contract out at a profit of sixty per cent. or more. Tentage, clothing, food supplies, medicines, even army mules, afford fat picking for robbers in war time. The appointment of incompetent political favorites to army positions is tantamount to swindling the public, but our countrymen seem to like it. What could be

worse than appointing incompetents to care for sick and wounded soldiers? That this was done is well known.

For many years the United States has made for the peace of the world by furnishing an alleged example. Her geographic isolation and the fact that she is the key-stone of the commercial arch have enabled her to do this. The Monroe doctrine has been the medium through which the strong protected the weak. Our army was once a well-organized police force, our navy a marine patrol. Our instinctive rapacity has been hidden from the world at large; only the noble red man has fully appreciated its keenness. The Spanish-American War came, and the United States found herself compelled to fall in line with the other anarchists, and we have been using up the flower of our youth and cutting throats right merrily ever since. Unavoidable? Oh, yes; having once established ourselves as a first-class power, there was nothing else to be done. Then, too, our great and glorious country is something of a hypocrite herself; human nature is not a matter of geography. She, too, likes the flesh-pots of Egypt pretty well when they come her way. She has robbed, and pillaged, and starved, and annihilated the Indian for many generations, yet she had maudlin tears for the reconcentradoes, and bullets to protect the missionaries in China, while her people have gone hysterical over the fate of the poor Boer, and have freely shed their blood and dollars to civilize the Filipino—who doesn't want to be civilized. Ireland's poverty and distress have cost America many a heartache, but the outrages perpetrated upon the red man have not cost her sleep, save when the revengeful war-whoop has rung in her ears. Custer died at the Little Big Horn like a hero, in a "massacre;" Indian women and children were shot down at Wounded Knee in a "battle." There's consolation in the proper use of terms. One of my friends saw a squaw, with the corpse of her pappoose at her breast, lying dead twelve miles from the scene of the fight. The white man had run amok. The assassination of Sitting Bull and his young son, Crowfoot, blackens the page whereon is written the history of America's conquest of the Indian. Protests were sent from the United States to Turkey

and Russia, against the murder of Armenians and Jews, whilst our own skies were blackened with the smoke of negro bonfires and the yells of rioters were still in our ears. Our country experienced a spasm of virtuous indignation when England, grown desperate at the disastrous results of the Civil War upon her commerce, threatened to recognize the Southern Confederacy, with its well-organized government, large territory, and half million soldiers, but there was very little frothing at the mouth when our government recognized Panama, with its half-clad, infantile soldiery, farcical government, and population as ignorant as it is sparse. Neither did our body patriotic get excited when we quarrelled with Chili at the behest of a private corporation. When our minister at Hawaii recognized the revolutionists in Honolulu, within one hour after their final coup was made, the majority of our people bore up without special complaint, while the Hawaiian-American sugar-planter, for whose benefit the rebellion was organized, smiled in his sleeve. Walker, the filibuster, recognized the inconsistency of his country, when he died rather than acknowledge his citizenship. Noting these things, one can better understand Herbert Spencer, who said that no adverse criticism affected him so little as the charge that he lacked patriotism. The sincere patriotism that was once the bed-rock principle of our own country is fast becoming a mixture of grab and buncombe.

War in general is a cause of vice and crime that deserves very thoughtful consideration. Men who serve under the flag for some time are often unfitted for honest industry, for one or all of several reasons: (1) Impaired constitution from legitimate diseases incidental to army life and exposure. (2) Crippling from venereal diseases, prevalent in armies. (3) Crippling from wounds. (4) Viciousness and depravity acquired in the service. Men congregated together tend to sink to the level of the lowest rather than to rise to that of the highest. (5) Breaking up of habits of industry, while in camp especially. (6) Mental inertia from lack of brain-work in the service. (7) Being cared for by army machinery and not compelled to rely upon his own resources. (8) Alcoholism contracted in the army. (9) The loss

of wage-earning positions that cannot be regained on quitting the service.

The unavoidable demoralization of the men of this country by the Civil War is well-nigh forgotten. That resulting from the Spanish-American War is still evident. England is just now wondering what to do with her ex-soldiers of the Boer War.

War is itself a gigantic crime—the focal point of the anarchy of governments. The professional soldier is part of a monstrous criminal machine. He is a professional and scientific murderer. Besides murder, he often learns robbery, arson, and rapine. If he does not learn these things, it is not from lack of object-lessons.

The influence of the good men in large armies counts for but little. The bad comes to the surface, and the average moral standard of the men is lower than before enlistment. Here, again, operates the specific gravity of morals. The monotony of camp-life has an influence that is especially bad. However apologists for war may argue, the stern fact remains that disease, prostitution, pauperism, vagabondism, and crime follow in its train.

Aubry says that war is a neurosis, a contagious, homicidal insanity.[8] While this may not be strictly true at the beginning, it is what war finally becomes.

As bearing upon the relation of war to crime, the recent increase of drunkenness, pauperism, and crime in Great Britain is remarkable. The number of paupers in England and Wales in 1901 was eighteen thousand greater than in 1900, and during the eleven months of 1902, ending with November, this increase was swelled thirteen thousand more, the increase being greatest in London, where the workhouses are overcrowded. The increase of persons sentenced to penal servitude in 1901 was 193, and of persons sentenced to ordinary imprisonment, 17,163. The increase of crime was general throughout England. As to drunkenness, the convictions of persons for the three years, 1893–95, were 150,000; for 1896–98, 169,000; for the last three

[8] La Contagion du Meurtre, Paris, 1888.

years, 189,000. In London the increase was from an average of 27,000 a year to 41,000. The number of vagrants relieved daily in the workhouses increased last year by twenty per cent., and, as compared with ten years ago, by one hundred per cent. In the mean time, deposits in the savings-banks have been falling off fast.

What are the causes of these most serious symptoms, reflecting, as they do, the conditions of the poorer classes? Le Fevre says,—

> "They are intimately connected with the late war and the consequent increased pressure on the poorest of the laboring population in connection with taxes on many of the necessaries of life, the consequent higher prices, and the falling off of employment, especially since the conclusion of the war."[9]

The probable effect of the war strain in increasing neuropathy in Great Britain must not be forgotten.

POLITICAL ANARCHY

Political anarchy as a cause of crime is not limited to America, but nowhere is it so potent a factor in criminality as in this country. Our political conditions have resulted in some of the most gigantic crimes in history. The Tilden-Hayes imbroglio, in 1876, resulting in the stealing of the Presidency by the Republican party, was one of the most flagrant examples. This affair showed that party, not men nor principles, governs our national elections. With corruption at the fountain-head, what is to be expected of our lesser governmental systems,—State and municipal?

The *morale* of the citizens of the United States is more seriously disturbed and perverted by the evil examples set by politicians—of whatever creed—than by anything that could be mentioned. It matters not which party is in power, the result is the same. The "outs" lay all corruption and venality at the door of the "ins." The voter sees and rebels at the evils of

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[9] Shaw Le Fevre, The Speaker, London.

the spoils system, but gets no further satisfaction than the reading of the accusations and counter-accusations of the various political parties. Many respectable citizens refuse to go to the polls, simply because they know that an honest man's vote is lost in the maelstrom of corruption on either side. Some men object to being *particeps criminis* in political corruption, even to the extent of casting a single vote,—a drop in the bucket of party politics. The youth of our land are educated in the belief that all's fair in politics, that crime assumes a different and less forbidding mien when perpetrated in the name of party or political machine, or even by an office-holding creature of either. The dangerous doctrine enunciated by Dumas, in "Monte Cristo," has been too often accepted literally: "We do not kill men in politics; we remove obstacles."

The records of both our great parties are black,—stained by evil deeds perpetrated for the purpose of securing and holding office, and for individual or party financial profit during the administration of office. The prospect of national dishonor, or even national disaster, does not deter the politician. A revolution of the financial system of the country was the objective point of the Democratic party in 1896–1900. The shrieker of the free silver slogan cared for naught but party supremacy. Even granting the correctness of the free silver doctrine, a sudden change in our monetary system could only have resulted in disaster. But, "anything for an issue; anything to win," is the motto of our politicians. Time has swept away the last vestige of any claim that the free silver men had to consideration. But it was not their fault that the country was not ruined. And good men were fooled by the specious theories of the would-be destroyers. So much the more dangerous they. When so great and wise a man as the late John P. Altgeld accepts such pernicious doctrines as that of free silver, the situation is precarious. Independently of the cogency of the free silver platform, the fact remains that, to win its point, either political party is willing to ride the shakiest Rocinante of a theory ever conceived by a paranoiac, and is not particular as to methods.

The history of our Southern States has been checkered with

political crimes galore. The South has ever been the arena in which the political criminals of America have fought their most numerous and hardest battles. From the close of the War of the Rebellion—the most terrible crime in history—until the present day the South has been a seething turmoil of political discontent, bitter struggles for supremacy, and criminal acts resulting therefrom. Wrongs perpetrated to right or prevent wrongs,—the perpetration of one crime to offset another,—this has been the dominant characteristic of Southern politics, and for every political crime committed in the South there has been a crime to antidote.

The criminal politics of the South was primarily necessitated by the colossal wrong inflicted upon that unfortunate section of the country by the Republican party giving the recently freed negroes the elective franchise. Conquered, impoverished and discouraged, his home in ashes or dismantled, his land laid waste, the Southern white had troubles enough to stagger humanity. It remained for the conqueror to pile Pelion upon Ossa by bestowing upon some millions of ignorant blacks political equality with the whites, an equality which the recipient did not need, much less know how to use intelligently. With the antagonism of the whites added to his natural social and racial handicaps, the elements necessary for the negro's demoralization were complete. The white man had once been his friend, so far as the curse of bondage would permit; whatever may be said of slavery, this much holds true. Such opportunities as he had enjoyed, which raised him above his cannibal ancestors, came through his masters. He was now arrayed against his former masters; the Republican party had attended to that.

The enfranchisement of the negro was excused by the principle of liberty and the rights of man. Its real explanation was the desire of the dominant political party to shirk its own responsibility and enroll the ignorant blacks under the banner of those who had freed them and given them political equality. Nobody was fooled but the negro, and even he had some inkling of the truth, which accounted for the arrogance he sometimes displayed.

The darksome days of reconstruction will never be forgotten in the South. Crimes were committed on both sides. Democrats and Republicans, the Ku-Klux Klan and the Copperhead, may divide their responsibilities. "Honors were easy." Whatever crimes have been committed by either party belong to the category of American political crimes. The question now arises, In how far the South should be blamed for them?

I am not going to attempt a sweeping condonation of all the crimes perpetrated in the South in behalf of politics. Neither shall I condemn them all. Many of the evil deeds perpetrated in the South have been unwarranted and useless. Others, again, were justifiable in motive and altruistic in results. My purpose is merely to present a brief statement of the conditions underlying them.

The negro has multiplied very rapidly, and the race problem in politics has assumed most formidable proportions. In many sections of the South the negroes, if cleverly handled, would hold the balance of political power. Experience has shown that the ignorant negro in authority, like other ignorant persons in the same situation, is not a valuable addition to the body politic. He is arrogant, overbearing, and in many ways offensive. The ordinary uneducated negro will take the entire sidewalk when he can get it, and displays domineering airs that are ill-tolerated by the Southern whites. In an official position he is much worse. The Southern white, after the enfranchisement of the negro, had but two choices of attitude towards him,—viz., (1) he could submit to the law and give the negro his rights, and insure white being ruled by black, or (2) he could break the law by force or intimidation, moral or physical, and himself rule the South.

Choosing the first horn of the dilemma, he must reconcile himself to political, social and financial ruin. His property would not be worth ten cents on the dollar, nor would the persons of his family be safe.

Must he be ruled where he once commanded; must he lose the birthright for which his forefathers faced death in battle and untold hardships and shed their blood like rain? The

blood of the old Cavaliers ran in his veins, and he rebelled. He could not breed voters so fast as could the negro. He was, unlike him, *persona non grata* with the reigning party, but he could shoot better, and had the wherewithal to do it. And so, out of the primary crimes of politics, Southern manhood evolved new crimes, which could only be fairly judged by the man upon the ground; certainly not by the "Bloody Shirt" dailies of the North. He who would understand "pistol-pocket politics" would better live in the South for a while.

Causes and sympathy aside, the fact remains that politics in the South has been tinctured with criminality for many years. The moral effect upon our political system has been evil, the infusion of anarchy into the minds of our youth has been worse. Brave and good men have died in individual quarrels growing out of the spirit of anarchy born in the evil days of reconstruction. The shades of Swope, Goodloe, and Goebel, of Kentucky, and many others bear me witness. It is not long since Lieutenant-Governor Tillman, of South Carolina, shot Editor Gonzales, who differed with him in politics, and was tried and acquitted.

Long before the days of reconstruction in the South, long before the Rebellion, a pace was set for violence in American politics. The duel in which Alexander Hamilton fell before Burr's pistol, was the forebear of that alleged duel in San Francisco, in which poor Dave Broderick died at the hands of that double-dyed ruffian and erstwhile jurist and senator, Judge Terry, for whose death we should never cease to thank the Western frontiersman—nominally a deputy marshal—who shot him.

The story of forceful politics in the South, as I have said, is by no means one-sided. Tourgee, in "Bricks without Straw," and Dixon, in the "Leopard's Spots," had a world of material from which to draw partisan evidence. Politics and human nature being as they are, lawlessness on both sides was inevitable under the conditions prevailing in the South. But let us put the responsibility for the general anarchial trend of Southern politics where it really belongs,—at the door of those who enfran-

chised, for political power, five millions of ignorant blacks who were not ready for assimilation as free factors by a civilized people.

A recent riot in the Illinois Legislature, excited by the Speaker's refusal to allow a roll-call on an important bill, was an illustration of the extremes to which American politicians occasionally carry their defiance of the Federal Constitution, at the behest of political machines.

MUNICIPAL ANARCHY

The conduct of nations in the matter of international controversies is, as I have remarked, the focal point of the anarchy of governments. It is the most colossal of anarchistic phenomena. Descending from it by a very gradual scale, one in which there are but few interruptions, we find, especially in America, that every phase of government, from Congress down to the pettiest political office, is part of a system by which the few enrich and aggrandize themselves at the expense of the many. Honest legislation, honest administration of public offices, equitable taxation, respect for property rights on the part of administrative authority,—these are Utopian dreams. From top to bottom, our political systems are so permeated with corruption that politics and corruption are, in effect, almost synonymous. Political and governmental corruption begins in the caucus, crystallizes in ruffianism, dishonesty, bulldozing, and sometimes murder at the polls, and finally culminates in official venality and crime. "Government by the people for the people" is a beautiful myth, a phantasm of optimistic imagination, a tradition of the days when there were patriotic giants in the arena of American politics.

The fact that the average public official has his price is so familiar that it is treated as a huge joke, to the everlasting shame of our body politic. It ceases to be a joke only when political capital can be made of it by the opposition; which is always hungrily and enviously watching the place at the public crib held by the "other fellow." The gap between a Congressman juggling with capitalistic interests, a "protective" tariff levied

in behalf of greedy trusts, or an Isthmian Canal scheme, and an alderman playing a franchise game, is not to be measured in morals, but in dollars. The aldermanic mouse would be a congressional tiger if he could. Our administrative, aye, even our law machinery, is the slave of the dollar. The people, whose creatures public officials are supposed to be, "pay the freight."

Individual rights are absolutely submerged in the filth of our political system. A poor man is to-day assessed for street paving at treble its actual cost. The pavement—and a bad one—is laid, and to-morrow comes a "fake" gas company with a purchased franchise, that tears up the street, lays its pipes, and leaves the property-owner to console himself for the ruined pavement as best he can. In strict justice, the property-owner should be empowered to repel by force and arms the first man who disturbs his pavement. "But he has recourse to the law." Oh, yes; let him sue; law is so cheap, and justice so easy to secure. They are luxuries that are within the reach of every poor man.

Municipalities rob the people boldly: An assessment is levied for public improvement. The tax-payer settles at the rate of two or three for one. A rebate is due him, even after the thieving contractor and the politicians controlling the job have drawn their pint of blood from the public veins. If the tax-payer lives long enough, he gets his rebate, but, unfortunately, the longevity of the man who is taxed is usually not great enough to enable him to balance his ledger.

The flagrant outrages committed upon the public by its self-imposed system of governmental and political plunderers are so numerous that it would require several volumes to merely introduce them. I will therefore limit myself on this point to the vital question of municipal anarchy.

The principles governing the plunder of the public are the same in all municipalities. There is a difference of degree, perhaps, but this signifies merely a difference in opportunities. The recent systematic robbery and corruption in Minneapolis and St. Louis are criteria of what is going on in greater or less degree in every large city in this country. According to the

published accounts the Minneapolis scandal was the most flagrant example of "discovered" official and political rottenness known in our history. Every department of the city administration was part of a gigantic scheme of graft, which levied upon everything and everybody susceptible to the magical "touch" of the public official. Prostitute, gambler, shell-worker, robber, keeper of the disreputable house,—all were served alike, and compelled to submit to the "protective tariff" levied by the Minneapolis Graft Corporation, Limited. There was a wheel within a wheel, for the big fish sold the little fish places with grafting privileges. The patrolman and the detective paid tribute to those above them, and levied in turn on those below them. There were things "doing" in the under world, and 'twas easy to break out of jail, if one knew how, and the officer who failed to call attention to the administrative open palm, could neither hold his job nor pick crumbs from the grafter's table. The administration opened with a revolution on the police force. The thieves in the local jail were liberated. Swindlers coming to the city reported to the chief of detectives—formerly a gambler—or his staff for instructions, and went to work with a will, turning over the spoils to the detective in charge. Gambling went on openly, and disorderly houses multiplied.

The municipal system of vice protection was broken into openly. Minneapolis forbade vice, and then regularly permitted it, under certain conditions. Disorderly houses were practically licensed by the city, women appearing each month to pay a "fine" of one hundred dollars. Unable at first to get this "graft," women were persuaded to start houses, apartments, and candy stores, which sold tobacco or sweets to children in front, while a nefarious traffic was carried on in the rear. But the women paid the city officials, not the city.

Gambling privileges were let without restriction; gambling syndicates could rob and cheat at will. Peddlers and pawnbrokers, formerly licensed, now bought permits from the gang's agent. Some two hundred slot-machines were installed in various parts of the town, a political agent collecting from them fifteen thousand dollars a year. But prostitutes were the easiest

victims. They were compelled to buy illustrated biographies of the city officials, and to give presents of money, jewelry, and gold stars to police officers. They still paid direct to the city, in fines, some thirty-five thousand dollars a year. The final outrage was an order for periodic visits to disorderly houses by the city's physicians, at from five dollars to twenty dollars per visit. These physicians called frequently. Towards the end the calls became a mere formality, the collections being the only object.

The excesses of the administration became so notorious as to alarm certain county officers. The sheriff arrested a few gamblers. He was removed from office. The final breakdown of the system came from dissensions within. The conspirators began to rob one another, and the end was near. The whole system finally became so demoralized that every man grafted for himself and gave his associates the worst of it.

At this time, April, 1903, the grand jury was drawn, with Hovey C. Clarke as foreman. This man determined to break up the graft gang, and, despite attempts at bribery and threats of personal violence, succeeded in doing so.

What startled the grand jury most was the poltroonery of many of its reputable citizens who were appealed to for evidence. "No reform has ever failed to bring out this virtuous cowardice and baseness of the decent citizen," says one writer. Nothing stopped the jury, however. It indicted all the principal members of the gang, and many lesser lights. A number of the gang were finally convicted and sentenced to prison.[10]

The Minneapolis scandal has not been without amusing as well as instructive features. The spasm of virtuous surprise and indignation that swept over the country synchronously with its publication should excite the risibilities of a Stoic. The experience of Minneapolis was severe, it is true, but, as already remarked, the conditions in that city were in no wise worse in principle than those prevailing in every large city in this country. The freebooters became over-bold and covetous, and were caught,—that is all. They lacked the "fine Italian hand" of the

[10] *Vide* Mr. Steffen's article in McClure's Magazine, January, 1903.

skillful "grafter." In every large municipality there are often but two classes, from the stand-point of government,—viz., the wolves and the lambs. The wolves usually do the governing and the lambs do the voting. And the municipal wolf is not unlike the Australian fox, who tears out his victim's tongue and lets him bleed to death. The municipal wolf effectually prevents his victim from voicing a protest, and then devours him at his leisure. The wolf has no tears for his victims. The corrupt municipal system which, in combination with private greed, murdered nearly six hundred citizens at the Iroquois Theatre has no time for mourning anything but its loss of political prestige. King Graft of America's blood royal has no conscience to twinge him.

It is hardly necessary to state that the police of every large city is a huge co-operative business organization, working, to a certain degree, hand in hand with the vicious and criminal classes. Once a participation by the police in the profits of vice and crime is shown, co-operation of police and crime is proved. There is no better police system than Chicago's in some respects, and civil service is improving it every day, but that it has ever been tinctured with venality must be admitted.[11] The best of chiefs and the best of mayors would find it difficult to rise above an established system. Only a few years ago the chief of police of New Orleans was assassinated for trying to do his duty. If the voter ever comprehends the conditions and incidentally comes to understand human nature, he will puzzle his head less over the queer things in municipal government.

Apropos of police systems as a business proposition, there are some very interesting and suggestive points. In the first place, the police of every large American city know the personnel and whereabouts of nearly all of its professional thieves. Conditions are the same abroad. It is said that there are seventy thousand criminals in England who are known to the police.

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[11] Since the above was written, certain exposures of official corruption and the establishment of the Chicago "Graft Commission" have become matters of history.

The police do not usually interfere with the criminal, however, until crime is actually committed. Unless the crime is very sensational, the police often lack energy in bringing the culprit to justice, for reasons best known to themselves. The "pull" of some criminals is something remarkable. Well-known thugs and thieves are important factors in the politics of every large city in this country. If an individual is robbed, and demands justice and the restoration of property, reporting the matter often does very little good unless the victim has an influential "growl" to emit, and keeps it up so long and so loudly that the police are compelled to listen. Obscure criminals are treated somewhat differently from the masters in crime. They are likely to be hounded into the commission of new crimes.

In many instances where men are robbed by women thieves, the circumstances are such that the victim does not dare to make much noise over his loss. The police are not slow to take advantage of this, especially when strangers are the victims. The victim is only too willing to compromise, get part of his money back, and leave town at the earliest possible moment. The thieves make their offer, it is accepted, and a short time later the woman criminal is compelled to divide her spoils with the police. This system of robbery is going on in every American metropolis. I base this statement upon interviews I have had with members of the police departments of a number of cities.

When a thief steals a diamond from some one's shirt front in one of our large cities, the police have usually no trouble in locating the experts capable of doing the job. If the party complaining of the loss is not influential, or the thief is not *persona non grata* to the "front office," the stone is likely never to be heard from again. If the opposite is the case, the jewel is soon adorning its owner's imposing front once more. A certain inspector of police was once robbed of a valuable diamond, as he expressed it, "just like any jay." Word was sent "along the line" that somebody had made a mistake,—"A friend of the front office has been touched." Within twelve hours the stone was in its rightful owner's hands.

And some of this, perhaps, is as it should be. A police force "on the square" would be useful chiefly in keeping order and assisting ladies across the street-corners. It would accomplish little in preventing crime. The public takes it for granted that our detectives are built after the pattern of Vidocq, Hawkshaw, Fouché, or Sherlock Homes. As a matter of fact, if the police force did not keep in intimate touch with the under world, it would be almost helpless in trapping criminals. The co-operation of other criminals is often necessary to the capture of one. The old adage that "it takes a thief to catch a thief" is fully exemplified in the police business of our large cities. The remorseless, omniscient sleuth with gigantic intellect, eagle eye, ear attuned to even the whisperings of the mind, and a scent like a bloodhound, never steps out from between the yellow covers where he is placed by blood-and-thunder romancists, the meat of a literary sandwich for the delectation of youth and Queens of the Back Stairs. The real article of detective usually catches his man when the latter has been betrayed by some other thief, or by some under-world Delilah, for human passion burns even in the criminal's breast, and female treachery lurks in the bosom of his frail consort.

Once upon a time, a pool-room opened in C—— This was against the law, but the payment of five hundred dollars monthly to certain police officials gave a snowy complexion to the enterprise. The money was paid regularly, in advance. On the first of a certain month the tariff was duly paid. On the third of the same month, the book-maker received a visitor from the sheriff's office, who said, "We want some, too." "How much?" quoth the pool-seller. "The same amount you pay the other fellows," was, in substance, the reply. And that day fell the curtain upon the aforesaid pool-room. Said the proprietor, "I am willing to work for those d——d grafters half the time, but not all the time. I must have a percentage for myself." It is said that the facts in this case were laid before a certain newspaper, but publication was refused.

And so the game goes briskly on in every large city in this country. Individual policemen commit burglary and blackmail,

and are brought to book. The system that makes criminals of them is rarely compelled to settle its account with the public. Minneapolis and St. Louis are to be congratulated on their experience. Like a thunder-storm, it will clear the air for a while, —until Rip Van Winkle—the public—goes to sleep again. Meanwhile, certain poor policemen on a thousand a year will still be able to wear large solitaires in their shirt-fronts, while their superior officers can go on buying real estate on their modest incomes. Of course, the hobo will still "Move on out o' that," and disorderly houses will continue to submit to assessments of a special kind.

As to the matter of blackmail by the police, I quote the following editorial from a recent issue of a Chicago daily:[12]

"Patrolman ——, detailed to look after fruit- and flower-stands, was brought before the police trial board for blackmailing. It was said that he exacted tribute systematically from the keepers of stands. Witnesses testified that he had taken fruit from them without paying for it, and that on one occasion he terrified a dealer into giving him five dollars, with the hint that he might report him for violating the city ordinances. Other evidence tended to show that these particular cases were merely illustrations of a general policy of thievery and robbery. The trial board found —— guilty, and decreed a fine of ten days' pay.

"The conclusion of the judges cannot be reconciled with the premises. If the man was guilty, his summary dismissal, with a stinging denunciation of his conduct, is the least that could be asked, for decency's sake. Although there is a provision in the police ordinances for a fine in cases of extortion by members of the force, the power to remove for misconduct and infraction of the rule is vested in the authorities, and good policy demands its exercise.

"Whether —— is technically answerable for a crime or not, there can be no denying the criminal quality of his offence. It is outrageous that he should still be allowed to masquerade as a guardian of the law. Nothing could be more demoralizing to the department. Such conduct as his should be made punishable under express terms in the criminal code, with a penalty more severe than a fine or discharge."

The foregoing case is claimed by the police to be an isolated one. It is, in the sense of the culprit being caught in the act.

[12] Chicago Times-Herald.

In the face of the recent conviction of several officers for burglary, those who thus apologize for Mr. —— would seem to be not devoid of subtle humor.

Official corruption as a cause of criminality must prevail in large cities so long as the credentials of an alderman are the qualities of a deep, hard drinker, a good rough-and-tumble fighter, and a man with a pull. There has been, of late, a tendency to a healthful change in Chicago in this respect, but the "gray wolf" is still in evidence.

THE ANARCHY OF CAPITAL AND LABOR

The two most dangerous elements of the privileged lawbreakers in America are the capitalist and the trades-unionist.

The struggle for a fair adjustment of the relations between employer and employed has been going on for many years. The solution of the problem seems as far away as ever. Society is still in painful travail, still in the throes of attempted readjustment. Meanwhile, the public is being ground to an exceeding fineness between two mill-stones, one of which is labelled Capital, and the other Labor. The corruption-spreading capitalistic lobbyist in our legislative halls has his criminal counterparts in the lawless walking delegate and the bulldozing labor committee, with their intimidations, coercions, occasional bribes, and assaults and commercially-disastrous, starvation-producing strikes. There is an occasional dash of murder to give a further tinge of realism to the claims of labor for recognition. The present attitude towards the public of both labor and capital is anarchy rampant. This anarchy is primarily so criminal in its nature, and so productive of secondary vice and crime, that its dangers should be so plain that even the stupidest individual could see it. Accused of pessimism I may be, but to me the fact that the country is fast drifting into a sea of trouble worse than any it has ever experienced is only too plain. Great wrongs have often been committed in the attempt to right wrongs. History has a trick of repetition that is gruesomely familiar. The principle that actuated the aristocrats of France in riding roughshod over the people is not yet dead. Neither is the bloodthirsty

spirit of the proletariat, before which the heads of the aristocratic bloodsuckers fell like grain before the scythe. The struggle of mass against class is going on in America to-day, just as truly as before and during the dark and bloody days of the French Revolution. Patents of nobility gave to the aristocrat the right to rob and oppress the people. Corporation and trust charters give the same right to certain individuals in America. Industrial conditions are rapidly drawing a hard and fast line between the aristocracy of wealth and the commonality of labor. What pernicious industrial conditions have left undone the Anglo-maniacal American snob, living on the interest of his fish-vending or Indian-robbing great-grandfather's money, will complete. The fate of the bloated money-bags and self-constituted four hundred may not be the guillotine, but the brickbat and modern explosives may one day be quite as popular and effective in the hands of proletarian degenerates as was Dr. Guillotin's instrument in France. The outcome will be interesting history to the aristocracy of the future, builded, as it will be, upon industry, brains, and cleanliness. Industrial conditions having been righted, it will then be incumbent upon the public to purge itself of parasitic, socially infectious degenerates of all classes, whether of aristocratic or plebeian origin.

Disastrous results have already accrued from the conflict between labor and capital. A revolution is sure to come; bloodless, mayhap, but none the less productive of misery, suffering, and crime. The handwriting is on the wall. That the upheaval will be bloodless is not augured by the experience of the recent past. As already stated, the anarchistic troubles in Chicago had more than fanaticism at their root. A lack of harmony between capital and labor was the fruitful soil in which the dragon's teeth of discontent were sown by fanatical Jasons. The crop of evils that sprang up horrified the world. And that crop has not yet been harvested; the whirlwind is yet to be reaped. The immolation of a few discordant social integers on the scaffold of public opinion did not close the account. The railroad riots in 1877 and 1894, the mine troubles in Pennsylvania in 1902–03, the Colorado miners' strike, and the general butchers' strike in

1904 were not bloodless, and, moreover, they were forebodings of worse troubles to come.

It would seem impossible that the general public should go on in passive submission to present conditions. Labor is strong, and so is capital, but once it is thoroughly aroused, the pressure of government as an expression of public opinion should be stronger. Unfortunately, public opinion is slow in acquiring intelligence, and can only be effective through the ballot. It will be many years before the majority of voters will be intelligent and the majority of men available for offices honest and altruistic. At present our legislators are playing the rôle of shuttlecock in a game in which the battledores are wielded respectively by labor's vote and capital's money. The public is paying a high tariff for watching the game from outside the fence.

Public opinion is now almost helpless in the issue under consideration. General prosperity is in the hands of capital and labor; legislation is in the hands of capital, and the middleman's voice in the matter is, of necessity, too feeble to be heard. With the machinery of legislation and law in the hands of the capitalistic Hercules, it is no wonder that the illogical under dog should resort to violent means to right matters. It is not in human nature to understand the principle that a multiplicity of wrongs cannot make a single right. And so the industrial Mont Pélee will go on grumbling; by and by an eruption will occur, and out of the chaos and ruin will rise, Phenix-like, the good genius, Co-operation. But the ashes of the old system will be wet with tears, and if past events be a criterion, with redder and thicker drops.

The anomalous relations of capital and labor have produced, and will for many years result in, violations of individual rights. The right to make money and the right to work must be primarily conceded. The right to rob and oppress, the right to build fortunes out of the very life-blood of the worker, and the right to throttle competition are denied. The right to prevent another from marketing his labor at any price or in any way he may see fit, I also deny. The worker must always be the under dog in the battle of life, for, although in primitive conditions labor is

king, under modern civilized conditions capital is king. The organization of labor would be impossible without capital, which gives it its opportunities. The only exception is agrarian occupations, and this is apparent, not real. Capital is necessary to secure land. On the other hand, capital without labor would be "Hamlet" without Hamlet.

I have already dwelt upon the psychic constitution of mobs, but desire to make special its application to turbulent strikes and labor riots. The most obnoxious features of the psychology of a crowd of riotous strikers are due to the unreasoning general sympathy that is extended to them, and the sympathy in particular of the vast army of men in affiliation with labor unions. With this psychic support behind them, and in the security of a crowd, certain of the individuals composing a mob are especially prone to yield to the cowardly brutality that dominates a certain proportion of humanity, more particularly persons of untrained minds and ignorant prejudices. Knowing that they can indulge with comparative safety in the pastimes of assault, arson, property destruction, and even murder, the vicious elements of a mob of strikers give full swing to their evil impulses. As already remarked, even disinterested onlookers indulge in these pleasantries under cover of a strike. Women, both sympathizers and those whose sympathy is assumed, not real, act like beasts. There is something suggestive and human-conceit-destroying in the spectacle of women throwing missiles at policemen and soldiers, or assisting in tearing up railroad tracks and burning cars.

In the wake of all civic disorders come the hoodlums, the scum of society. Some are criminals outright, others are criminals by instinct, whom fear usually keeps in line. A great strike is a boon to such persons. They rejoice in the opportunity to wreck, burn, and steal property under cover of the crowd. From behind the petticoats of the women of the neighborhood the hoodlums of the strike wage pitiless warfare on the vested rights of capital and on the property of peaceable and law-abiding citizens. One may not fire upon the intrenchments of skirts behind which the hoodlum skulks, nor is glory to be gained in controversies with the women who wear them, hence the

work of destruction goes on under the very eyes of the police and military. Among the hoodlums may be found boys of respectable families to whom the conduct of the rowdy is the ideal of smartness. Many a previously decent lad's criminal training and career have begun in this way.

It seems to be understood by the public at large, as well as by police authorities, that strikers are privileged characters. They are permitted to do what is denied to others, or even to them, save in time of strikes. They may burn, assault, kill, and destroy, often with impunity. The by-standers generally treat this as a huge joke. Their sympathies are always with the strikers, and against law and order. In this they are usually at one with the police. Even the right of self-defence seems to be denied the "scab."

My own view is that a man has a right to earn his living at any time and in any honest manner he pleases. Should he be assaulted while so doing, he should rise to the question of personal privilege, assert his manhood, and do his best to incapacitate his assailant from further interference with the rights of others. A few such examples of self-defence would do more for law and order than barrels of legislation. A criminal is a criminal, whether he masquerades as a "union man" or not. The "scab" is worthy of more respect than the men who assault him. He might steal for a livelihood, but he prefers to earn an honest living for himself and family by such work as comes to hand, even at the risk of his life. He is more often than not a hero. He is not evil, even though the conditions that produce him are.

It is a sad commentary on our social conditions that it should require one crime to right another. Time was when this was inseparable from human progress. It should be no longer necessary. The world has progressed in other directions; why not here? The recent strikes in the coal-fields illustrate in epitome the status of labor in its relations to capital. Peaceable men were shot down at their own doors, or beaten or shot on their way to work, their children left fatherless and their wives widowed. What a pitiful tragedy! Back of it all stands the conscienceless greed of the capitalist, it is true, but is this an apology for murder?

The Constitution of the United States guarantees liberty and the pursuit of happiness to every citizen. It guarantees the right to labor under the flag. There is no discrimination in it against the "scab." It is high time that American manhood asserted itself. Crimes against the rights of one man are crimes against those of all. Here, again, the principle that one man's rights end where another's begin should govern.

The intrinsic moral right to strike must be conceded, but there are times when even a peaceful strike means such hardships and inconvenience, even suffering, to the public at large that it might well be considered a crime.

The attitude of labor towards the community was well set forth in a recent newspaper editorial in commenting upon a street-car tie-up. I quote it *in extenso,* as one of the most forcible presentations of the subject I have read.[13]

"The matter at issue is one from which the public cannot escape. It is well that the public in its own best interests should confront the situation honestly and bravely.

"The citizens of Chicago have become scandalously tolerant of mob rule. There is not in the hearts of the populace a true and wholesome affection for the law—the master of all. If certain bullies and stone-throwers deem the time fit, McCormick may run his factories, the C. B. and Q. may run its trains, the street-car company may venture forth on the thoroughfares. If the bullies have scowled on these proceedings, then the masses of citizens grow accustomed to a reign of terror for employers, during which the men who give themselves to the protection of the law are taught that there is something higher than law. Light-minded writers, in defiance of human knowledge, have spread the belief that 'public sentiment' is to be ascertained and the law to be left unread.

"What is true public sentiment? It is the Constitution and the laws. If these charters of our liberties were not the outcome of all public thought, we should have some other government. It is, therefore, a mere frivolity of any community in this nation to abolish the laws, to establish an opera bouffe or Pickwickian administration, whereby bands of men, in nowise elected, often incapable of equitable action, may essay to dominate the public order. The law of sixty million people should

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[13] Chicago Record-Herald.

be able to deal with two thousand disaffected citizens, or with the million who live in Cook County. Security lies in supine obedience to the mandates of the written law."

The tremendous expense and property destruction incidental to the railroad strike of 1894 should have been a lesson to the American people, independently of the loss of life and personal injury aspect of the affair.

A certain strike murder trial in Chicago is well illustrative of the criminal tendencies of some labor agitators, and the criminality developed in labor's rank and file. The case, in brief, is as follows:

November 24, 1900, occurred a strike of wood-workers. Harry Ferris, a non-union foreman, was killed while going to work with lunch-box in hand. He was armed, and had expressed a determination to kill any one who stopped him from work. He knew that non-union men had been "slugged." He had employed a number of non-union men, three of whom were with him when he was shot. Two men were suspected of the killing. Ferris wounded one assailant, but not dangerously. More than two years after the murder, one of the men was brought to trial, but acquitted for reasons clear only to the jury. The testimony showed that the assailants were hired by union men to slug Ferris. He resisting, they shot him.

The Ferris case is by no means an extreme or isolated one, as the history of all great strikes shows. While in exceptional instances the police make things interesting for riotous strikers, the fact remains that they usually sympathize with them. The labor vote demands concessions, and the intimation from headquarters is usually pretty plain that leniency towards the strikers is to be the watchword. Class prejudice has doubtless also something to do with the attitude of the police. In the days of recognized anarchy in Chicago things were different. The police did not know then how to make hair-splitting differentiations between the real article of anarchist and turbulent, perhaps murderous, strikers. Possibly they believe that the real article was so thoroughly hanged that the rioter of the present day could not possibly be so classified.

Whatever the explanation, the fact remains that the man with the union badge has been allowed to break the laws, defy authority, assault, burn and otherwise destroy property, impede the mails, and demoralize trade with comparative impunity. The strike of 1894 in Chicago was broken by a little company of militia belonging to the Second Illinois Infantry firing on a mob, after hundreds of deputy sheriffs, police, and regular soldiers had been set openly at defiance for weeks. Be it remarked that the troops who did the work were under orders from Governor Altgeld, who had been termed the "Anarchists' friend." Does any one really believe that any serious attempt to quell the disturbance had been made by the civil authorities?

The alleged interest taken in the wrongs of labor by municipal authorities merely voices their desire for the votes of labor. Their duty is to sympathize with law-abiding people, not with those who break laws. It is time enough to inquire into labor's wrongs when labor has been made to respect and obey the law.

The laboring man is an amusing fellow in some ways. He has within his grasp the balance of political power in America. In our large cities he could control the offices if he would. He spends enough in wasted time, band hire, and beer on Labor Day to buy the State Legislature. He is blind to his Machiavellian opportunities, and does his work like a ruffian. He contents himself with strikes and slugging scabs. A political Moses will one day rise in the body politic and lead the voting children of labor out of the Wilderness. He may be a demagogue, and a leader of demagogues and ignorant, undisciplined minds. If so, Heaven help the country, until another "readjustment" has occurred.

The tyranny of trades and labor unions is fast becoming a public nuisance. The so-called sympathetic strike is usually an unmitigated outrage on both the men who are called out through sympathy and their employers. How much longer the public will tolerate such impositions is a question. It has come to pass that the employer enacts the rôle of football, even when trades unions war upon each other and have no grievance against their employers.

The relation of great strikes to crime and vice is sufficiently plain. Poverty, enforced idleness, a spirit of rebellion against existing conditions, and a sense of injustice bring a train of evils in their wake. Murder, arson, robbery, prostitution, and drunkenness—all of these evils attend and follow strikes of considerable duration and magnitude.

One of the most vicious results of the arbitrary position of trades unions is their literal and dogmatic prescription of the eight-hour law. This tends to reduce the ambition of the workingman to a dead level. All of the successful men of earth, all those whose heads have risen above the common head altitude, have achieved their pre-eminence by working overtime. They have not been eight-, nor ten-, nor yet twelve-hour men. The ambitious cigar-maker, who wishes to one day establish a little business of his own, desires to work Sundays, holidays, and overtime at piece-work. The union will not permit this. Such interference with personal rights should be made criminal.

Certain phases of socialism are very alluring, but the sooner the "dead level, born equal," fallacy is exploded, the better. There has never been, since the world began, equality of man. There is not, nor will there ever be, equality of brains, strength, ambition, talent, industry, and courage. With men's opportunities reduced to a common level, there would be no progress. Human nature is like a stubborn mule, that goes fast enough when a prospective meal is placed in front of him. Man must see rewards, or he will not go onward and upward. With no great rewards to stimulate ambition, the race would speedily revert to savagery. The specific gravity of morals, unsupported by ambition and the spirit of emulation, drags man downward. Equality of man is a conception of childish minds. Inequality of man is a normal condition. It is the insuperable obstacle that nature has placed in the way of socialistic extremists. It is the primary inequality of men that makes for the rising of races.

The anarchy of capital, the upper dog in the industrial struggle, is more pernicious than that of labor. It has not only its own sins to answer for, but many of those of the workingman. If trades unions are sometimes illogical, unreasonably

exacting, and turbulent, the trusts and monopolies are often avaricious, merciless, conscienceless, and absolutely regardless of the rights of the public at large. Vanderbilt pronounced the apotheosis of capital when he said, "The public be damned." The trust is frequently a Shylock, after his pound of flesh, albeit not so frank as he was. It strangles competition and raises prices, whilst hypocritically promising the people cheaper wares because of a concentration of capital and energy. The trust lobbyist, doubly armed with argumentative sophistry and corruption funds, occasionally buys legislatures, municipalities, and even governments. Office-holders and legislators have at times been quoted at varying prices, almost in open market. The relative prices of aldermen, senators, aye even Congressmen, have been a standing joke for, lo, these many years. Back of all this venality stand trusts, corporations, and individual capitalists, with schemes to promote and people to rob. It will be noted that capital is even responsible for many political crimes.

The difference between governing bodies in matters of venal legislation is largely a matter of price. Corporations and trusts have no difficulty in stealing the money of the people when they so desire. Franchises are often secured by bribery; for these the public should have *quid pro quo*, yet they receive nothing. Privileges, by which the people are robbed of their birthright, are secured by fraudulent legislation. By the most arrant fraud, lying, and bribery, some trusts and corporations get unlawful rebates on taxes, or escape taxation altogether. The people groan, yet go on carrying the burdens of capital. The State, county, and municipality must have the sinews of war; government and "graft" are as expensive as they are synonymous; and as huge enterprises will not carry their own share of the burden, the people must carry double.

The most insidious and deadly of the many crimes perpetrated by corporations is the manipulation of stocks. The public, as usual, foots the bills. Stocks are watered and put up or down at the will of certain corporation thieves, who, with exact knowledge of the situation, have the public absolutely at their mercy.

That monopolies and trusts are a menace to the welfare of the country has long been appreciated by thoughtful Americans. As long ago as 1872, President Grant said to the committee of oil men who had been sent to Washington to be present at the Congressional investigation of the oil trust:

"Gentlemen, I have noticed the progress of monopolies, and have long been convinced that the national government will have to interfere and protect the people against them."

Bribing jurors in cases involving corporation and trust interests is so frequent nowadays that it scarcely excites comment. The recent proved bribing of a petit jury by a Chicago street railway corporation is still fresh in the public mind. Subordinates and underlings were made the scape-goats by the law, and the corporation simply smiled in its sleeve.

Blacklisting employees and driving them to desperation is one of the features of corporation management that accounts for much of the bitterness of labor towards capital. No punishment is too severe for him who tries to prevent a man from earning an honest livelihood, thus fostering the perpetration of crime in sheer desperation and resentment.

The attitude of corporations in the matter of personal injuries is illustrative of their criminal tendencies. For years and years the railroads have maimed and killed at will. Thousands of men and women have lost limb or life in accidents which have been, in the main, preventable. For many years the operating-rooms of our large public hospitals have daily been converted into veritable shambles by the railroads. That railroad corporations are callous is shown by the strenuous fight they made against track elevation in Chicago. In Illinois the hope of the corporation has sometimes seemed to be that the injured person might soon die. Lives are cheap, according to State law. Lost limbs and injured spines come high before juries. Corporations have been known to employ lawyers to coerce or cajole injured persons to sign away their rights to damages. Should the case come to trial, the company's medical "expert" sometimes minimizes the injuries. Other hired experts have been known to do the same. Witnesses are often bribed to leave the State, and

juries tempted to do "business" with the corporation. Much injustice to injured persons has been done through the medium of "surety" companies.

The law specifies that a suit for damages cannot be brought after two years from the date of injury. I know of one large corporation which, through the agency of the company doctor, cunningly kept a severely injured man in hospital until it was too late to sue.

That the business of some corporation lawyers is largely to protect the anarchical interests of their employers is well known. They are not infrequently called upon:

1. To show where and how the law can be broken, when the selfish interests of the corporation demand it.

2. To help the corporation in avoiding the penalties of law-breaking.

3. To corrupt tax officials.

4. To aid in swindling injured employees out of their rights.

In regard to franchises, it is time that the people came into their own. The granting of the right to furnish transportation, gas, electric light, telephones, the telegraph, or any other of the common necessities of life, to individuals for private gain, without adequate compensation to the commonwealth, is a gigantic swindle. Possibly it was once a necessary evil, but it is now no longer so; possibly it was once not an evil, but conditions have changed. The welfare of humanity demands a change in the operation of the conveniences mentioned,—an adaptation to the new conditions.

Child labor, underpaid labor of all kinds, and especially female labor, and the discharge of employees when old age puts an end to their usefulness, without provision for their helpless future, are causes of crime for which capital is largely responsible. Most of these points have been expatiated on elsewhere.

The child-labor problem is of first importance. The attitude of corporations upon this question is exemplified by the New England cotton goods manufacturers. Many of them have transferred their seat of operations to the South, ostensibly to

be near the cotton supply, but really to enjoy the fruits of child labor. Massachusetts will not permit its employment; the Carolinas will. Your Yankee "blue nose" is thrifty; his ancestors built the slavers, and let the South bear the odium while they got the money. He still looks to the South for speculative investment in human life. He still buys, but does not sell, slaves,—the "poor white" children. The Carolinas are sowing the wind; they would better remember the crop garnered from such seed. In North Carolina fourteen per cent., and in South Carolina over ten per cent., of the wage-workers are under fifteen years of age. And the proportion is rapidly increasing all over the country, but especially in the South.

It has not been the employment of Southern white child labor alone that has stigmatized the Eastern cotton manufacturers as heartless in their business enterprises. The mill operatives in New England have, in hundreds of instances, been reduced to penury and want by the removal of the mill interests to the South. When the mills of a certain Eastern town were shut down a few weeks since, sixteen thousand dollars per month in wages were cut off. The result may be imagined. Many of the mill operatives had been employed in that particular plant all their lives, and the loss of their positions could only be disastrous. The small store-keepers, who depended upon the mill operatives for a livelihood, of course went to the wall. The ranks of criminals and prostitutes must necessarily be enlarged by such industrial cataclysms. The closing of the mills in question was the punishment of the State by capital for its humanity in enacting and enforcing child-labor laws. The manufacturers left for fields where white slaves were cheap and profit percentages higher.

America experienced in the Pennsylvania coal strike a severe object-lesson in the evils of the struggle between capital and labor. As usual, the public bore the brunt of the disasters. Whether the coal barons or the miners were primarily at fault, the facts remain that people suffered with cold because of the strike, and the coal barons eagerly seized the opportunity to rob the people by raising the price of coal to almost the prohibitive point.

The power of trusts to exclude competition, send prices soaring skyward, and limit the production of the necessaries of life, is a menace to the body social that will one day disrupt it, if conditions do not change. That crime has been directly caused by the coal famine is indisputable. At least one murder attributable to it occurred in Chicago.

The history of some great corporations typifies the anarchy of capital. Oppressing and strangling competition, buying legislation, subsidizing railroads into unjust rate discrimination, piling up dishonest millions,—such is the record.

THE ANARCHY OF LAW

The machinery of law is tainted from top to bottom with venality, corruption, and interested unfairness. The letter and spirit of the law are tantamount to justice. The English common law is not complicated, nor is it so abstruse that it cannot be comprehended. Its literal interpretation and application to human affairs would approximately meet the ends of justice, whether or not in the case of criminal law the penalties prescribed under its jurisdiction were logical and altruistic. The comparatively simple and lucid fundamental premises of law have been modified, distorted, perverted, and buried in verbiage by various courts and legislators, until its principles are often most effectually concealed from human ken. In America, especially, the power of each State to make laws for itself has resulted in the greatest confusion. As the statutes are usually framed and enacted by ignorant politicians, not by men of legal knowledge, the laws of the various States are badly "scrambled." With venality added to the primary incapacity, often amounting to imbecility, of our makers and dispensers of law, the result complex is truly amazing.

The fallibility and occasional corruptibility of the bench adds precedents to the jumble of law, which make confusion worse confounded. In some instances the rulings of a court that have established a precedent would not be similarly interpreted by any two intelligent lawyers who could be selected. I recently had occasion to refer an obscure decision to two intelligent legal

friends for interpretation. After profound study they gave it up in despair.

As an illustration of the relation of the bench to politics, a recent occurrence in Chicago is without a parallel. A well-known and brilliant judge enjoined the election commissioners from recounting the ballots in a contested election, and on their disobeying committed them for contempt of court. The Supreme Court, in granting writs of habeas corpus to the commissioners, ruled that the aforesaid judge had no jurisdiction in the matter of the ballots, a ruling which probably did not surprise him, for he is learned in the law.

Even a superficial study of the machinery of law will enable one to understand that the opportunities of subverting the laws to personal and private ends are manifold. Human nature being as it is, it is not surprising that such subversion often occurs. The profession of law is not to be held accountable for this, whatever may be said of the culpability of certain individual lawyers.

The venality of the occasional jury is a marked example of the anarchy of law machinery, of which the jury system is so essential a part. Associated with the corruption of the jury is the venality of the lawyer who engineers a deal with the jurors. The respectable lawyer is, of course, above this; it is a distinct violation of professional ethics; still it is done every day, often by lawyers who are deemed leaders in their profession. When a very eminent lawyer is quoted as saying, "I never tried but one case on the square, my first, and lost that," his known subsequent success is not a matter to be proud of. That jury-bribing has been done in Chicago is well known. There are so many familiar instances that it would be supererogation to quote individual cases.

The unjust dispensation of law in our justice courts, which are presided over, as a rule, by men who are not educated in law, constitutes the primary department of legal anarchy. As is well known, a suit in a justice shop is usually won by the lawyer who brings it, if his business or prospective business is large enough to warrant the justice in straining a point. In the matter

of levies, the justice shop frequently has some peculiar customs. A Chicago constable recently levied on the property of a woman whom he assaulted with a revolver, while his assistant, a burly negro, threw a number of valuable rugs out of the window.

Illegal arrests and commitments are too numerous to mention. Unwarranted assaults by officers while making arrests are not general, it is true, but they occur only too often. I recall the arrest of two peaceable laboring men by a notorious police captain, a favorite of the then dominant political party, in which the brutal officer and his partner beat the two inoffensive citizens most horribly. The assailants received merely nominal punishment.

The system of criminal law, so far as trials are concerned, would seem farcical to the unprejudiced observer, to say nothing of its frequent anarchical trend. The criminal lawyer is a queer institution. That legal specialists should exist whose business it is to defeat the ends of justice, on the one hand, or to prevent the perpetration of injustice to the innocent by the court, on the other, is a travesty. It is a reflection on social intelligence. Quite as anomalous a product of our criminal law system is the public prosecutor, whose business it is to prosecute, and whose personal interest it is to convict accused persons. Under prevailing conditions, we often find the ambitious public prosecutor straining every nerve to convict and hang a man accused of murder, no matter how flimsy the evidence, and the criminal lawyer, with equal ambition, striving to acquit a man whom everybody knows to be guilty. There is no technicality too trifling to defeat the ends of justice, on the one hand, nor to send a prisoner to the gallows or prison, on the other. Anything to acquit—anything to convict. Modification or increase of vigor of prosecution and defence largely depend upon "pull" or the pocket-book.

The prosecutor and the criminal lawyer having done their best, respectively, to hang and to acquit, the case is submitted to a jury of men selected, as a rule, because of their incompetency and ignorance of human affairs. Most of them could not weigh flour intelligently, yet they are expected to weigh evidence,—

something requiring a keen memory, great mental acumen, and a well-developed faculty of analysis. While they are struggling with the evidence and the conflicting emotions excited in their bosoms by the oratory of the opposing lawyers, the life or liberty of a human being hangs in the balance. Add to the ignorance and incapacity of the jury the psychic effect of the closing arguments, the fallibility and bias of judges in charging the jury, and the personal bias and possible venality of the jury itself, and the balance is a hazardous one in which to weigh human life and liberty. In a recent trial, a man accused of an attempt to blackmail a woman was acquitted apparently because of the eloquence of the gallant lawyer for the defence in endeavoring to show that the complainant was herself immoral. And the brilliant attorney was allowed to abuse the poor woman so thoroughly that the result upon the minds of the mighty twelve was to have been expected.

The most important part of the system of criminal law is the least guarded. The police justice court is for many the gateway to a life of crime, from which there is no escape. An intelligent and humane man on the bench can do much to turn back into decency wayward youths, or even adults, accused of petty crimes. Commitments are often made where a little fatherly advice or a considerate reprimand would serve society better. Sentencing petty criminals is the most serious phase of the legal aspect of the crime question. Once the culprit has passed the gate to the land of penalties and joined the great army of criminals, he is often irretrievably lost. There is usually little hope for him in our present system of punishment and reformation. Chicago has done much for punishment and reformation, and much to redeem young offenders, but, despite the influence of the Juvenile Court, much avoidable confirmation of criminal tendencies is still going on. Where the justice is not both intelligent and humane, niceties of discrimination are likely to be honored more in the breach than in the observance.

Much injustice has been perpetrated in courts of law through circumstantial evidence and fallacious identification. Oftentimes the jury stultifies itself by hedging in the matter of recom-

mendation of sentence. It convicts on circumstantial evidence, but, not being quite sure of its own wisdom, finds a verdict or suggests a sentence which, in itself, proves that it was not sure of the guilt of the condemned. In the matter of identification, especially, criminal jurisprudence is often at fault. Witnesses will testify to peculiarities of dress, manner, and features, the recollection of which would demand a high degree of cultivation of the faculty of observation. I happened to be discussing this question with several physicians—supposed to be keen observers—upon a crowded street on one occasion, and casually called attention to a man and woman who were passing whose attire was peculiar. After the couple had disappeared, I challenged my friends to describe the persons designated, and not one of them was able to give a description that would have been worth the breath expended in giving it, were it to be given to a jury. I have made similar tests on numerous occasions with like results. And yet persons are often convicted of crime on the identification furnished by witnesses of mediocre intelligence. The testimony of a witness who was laboring under the stress of fear or excitement at the time of the commission of an act of violence is, of necessity, often worthless, as every student of psychology should know.

THE THERAPEUTICS OF ANARCHY

It is not the function of a work of this kind to suggest in detail remedies for the various conditions herein outlined as anarchical causes of vice and crime. In most of the cited instances the remedy suggests itself. To cover the prevention and cure of the various evils treated of in this chapter would alone require a large volume. My consideration of the subject will, therefore, be largely general in character.

Social evolution is responsible for all of the conditions that tend to the improvement of the race. Evolution has by no means been perfect in results, for society is still crude in many respects. It will, however, go on operating as the years roll by, and many defects in the workings of our social system will be corrected eventually. Man will adjust his conduct more and more closely

to the principles of true altruism. He will still be selfish, it is true, but he will have discovered that his individual interests are best conserved by protecting the interests of society as a whole. The anarchy of governments will one day yield to the principle of common law. Governments will then have no rights that are not a composite of individual rights. The individual rights of man will be the foundation upon which governments rest. The strong hand of the law will then overtake the wholesale cut-throat just as it now does the individual murderer. Human beings are bound to rebel, sooner or later, against any conduct of government entailing a risk of life and limb to the individual, and of poverty and loss of protection to those dependent upon him. Expenditures on account of war are growing heavier from year to year; the cost of armies, munitions of war, and floating fortresses is growing greater. The pension system of all countries in which it exists, and especially in America, is a burden greater than the people should be called upon to bear. It permits of the robbery of the government by pension sharks and their clients. To the deserving soldier we do not grudge the modest stipend that perhaps stands between him and abject poverty, but he is none the less a burden to society.

Nearly all of the anarchical conditions that lead to vice and crime would cease to exist if a general respect for the rights of man and a general conformity to the laws of the particular social system in which the individual is placed were once established. Whenever all men understand that conformity to existing laws, framed for the protection of society at large, is the best protection for their own personal rights, anarchy will become an historic curiosity. The campaign in favor of this intelligent understanding must of necessity be educational.

The establishment of a proper equilibrium between labor and capital will be absolutely necessary before anarchy will cease to be an element in our social system. Labor is necessary, and so is capital, for, as already remarked, the existence of one without the other is impossible under present social conditions. They are inseparable, if social advancement is aimed at. The honest development of various industries is normal, and a development

that will permit of fair competition and a legitimate and moderate percentage of profit upon money actually invested is absolutely necessary to social progress.

This depends, of necessity, upon the co-operation of capital and labor, a co-operation that shall recognize the rights of each, and shall embrace profit-sharing in some form. The experiment of co-operation upon a fair profit-sharing basis has been tried, and proved successful. Nothing but the great greed of monopolies and trusts, on the one hand, and the short-sightedness of individual capitalists, on the other, stands in the way of its general adoption.

We are just now in the midst of a Presidential and Congressional spasm of reform in the way of antitrust legislation. How much of this is a conscientious desire for reform, and how much political buncombe, it is difficult to say. The Democratic party is without an issue. The trusts were its legitimate prey. With antitrust legislation forestalled by the Republicans, the Democrats' occupation will be gone for the time being. Whatever his motive, Roosevelt's policy of conciliating that political giant of the future, Labor, is clever and far-seeing.

That fair and impartial arbitration by financially disinterested parties is the most effective remedy for industrial dissensions is destined to become a fixed principle in all civilized communities.

So far as the government of States and municipalities is concerned, there is very little immediate prospect of improvement. The purification of the ballot is thus far but an optimistic dream. The independent voter as against parties and machines has not yet cut much of a figure in politics, although in his hands lie the remedies for political disease. The strict application of civil service rules will neutralize, to a certain extent, the viciousness of our political system.

The keynote of reform is the establishment of all forms of government upon sound and economic business principles. Dishonest and corrupt politics and venal administration of public offices will prevail so long as the public expects its business to be conducted without adequate compensation. The conditions

necessary to purity and soundness in politics, from Congressman down to alderman, are an intelligent reasoning faculty, a broad education, a practical business training, and wealth beyond the necessity or temptation of crookedness,—rather difficult conditions to fulfil. That the profession of politics in America does not demand such conditions the veriest tyro knows. Wealth is deferred to only as a means to an end. With it votes must be bought and campaign expenses paid. It is never considered as protective of the public by putting the candidate beyond the necessity of dishonesty. The other qualifications necessary to purity in politics and legislation not being possessed by the successful moneyed candidate, he proceeds to recoup his campaign expenses at the first opportunity, and he adds heavy interest in perpetuity. The political office-seeker who has no money knows that if he is successful there are "good things" in store for him. The consequence is that honest legislation is almost impossible.

When the public gets value received in legislation or public administration, it is usually because the interests of the public and those of the legislators are, for the nonce, identical. Bills of importance must usually be "kissed troo" the legislature, as a prominent Chicago politician, erstwhile a member of the State Senate, once expressed it to me. One thing is certain,—viz., if the public desires a business-like and honest administration of its affairs, it must either pay value received and select its legislators and office-holders upon business principles, or find candidates among people of wealth and leisure who are otherwise well qualified. If our public offices are really positions of trust and honor, they should be distributed among men who are worthy of the one and deserving of the other. With politics conducted as it is, and at the present rate of compensation, honest office-holding is well-nigh impracticable.

A healthful public opinion would serve to correct many of the anarchistic elements of politics, government, labor, capital, and law. Society discriminates between the poor devil who steals to live and the capitalistic anarchist who lives to steal,—chiefly because he likes the game,—in favor of the latter. The individual who has cajoled, bribed, or evaded the law, and grown rich

through such evasion, is courted and petted by society, especially if he is willing to spend his money freely and lives ostentatiously. The reverse is true of society's treatment of the petty pilferer. He is even denied a chance to earn an honest living, and in many instances forced back into a criminal life when he has endeavored to the best of his ability to escape from it. With criminal records and no social position, such individuals are in a deplorable plight.

Much can be done to improve upon present conditions by the general discountenancing of riotous and turbulent demonstrations on the part of people who have real or imaginary grievances to adjust. Society has been demoralized to a great extent by the conduct of strikers and rioters of various kinds. The general public has not only tolerated these hoodlums, but has aided, abetted, and applauded them on all occasions. The sooner trades unions discover, through impartial enforcement of the law, that they have no rights that the individual citizen is not permitted to enjoy, the better for all concerned.

One of the main features of the education of the public in the cause of law and order should be the establishment of the principle that the law is not to be trifled with. Mobs can never be controlled by rational argument nor by blank cartridges. A mob is an unreasoning brutish entity upon which moral means are lost, and, what is worse, words and blank cartridges are taken as a sign of weakness on the part of the authorities. When the present vacillation in the management of mobs ceases, and public officials do their duty, mob rule will cease, not before. Better a few funerals of rioters, than a reign of barbarism. Society has the right of self-defence. It assumes the right of capital punishment, which is illogical and ineffective,—why not the right to suppress a mob by measures both logical and effective? In the case of men who openly advocate destructivism or personal injury, whether they assume the garb of anarchy or trades-unionism, there is but one remedy, the legal "muzzle." A point should be strained, if necessary, and the muzzle applied early. The advocacy of murder and property destruction, and the right of free speech are not synonymous, and the sooner this is understood the better. The destructivist is a dangerous microbe and must be

made innocuous. If other means be ineffective, he should be permanently "walled off."

Honest legislation against trusts and monopolies will always be difficult to secure. The power to do so lies in Labor's own hands. If one-half the energy, time, and money expended in strikes, riots, and labor demonstrations were devoted to practical politics, the workingman would soon have things all his own way. The danger would be, however, that the men sent to our legislative bodies as representatives of labor would, at least at first, be either ignoramuses or demagogues. Should they be venal, and, therefore, purchasable, conditions would be worse than before. The same official rapacity would exist as at the present day, but without its present degree of intelligence, inferior though it is. The general adoption of the referendum will do much to improve our statutory laws.

A vital point in the prevention of crime is the intelligent selection of police officials, and especially police justices. The appointment of these latter should be taken out of the domain of politics altogether. It would be better to have the selections made by the bench and the bar. Men should be selected who are known to have a knowledge of law, and, as already suggested, an elementary knowledge, at least, of the principles of sociology, and particularly criminal sociology.

A member of the Chicago bar, speaking of police government, said:

"The only remedy for police corruption that can come from the citizens is to take the police force out of politics by law. The New York Municipal Police law is an admirable law. It places the matter of employment and discharge under the control of a board of police commissioners, equally divided as to politics, so as to operate as a check upon each other. Under that law, no policeman may be discharged without a trial on specified charges in writing, and judgment against him by a majority of the board, and from this judgment the officer has the right of appeal to the courts of record. Such a law makes an officer independent of politicians and gives him a position from which he cannot be ousted during good behavior and while he remains competent. Under that law, the inducements to perform faithful service are great. Of course, under any system there is some temptation for the officer to

commit perjury, but the temptation will be least under a system where merit is certain to be rewarded and the officer is independent of the politician and the man of influence."

Legislation against, and for the regulation of, child labor should be arbitrary and definite in its tone. Evasion of the law should be visited by the severest penalties. To be effective, the laws of the various States should be made uniform.

Much can be done to limit the evils of the trusts, large corporations, and capitalistic classes in general, by so adjusting taxation as to compel them to bear their share of society's burdens, and punishing them severely for tax evasions. At present, the man of moderate means bears most of the burden. A regulation of the tariff so as to prevent oppression by protected interests is essential.

Many common necessities of life should be under State, governmental, or municipal control. Gas, electric lighting, street and steam railways, the telephone, and the telegraph should belong to the public. The coal trust should be strangled, and the coal-fields placed under governmental control. The same is true of the vast petroleum interests. Natural products should not be cornered by anybody, or, at least, their management and price should be under governmental supervision.

What I have elsewhere said of restriction and regulation of immigration bears with especial force upon the question of anarchy. No immigrant should be allowed to remain in this country unless his intelligence is shown by some educational test to be sufficient to enable him to comprehend our social conditions, and especially the simpler principles of our laws. It is suicidal to attempt to educate our youth to an appreciative and intelligent understanding of our laws, refusing to allow them to vote until twenty-one years of age, while at the same time importing Old World ignorant refuse with revolutionary ideas, and allowing it a voice in our politics and government five years later. This probationary period is scant enough for the best of immigrants, —who should be taught that the elective franchise is not to be had for the asking,—while for the worst it is absurd.

So far as the imported variety of anarchy is immediately

concerned, the only safeguard is an intelligent inspection and regulation of immigrants and immigration, that shall comprise a knowledge, so far as it is possible to obtain it, of the record of the individual in the country from which he comes, and a period of espionage after his arrival in America. As already indicated, I believe that the danger and importance of this element of anarchy in America has been greatly exaggerated. Still, so long as the minds of our people are disquieted by the presence in our midst of foreign-born anarchistic radicals, the wisest course is to keep them out of the country altogether. The least that can be said of them is that they form re-enforcement for the American-bred variety of anarchist, whose name is Legion.

In criminal trials there should be no question of prosecution or defence. The business of the criminal court should be to sift the evidence and get at the truth, regardless of fear or favor. A council of judges, selected because of known probity and special fitness by virtue of ripeness of experience and profound legal knowledge, should replace the present jury system. This council should be free from political taint, and selected by the bar. The appointment as councillor should be for a long period, and the position well compensated. Conjoin with such a council a Board of Pardons, composed of intelligent, broad-minded men, with a knowledge of criminal sociology, and absolutely non-partisan and non-political in spirit, and the interests of both society and the criminal would be protected.

That the foregoing plan is practical, so far as the judges are concerned, is proved by the *personnel* and *modus operandi* of the Appellate, Superior, and Supreme Courts. There is no cogent reason why a similar organization of the lower courts should not exist. The jury system is venerable and intrinsically absurd. Nothing better can be said of it.

The discouragement of anarchy demands an impartial administration of the law. Social fanatic, capitalist, and turbulent laborite alike should be taught that the law recognizes no favorites among criminals. Rich and poor malefactors alike should be made to feel that law is for the defence of society against its integers, without fear or favor.

CHAPTER VII

SEXUAL VICE AND CRIME

Prostitution

General Considerations.—Prostitution is one of the most important and vital problems with which society has to deal. The subject is tabooed in polite circles, and dealt with by society somewhat after the fashion of the ostrich, seeking safety by burying his head in the sand. When the social evil is mentioned, society either stops its ears and covers its face with its hands,—to conceal blushes not always innocent,—or runs away from the issue altogether. He who undertakes to "grasp the bull by the horns" and publicly meet the question fairly and squarely is *persona non grata* in circles polite and ethical. Where the "shoo-fly" treatment is not indulged in, maudlin sentiment comes into play, and this is worse than the other.

Prostitution is a condition, not a theory. It is an unavoidable disease of society, under present social and economic conditions. That it is a "necessary evil" when reduced to its ultimate is open to question. Under the old patriarchal system it was probably limited in its scope, from the stand-point of professional prostitution. That clandestine prostitution, or some form of illegitimate sexual relations, existed under the old *régime* is unquestionable. The less wealthy males probably did not supinely submit to the monopoly of the females by their more fortunate brethren. It is also probable that the monogamous custom finally evolved by highly developed social systems has increased the proportion of prostitutes. The facts that no advanced social system can or will tolerate polygamy, and that the evolution of monogamy has, in general, made for the betterment of society do not disprove this assumption.

History and ethnology show the greatest variation in the attitude of society towards the relations of the sexes, both legitimate and illegitimate. The Moslem of to-day is a little old fashioned

in his views. Solomon, poet of passion and founder of the first "wife trust," was accounted a wise and God-fearing man, and a just. History has not reflected harshly on his nine hundred wives and concubines; neither has it wept maudlin tears over them. They seem to have been lost in the glory and glitter of the Wise One's court. The amour of Solomon and Sheba's great and glorious queen has been glossed over ever so lightly. Even their first assignation, conducted with a pomp, romantic glamour, gilded display, and circumstance that doubtless excite the envy of some of the darlings of the modern stage, and which was an advertisement in perpetuity that even the most up-to-date could not equal, has been swallowed without a grimace. But when, many centuries later, a band of religious enthusiasts, who interpreted the Bible somewhat literally and desired to worship God in their own way, went to Utah and proceeded to put their fanatical theories into practice, there was trouble immediately. Their fallacious social ideas were morally out of tune, according to modern standards.

The Mormons were rapidly solving the superfluous woman problem after their own fashion, and that of their long line of bewhiskered ancestors,—now saints in Heaven, if their latter-day imitators are to be believed,—when the outside world raised a protest. The raucous howl that went up from the East, where the wise man did not list—much less attempt to legalize—his concubines nor the worldly woman concentrate her "protectors," penetrated even to the erstwhile wilderness where worshipped the Mormons.

Bye and bye the "unbelievers" began to invade the paradise of the fanatical Latter Day Saints, who, still following biblical precedent, with Joshua as their guiding star, did smite and slay the invaders here and there. And then there was more trouble. Finally the politicians, wily Gentiles who had discovered that Utah was fair to gaze upon, and who knew that scriptural backing was a rather flimsy excuse for open polygamy, legislated the marrow of Mormonism off the face of the earth, and so far erased a blot from our scutcheon. And now the Mormon must needs be up to date and keep his concubines hidden from the

public eye, whilst the female free lance of Mormondom must syndicate her protection, quite like her prototypes elsewhere. Polygamy is downed forever, and beneficently, as a recognized institution in America—another external victory of social expediency over the primitive nature of man.

There is no room, and of course should be no room, for polygamy under the American flag. Legislation, however, does not seem to seriously concern itself with extra-matrimonial polygamy, save in so far as our bigamy laws may cover the case. A mere imitation of fair play would be dangerous to society, even were it possible for legislation to correct man's natural tendencies.

Joseph, the founder of the impracticable doctrine of love, afterwards plagiarized by Plato, was a scriptural paragon who has been held up to youth as a model of all the virtues. His modern disciples, however, are chiefly of medical interest rather than moral examples. By some strange inconsistency of the ancient chronicle, the "Captain of the Host" and other dignitaries of Bible times, visiting strange cities, often first landed in some brothel, a custom which, however, it must be acknowledged, differed from that of some of our up-to-date dignitaries only in the publicity and promotion given it by the historian.

The story of Lot and his two charming daughters suggests a laxity of morals in the day of him who wrote their history that would hardly do for this generation. Incest, one of the worst of crimes in these modern days, seems to have been, in the mind of the author of the story, the only salvation of a race that was but a short remove from the clay modelling of the Mosaic cosmogony. Whether the reporter of the incident believed that the supply of the right kind of material had run out, or that the knack of making human beings out of mother earth was a lost art, we will never know. It should have occurred to the historian that a rib from each of Lot's daughters might have been made into a man—but we will let the chronicle stand as it is, along with some other queer "inspirational" literature, which in this instance is so grossly human that it is a wonder that people can still be found who concede its divinity of origin.

Social tolerance of concubinage and prostitution, the legitimate

successors of patriarchal polygamy, is not so open at the present day as in the none too remote past, but society even now tacitly approves, or, at least, endorses under the rose while condemning in the open, what was publicly tolerated in the aristocratic circles of Europe not long since. A hundred years ago virtue was the prerogative of the proletariat,—for royal courts knew naught of it,—and the only prerogative that the commoner might enjoy without exciting the jealousy of the *noblesse*.

There is little regarding the relations of the sexes in history, sacred or profane, that is likely to inspire the modern youth with pure thoughts and noble aspirations. Between the robbery and murder and lechery of history, ancient and modern, profane and sacred, the youth in quest of a moral standard stands, like Odysseus, between Scylla and Charybdis. The story of Cleopatra is not an inhibitor of pubescent eroticism. The great Catherine of Russia has ever had her fame tinctured with immorality at the hands of the historian. "Good Queen Bess" was long held up to the mind's eye of youth as Catherine's direct antithesis, a paragon of all the virtues. Strange to say, however, as history grows less sentimental, the character of "Ye Virgin Queen" no longer seems a model for modern youth to pattern by.

It is significant that social systems which have been free from prostitution have been barbarous or semibarbarous. The ancient Germans did not tolerate it, and certain Siberian and African tribes of to-day are free from it. The rise and fall of prostitution seems in general to correspond to the degree of progress in civilization. That it is an ancient institution the Scriptures prove. Its seeds were primarily sown in the shade of a vitiated religion in Asia. As the varying fortunes of humanity drove men to seek new fields in the West, and Europe began to be settled, prostitution followed them in their migrations. In the medieval cities of Europe, the brothel was a recognized factor in civilization.

The vigor with which prostitution has flourished has varied; sexual vice has not been a constant and invariable social quantity. Conditions have varied from time to time, from the grossest immorality to comparative decency. This, doubtless, is due to the fact that the causes of prostitution are not uniform either in

quality or quantity, although always in operation. This fact is optimistic in its bearing, and suggests that some of the causal factors are partially controllable, even though they cannot, as a whole, be removed.

Prostitution is a subject that has been discussed from many stand-points. Moralist and sociologist have alike striven for the betterment of the conditions underlying it. They have even joined forces for the common good. Neither alone nor in combination have they succeeded in either suppressing or in any great measure repressing the evil that is the worm in society's bud. The moralist has accomplished something, it is true. Strict adherence to the tenets of religion has saved many a man and woman from sexual vice. But these brands plucked from the burning have been individual, and the resulting impression upon the evil at large has been inappreciable. In some instances, the moralist has entertained such peculiar views of the social evil that it is inconceivable that such men and women could ever exert a beneficial influence on human conduct in any direction. Thus, I once heard a well-known clergyman, distinguished for his heterodoxy and alleged liberality, say that his remedy for the social evil would be to "apply the torch to every bagnio in Chicago, and reduce it to ashes, inmates and all." Whether this was an emotional "play to the gallery," or not, I cannot say, but it is noteworthy that the reverend gentleman appropriated certain sociologic and physiologic views expressed in the discussion of his remarks, and promulgated them, *verbatim et literatim,* as his own from the pulpit the following Sunday. The newly-awakened thought had grown until the bigot was lost for the nonce in the plagiarism of a new idea.

Such causes of prostitution as the love of excitement, dress and jewelry, temptation by unprincipled men, necessitous circumstances, and alcohol are thoroughly ventilated in most discussions of the subject. Moralist and sociologist alike forget the physiologic side of the question. The depraved love of man for woman is, with some alleged philosophers, the chief cause of the social evil, even economic causes occupying a subsidiary position. The normal physiologic love of man for woman, the normal love, on

the one hand, and the depraved love, on the other, of woman for man are left out of consideration entirely.

Whatever arguments may be brought to bear upon the question of the social evil, nothing can controvert several fundamental propositions,—viz.: (1) Prostitution has always existed in society in one form or another. (2) Its frequency and forms have adapted themselves to the conditions imposed by the customs of each social system. (3) The social and economic conditions at present prevailing are favorable to prostitution. (4) Prostitution keeps pace with civilization. As this advances, prostitution increases. The proportion of prostitutes is greater today than formerly. (5) Modern industrial enterprises are peculiarly productive of conditions favoring prostitution. (6) Prostitution is responsible for a large proportion of the diseases that afflict humanity, and for a tremendous aggregate loss of working capacity and monetary outlay on the part of the afflicted. (7) No universally effective methods of repression or regulation have ever been devised. (8) Suppression is an absolute impossibility, under present conditions. Prostitution will continue, so long as human passions, uncontrolled by higher ideals and ambitions, dominate the human will. It will also continue so long as social and economic conditions put matrimony beyond the reach of a large portion of the male population, and make honorable self-support impossible to the great majority of females.

That social progression tends to increase sexual vice is only too evident, to the physician especially. Taking Chicago as an example, it is safe to say that the proportion of prostitutes in the community has vastly increased during the last twenty-five years. Certain special causes have been in operation, it is true, such as the advent of the department store, and the Columbian Exposition. A prominent police official informed me that his estimate of the permanent increase in the number of loose women through the Exposition was fully ten thousand. That growing prominence as a centre of civilization has resulted in an increase of prostitution in Chicago is not surprising. The larger and more cultured the community, the more prevalent

and vicious prostitution becomes. This is true of all forms of sexual vice in large cities. Sexual perversion from satiety and vice has its throne in Paris, the centre of refinement and culture; from Paris it radiates to all other large centres, its extent varying with the population, wealth, refinement, and leisure of the population. This statement may be challenged as to Chicago. If so, I shall ask for an explanation of two facts, familiar to every man about town, as well as to the police authorities,—viz.: (1) Typic male sexual perverts have so increased in numbers that they have formed large colonies with well-known resorts. (2) Acquired sexual perversion has so increased that it has received "business" recognition by the keepers of bagnios. That perverted practices are demanded by its patrons is openly recognized by at least one Chicago brothel. The patrons of this establishment are drawn from the ranks of well-to-do, supposedly substantial and select masculinity. The "tariff" and regulations of the bagnio in question are prohibitive of any other class. In London, the *Pall Mall Gazette* exposé and the Cavendish Square scandal disturbed the equanimity of aristocratic British society not a little.

The up-to-date society young man and "man about town" have scarcely fingers enough on which to count their various mistresses, drawn largely from the ranks of clandestine prostitutes, but often from social circles that are more select. The young man of twenty-five years ago was less ambitious than his modern successor. The atmosphere in which he was bred was rather repressive than otherwise as compared with the present day. Things which are tolerated to-day in literature, in the newspapers, and on the stage would have raised a cry of indignant protest a quarter of a century ago. Time was when the young man who wished the questionable delectation of witnessing broad stage performances was compelled to resort to the "free and easy" adjunct to the basement saloon, that was likely at any moment to be raided by the police, if the proprietor's dues to the powers that be had not been paid, or his "pull" at head-quarters had weakened from political causes. The modern vaudeville and legitimate comic opera and society

drama have driven the beneath-the-sidewalk variety show to the wall—of which more anon.

RELATION TO THE VENEREAL DISEASES

The subject of prostitution is inextricably commingled with that of the venereal diseases. The immense social, economic, and medical importance of these diseases is not appreciated by society. If it were, more attention would be paid to the various questions which their study involves. A single case of plague in one of our large cities would cause a panic of fear and anxiety. The infection of from ten per cent. upward of our population with syphilis, and of from twenty-five per cent. upward with gonorrhea, year in and year out, is, however, viewed with the greatest complacency. A trifling epidemic of smallpox would set Chicago by the ears, although that disease is easily preventable and limited in its ravages. Special regulations are adopted against variola, and special hospitals built for its reception, but as yet we have no public hospital which receives venereal diseases, save clandestinely, or under protest, nor has any noble philanthropist arisen to do his part in the greatest work for humanity that the human mind can conceive,—the establishment of an institution and fund for the prevention, care, and study of venereal afflictions. That the venereal diseases depend primarily for their origin upon prostitution, and that their dissemination is due to it, is scarcely open to argument. It follows in the wake of promiscuity, the female being the chief factor in its evolution and transmission, and the male the chief carrier of infection to the innocent, although the respective contagion rôles of male and female are interchangeable.

Every prostitute becomes infected with venereal disease, sooner or later. Scarcely one escapes for more than a year. The clandestine prostitute runs somewhat less risks than the professional, but rarely escapes infection, and, once infected, is, on the average, more dangerous to society than her publicly known sister. I base this statement upon twenty-five years' experience in the consulting-room. It is verified by the observations of others in this field. For every case of venereal disease

in my practice contracted from professional prostitutes, there have been at least three or four derived from very "select" sources.

In St. Petersburg, eighty-three per cent. of the prostitutes were found to have syphilis. In Stuttgart, every prostitute becomes infected with gonorrhea at least once a year. In Berlin, fifty per cent. of the loose women have gonorrhea constantly, and the rest frequently. It is estimated that there are one hundred and fifty thousand syphilitics in Berlin. Paris has a still greater proportion. New York, Dr. P. A. Morrow says, has two hundred thousand syphilitics. Chicago's record, could it be compiled, would probably rival New York's.

It is the consensus of opinion among advanced physicians that the majority of cases coming under the care of gynecologists are suffering from the immediate or remote results of gonorrhea. My own impression is that fully one-fourth the adult population of our great cities is affected by venereal disease in one form or another or by their sequelæ. The layman who chances to question the truth of this assertion will doubtless be misled by his ignorance of the causes of such diseases as pustubes, ovaritis, metritis, salpingitis, peritonitis, cerebral hemorrhage, thrombosis, paresis, locomotor ataxia, etc. These various names sound well, and conceal the skeleton in many a closet. The same high-sounding names cover the admission of the incurable results of venereal diseases into certain public hospitals, the managements of which would hold up their hands in horror at the mere mention of a venereal case. I have often been compelled to invent polite names for serious cases of gonorrheal and syphilitic infection, in order to secure for them admission to hospitals.

DEFINITION OF PROSTITUTION

The term prostitution is by many applied to the participation of woman in sexual relations under any conditions save those legalized under the form of matrimony. The fairness, morality, justice, or altruism of this interpretation cannot be proved. Prostitution is most generally understood as the selling of her person by the female. On broader grounds prostitution justly implies

promiscuous sexual relations on the part of woman, whether from necessity and purely mercenary motives, or from mere sexual depravity. This somewhat arbitrary definition is necessary to avoid a finely-spun differentiation of classes in prostitution. There are certain phases of illicit sexual relations that do not justly come under the head of prostitution, as a social institution. The woman whom necessity compels to assume habitual sexual relations with some particular man is not necessarily a prostitute. With matrimony denied her, starvation and the alternative of suicide staring her in the face, she merely exercises her personal prerogative and responds to the instinct of self-preservation. So long as society's moral code is as it is, however, the woman who seeks self-preservation along unconventional lines of least resistance must yield to social ostracism, even by those who receive as an equal the male actor in the tragedy. It is better so, for, however inconsistent society may be, it must have its ideals, even though they are often honored in the breach rather than in the observance.

It has been asserted that the woman who sacrifices herself to necessity by a marriage *de convenance* practically prostitutes herself. This is not fair, nor is it true, but word of priest or civil authority does not raise her moral plane above that of some of her less fortunate sisters who, no less than she, have done the best they could in the battle of life.

Whether the woman who accomplishes self-preservation by exchanging herself, matrimonially or otherwise, as a fair *quid pro quo* for subsistence is a prostitute or not depends upon the standard she fixes for herself, and her desire to give full moral value for her support, which necessarily implies a monopoly of her person.

Is the young and innocent girl who yields to nature's promptings—whose instinct of self-preservation is swallowed up by the instinct of propagation—and falls a victim to the seductive wiles of her friend the enemy, man, a prostitute? If so, and her seducer marries her, whether willingly or at the pistol's point, is she then no longer a prostitute?

It is a safe proposition that the conflict of social laws and

social nomenclature with natural law has not been repressive of prostitution. On the contrary, the social ostracism inflicted as a penalty for being found out has filled houses of prostitution time out of mind. Publicly affix the stamp, "Ruined," on a woman, and she has no further object in being decent and self-respecting; she has lost her standard; she has no mark at which to aim; she can no longer have ideals; she is driven to open prostitution, mayhap, while her undiscovered sisters in her own social circle ply their occupation of viciously self-indulgent or mercenary sexuality undisturbed, and the man in the case seeks more worlds to conquer.

The partiality exhibited by the "Four Hundred" towards the man in the case excites resentment in the woman's mind, and has an influence of its own in determining some women's careers. That society makes an exception in the case of female celebrities also rankles in woman's bosom, and sometimes excites in her a spirit of emulation.

CLASSIFICATION OF PROSTITUTES

Prostitutes may be classified as:

1. Clandestine prostitutes. These are of several types,—viz.:

(*a*) Women whom necessity has driven to prostitution, but who neither enter houses of ill-fame nor solicit patronage. Some of these eventually enter houses. Many of them do not get an opportunity to do so, although a large proportion, sooner or later, bring up in the lowest brothels. Only a few ever enter first-class houses, to which "many are called but few are chosen." Such houses demand not only physical attractions, but a certain degree of ability as entertainers. Their proprietors are constantly on the lookout for available material, and it rarely remains long in the ranks of the mercenary clandestines, if, indeed, it is ever allowed to enter them.

(*b*) Women who, although provided with the ordinary comforts of life, and perhaps some of the luxuries, bestow their charms on one or more individuals as the price of excitement, entertainment, jewelry, elegancies of dress, and wine.

(*c*) Women who are promiscuous as a result of innate abnormally developed sexuality,—psycho-sexual degeneracy,—and with no other object than its gratification. Such women are the sex counterparts of the *roué,* and are more frequent even in high-toned society than most people suppose. These women are prostitutes both by birth and education. They have "the whore's forehead, which refuses to be ashamed." Married or single, they are the chief competitors of the professional prostitute, as any one may learn by investigation. The testimony of young and old "bloods" about town, and of the professionals themselves, on this point, would be rather interesting reading.

2. Public professional prostitutes in houses, who market themselves whenever and wherever they can, and at the best price possible.

3. The criminal prostitute, comprising (*a*) the product of the slums, who oscillates between crime and prostitution, or alternates them according to her degree of beauty and necessities. She is a degenerate usually, and her prostitution and criminality both result from vicious environmental influences, over which she has no control. She falls young, and almost of necessity never rises again. (*b*) Women who begin by prostitution and end by becoming criminals. They may or may not be primarily degenerates.

The lower-class prostitute is so from necessity. The period of choice has long since passed. The better class comprises women who follow the life from choice, as well as those who are compelled by necessity to resort to it. In many cases the necessity argument is but a cloak for the deliberately chosen life. The higher-class prostitute is often a woman who could do better if she would.

The natural "born prostitute," who eagerly awaits the coming of the "tempter," is much in evidence all along the line of prostitution. She is seen at her best—or worst—in the better class of brothels. This, with apologies to the ambitious amateur "born prostitute" in ultra-fashionable society.

ETIOLOGY OF PROSTITUTION

The causes of prostitution embrace every aspect of human nature and every phase of our social and economic conditions. The history of prostitution, like that of crime, is interwoven with every human interest. No subject of social interest is more comprehensive. All of life, all of our social system, revolves around the relations of the sexes. A comprehensive presentation of the causes of prostitution, therefore, would obviously be impossible, save in a work of encyclopedic pretensions. I must needs, therefore, content myself with what seem to be the main factors in the etiology of the social evil.

The causes of prostitution may be classified as predisposing and exciting. The basic classification is very simple,—viz.: 1. The predisposing cause of prostitution is woman, with her charms, physiologic and other desires, ambitions, and necessities. She may or may not be a degenerate. 2. The exciting or determining cause is man, operating through the sexual instincts that have been his since the beginning of the race.

The sexual instinct with which nature has endowed man and woman differs in kind and degree, that of the woman being higher and nobler in aim than that of man. Were this not true, man would be too busily occupied with his selfish ambitions to spare time for procreation. The normal sexual instinct of woman is primarily unselfish; that of man is supremely selfish. Unselfish though it is by comparison, the sexual instinct of woman, whether diverted from its legitimate end or not, is the chief weapon used by man to accomplish her downfall. The law of supply and demand regulates prostitution, it is true, but the demand, as the primary cause, is not altogether one-sided. Much "bally rot," as Kipling would say, has been written of the causes of the downfall of woman. While admitting that the exciting cause is the selfish outgrowth of man's physiology, something must be conceded to woman's own physiologic desires. The sentiment of love is founded largely upon the maternal instinct in woman, and she is not always logical nor just to herself in satisfying or attempting to satisfy that craving. A young,

inexperienced girl, blinded by the emotions of love and inexperienced idealism, is safe only in so far as the self-control and innate honor of her lover make her safe. Fear of consequences may inhibit the desires of both man and woman, especially of the latter, but the domination of will over desire is not often effective in women in whom selfishness has not been developed. When unworthy love enters the door of woman's boudoir, virtue, reason, and will are likely to fly out of the window. Moralize as they may, our social purists cannot alter the fact that a woman in love with a weak or unprincipled man is a woman in danger. That men of the best intentions often lose sexual self-control, sometimes to their everlasting regret, must be conceded by every one who knows human nature. Whether or not the woman who falls is forever lost depends on the attitude of her lover, whether she is discovered or not, her moral balance, her environment, and necessities. A single indiscretion does not make a prostitute, any more than a single bottle makes an inebriate.

Platonic love is believed by some not only to exist, but to be safe meeting-ground for the sexes. Mutual respect and admiration often exist between the sexes,—heaven help the world if it did not,—but platonic love is but a phantasmagoric *pons asinorum,* over which the sexually apathetic female and the incapable male may approach the opposite sex. Woe betide the normal man or woman who trusts it. The Lie of Platonic Love is a reef on which many credulous dupes have been wrecked.

Nymphomania, from sexual or nervous disease, is found among all classes of prostitutes as a definite cause of woman's depravity.

As already stated, the element of female physiology in the causation of prostitution is usually forgotten by social philosophers. Its suggestion is resented by many, more especially by female reformers, and that large portion of femininity which condemns the erring but does not in the least understand the causes of prostitution. The large percentage of women who are permanently frigid, and in whom normal sexuality is a matter of marital education entirely, cannot, of course, understand the moral lapses of her socially less fortunate but more normal sisters.

Still less can she understand the sins of the woman born with abnormally developed sexuality,—the sexual degenerate. The sexual *furor* of the diseased brain or the hysterical nervous system, recognized as nymphomania by physicians, our frigid female philosopher knows still less of. Her explanation of the social evil is male desire and female frivolity; this is as far as she ever gets. What knows she of that Eternal Feminine which craves for the Eternal Masculine? How shall we explain to her the maternal instinct, crying out in the wilderness of the legitimately unattainable,—the voice in the darkness of conventionality? She cannot understand—nature has prevented her. Even as the doctrines of Buddha are merely word forms in the Caucasian mind, so are physiologic and psycho-sexual phenomena a *terra incognita* to the female moral philosopher.

But for the purposes of this chapter, and for the sake of argument, I am more than willing to assume that the Mosaic cosmogony is correct, and that man's downfall was due to the malign influence upon woman of the rib from which she sprang, not to any of the qualities properly belonging to her sex. I will also admit that most of woman's evil qualities are to-day due to the vicious heredity imparted by the rib. The snake was merely an incident; he always is. His cloak fell upon man, as his legitimate successor, and man has been attending faithfully to the temptation business ever since. Indeed, a photograph of the original snake, were such procurable, would quite likely bear a strong likeness to Adam himself.

Some one has said, "God made man, but man makes woman." There is much of truth in this. Woman is naturally pure, as compared with man. The normal maternal instinct has not in it the selfish soul of evil. Man determines whether the universal mother heart shall have a legitimate outlet for its emotions,—a legitimate satisfaction for the maternal instinct.

The bearing of various social and economic conditions upon prostitution is more pertinent than upon criminality. Individuals whose honesty and regard for the rights of others are an unstable quantity are often deterred from overt acts through fear of the law. This source of inhibition is inoperable in the case of prosti-

tution. There is no penalty other than social ostracism attached to it, and this may be escaped by concealment. Detection of crime is not so easily avoided. Another important point is that the co-operation of one or more individuals of the opposite sex is necessary to prostitution. Crime, however, can be perpetrated single-handed. A large proportion of the male sex fosters prostitution, and incurs no penalty in so doing. Persons are rarely forced by others into crime; women are often forcibly coerced into prostitution.

SEX STANDARDS

The objection made by some moralists to attempts at the logical study of prostitution is that a double standard is thereby set up, one for man and another for woman. This question deserves consideration.

In the first place, prostitution is a social institution that was established so long ago that the memory of man runneth not to the contrary. It exists in every social system. It was once "respectable," as in Sparta and Greece, where public courtesans were treated with the greatest respect and consideration. In the Temple of Corinth religion made prostitution sacred, and women were set apart for the purpose. In certain parts of the Orient it is to-day a religious rite. In Paris, the centre from which civilization radiates, the prostitute is a very important "personage." The more noted of the demi-monde set the fashions for the world. Their salons are frequented by the masculine élite. Wealth, culture, genius, all are thrown at the feet of the Parisian courtesan. There is nothing clandestine about her calling, nor in the attentions paid to her by her *clientèle*.

The dividing line between man and woman, so far as prostitution is concerned, was drawn the moment prostitution sprang into existence. The institution was founded on man's desire to purchase, quickly responded to by woman's willingness to sell, from necessity or otherwise.

In the strict sense of the term, male prostitutes are abundant. According to the sense in which the term is usually employed, they are rare, although the "kept man" is not an unknown

quantity. Prostitution as a business is almost unknown among men. I have never known of but one house of prostitution in which the inmates were men and the patrons women. This was described to me by a well-known police official of one of our large cities many years ago. In speaking of the rarity of such institutions, I am, of course, excluding male sexual perverts, who have resorts in every large city.

It is evident that the question of prostitution does not revolve around the relative degree of morality possessed by the prostitute and her male patron, nor yet around the question of whether or not the patron should receive the same social ostracism as does the courtesan. We are discussing conditions as they are, not as they would be were human nature perfect.

The average moralist who advocates the single standard for man and woman does not seem to be particular as to how moral sex equality shall be secured. He or she most often complains of the restrictions placed upon woman, rather than of the license given to man. The complaint is often an innately depraved woman's cry for license. Exactly how the world will be bettered by reducing woman to man's moral level is not apparent. Social reformers and advocates of woman's rights mostly complain, not that man has too much license, but that woman has too little. So far as my personal observations go, I have no reason to believe that the assumption of masculine liberty on the part of women is conducive to morality. When woman shows an inclination towards the freedom accorded to man, he is usually only too willing to help her, for his own ends. From liberty to license is but a step, a step often taken almost unconsciously. Masculine freedom is sometimes safe for woman—but look at the woman. Masculine in mentality, features, and tastes, and physically unattractive,—why should she not be safe?

Man demands much of woman, much that he is unwilling to grant her. But, after all, is this not as it should be? Man's ideal of what woman ought to be is based upon his conception of what she normally is,—higher and better than himself; aye, as high as the angels. His own selfish desires are the chief factor in dragging woman off the pedestal upon which he himself has

placed her, yet if she resists he idolizes her. His method of separating the tares from the wheat is illogical, unfair, and contradictory, it is true, still it is his method. Man is strangely inconsistent; he worships what he persistently tries to destroy.

Natural law laid the foundation of a fundamental sexual difference between man and woman. It is this difference that makes a double moral standard possible. It enables normal woman to rise above the moral plane to which man's nature inclines him. Underlying much of man's immorality is the fact that nature designed him as a polygamous animal. Social custom in Christian communities has wisely and properly put polygamy under the ban, and inhibited, to a great extent, man's polygamous instincts, but they are not so far under control that they do not drag a large proportion of normal men down to a lower standard than the artificial one set for them by society as a matter of expediency, bringing the male sex nearer the primordial plane upon which it was placed by biologic law.

A moment's reflection should demonstrate to any thinking individual the primarily polygamous nature of the human male. The sexual instinct was not given man for his pleasure, but for the purpose of procreation. It is, in effect, a species of hunger. Back of it all, possibly, is chemical affinity. Whatever its nature, it is the bond that makes kin the whole organic world. In the higher animals the pleasurable performance of the function is purely secondary. Were it not necessary, in order that a given species should not forget the function altogether, the pleasure would not exist. When the object of the sexual act, impregnation, has been accomplished, both act and desire should cease. In distinctly monogamous species they do cease. In all species save man, they cease in the female. In monogamous lower animals they also cease in the male. I believe that their persistence in the human female is the outgrowth of the adoption of monogamy by naturally polygamous man. They are the outgrowth of woman's response to the physiologic demands of man. There should be neither sexual desire nor cohabitation on the part of woman during lactation. Their persistence is explicable upon the same grounds as during pregnancy. Sexual

desire on the part of the human male during the pregnancy and lactation of his mate is fundamentally natural. He differs in this respect from his biologic next of kin, the gorilla, chimpanzee, and other anthropoids who are monogamous. Nature did not intend that the sexual function should lie dormant in him during the period in question. In monogamous social systems the result is either illicit adventures or the performance of the sexual function on the part of his pregnant or nursing mate for the sole purpose of physical gratification. The idea that this is in conformity with natural law is absurd. It is neither complimentary to biologic law nor to Deity.

Man's power of procreation lasts, upon the average, from forty-five to fifty years; woman's about twenty-five to thirty years. Sexual desire lasts far beyond the period of procreative activity. A man at from thirty-five to forty-five is in his prime. His desires are not so active as in youth, but if he be in normal health, he is as well or better fitted for the procreation of desirable children that at any period during his sexual career. He may go on procreating healthy offspring for many years. A comparison of this period with the corresponding period of woman's sexual life shows the situation at a glance. The persistence of sexual desire in woman after the menopause is artificial, and due to long cultivation by response to man's desires in monogamous relations. It has no longer a natural object, for the power of procreation has ceased. Indeed, the power of procreation entirely ceases in many women, and diminishes greatly in all, long before the menopause. Unless it be claimed that the sexual function was primarily designed for human pleasure, the foregoing comparison of the sexual life of man and woman should convince one that man is polygamous by nature. The instinctive tendency of the male towards polygamy is one of the conditions against which normal men who would be moral have to fight. It is one of the fundamental causes of sexual vice. Once social inhibitions are removed, man drops only too readily into his natural rôle of woman-hunter.

Woman becomes polyandrous only as a result of disease, degeneracy, or vicious surroundings. Her natural bent is not

towards polyandry. She has not that to fight. If she had to combat natural polyandrous instincts as well as man's polygamous instincts and acquired depravity, her position in the moral scale would be low indeed. Social custom is repressive of sexual indulgence in woman. She is normally less sexual from the stand-point of pleasure alone. Normally, her sexual instinct is the outward expression of the maternal impulse. Once this craving is satisfied, the purely sexual impulse should be relegated to the background in her physiology. Conjoined with the repressive influences of our social conditions, the normally passive sexuality of woman modifies her heredity to a marked degree. As already remarked, a large proportion of women are normally frigid. A certain proportion of those who are not so normally are frigid until sexually trained by man.

In man there is no normal outlet for sexual desire save the act itself. In women the menstrual molimen serves this purpose. There is little doubt that nature designed that the act of procreation should occur just prior to menstruation. The preliminary congestion is associated with heightened desire, which the menstrual flow relieves. There are, then, many natural reasons for the general adoption of a double standard of morality for men and women. Laying aside all physical reasons for a double standard, heaven help the world when the natural purity of woman, as compared with man, is no longer recognized, and she is dragged down to his level. Man, without his ideals of femininity, would rapidly degenerate to savagery. There would be nothing in this world worth striving for, and very little worth living for. Sin is blacker in woman than in man, simply because she is by nature purer and has farther to fall. As a distinguished professor of ethics once said, "By condemning the sexual sins of woman, more than those of man, we pay her the highest and truest of compliments." [1]

Be it not understood that I believe that man should not rise more nearly to woman's level. I simply claim that he has not

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[1] Remarks of Mr. M. Mangasarian, before the Sunset Club of Chicago.

yet so risen, and protest against any attempt at a sexual equality which shall drag woman down to his lower plane. The ideal masculine cannot be raised by lowering the ideal feminine. Of the necessity of raising man's sexual standard I shall speak again. Thus far, we have merely dealt with conditions as they are; with the present status of the conflict between natural law and innate depravity, on the one side, and social expediency and morals on the other.

THE SUPERFLUOUS WOMAN.

It would be very dangerous doctrine, indeed, to say that monogamy is not the best and safest relation of the sexes under our present social conditions, but just as the soul of good may be found in some things that are evil, so the essentially good may contain the germ of evil. The institution of monogamy certainly has its defects, not the least of which is the "superfluous woman." The disproportion in the number of males and females existing in some social systems has had its influence in the etiology of prostitution. The ratio of males to females varies in different social systems, but in old-established communities the proportion of females is often far in excess of the males.

There are many industrial and social problems that have the superfluous woman as their nucleus, and most of these questions are intrinsically related to prostitution. Female competition in the labor market and inferior wages for females are important in this connection. The prime consideration is the fact that if polygamy was part of nature's original human sexual plan, man was primarily supposed to care for as many females as his tastes and purse would permit. The corollary of this proposition is that despite its blessings, monogamy has, to a certain degree, aided in depriving woman of her natural means of support, and has driven her to obtaining it by hook or crook. The paucity of means of earning an honest livlihood open to woman comes into operation here.

In new communities, where women are scarce, prostitution does not develop locally. Respectable women receive multitudinous offers of marriage. Prostitutes exist, but they are imported,

not local products, and the dividing line between virtue and vice is very clearly defined. Clandestine prostitution does not often exist in frontier settlements; women are too speedily classified.

In the New England States, especially in the factory towns, the female population greatly outnumbers the male. Vice flourishes in these towns. Years ago, Sanger [2] called attention to the fact that the New York procuress found the factory towns of Yankeedom a fertile field for raising recruits for the brothel. He relates an instance in which a large family of sisters was enticed to the metropolis, one after the other, and with a clear understanding of their destination before they left home, entered certain houses of ill fame,—" Sister's Row." My own observations, made some years since in New York reformatory institutions and hospitals, led me to the conclusion that conditions had not changed greatly since Sanger wrote.

INDUSTRIAL CONDITIONS

Industrial conditions have always been a most important factor in the social evil problem. Never in the history of this country has it been so prominent as it is now. Interwoven with the industrial factor is the increasing cost of living and the real, or alleged, necessity of keeping up appearances, under the pressure of social demand. The so-called higher education of the proletariat is also an element. Women are fast crowding into the industrial field and occupying positions hitherto filled by men. This is retroactive. Women are underpaid, and men must of necessity be forced to adapt themselves, to a certain extent, to woman's salary plane. Women are, however, refused the same pay for the same work as men demand, and whenever the exigencies of the position will permit she takes man's place. This is not due to any desire on the part of the employer to enhance woman's comfort in life. He is simply putting the commercial screws to the last notch, to express a larger percentage of profit for himself.

Women in factories are worked like beasts of burden, at

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[2] History of Prostitution.

starvation wages. Sweat-shops employ women in shirt-making at so much a dozen. When the shirts are done and delivered to their employer, he often finds the workmanship "defective," and refuses to pay more than half the stipulated sum. Sometimes he refuses to give any compensation whatever, *but he sells the shirts at the usual price.*

That there is a causal relation of adverse industrial conditions to prostitution can be proved in a very simple manner. A comparison of the wages of the average shop-girl with her necessary expenditures is all that is requisite. The self-supporting woman on a small wage is in a very precarious position, especially if, as is often the case, she must dress decently to hold her position. A girl living at home can, of course, work in a small salaried position, and keep up a good appearance, without resorting to immorality as a means of subsistence. Living is so expensive that it is almost impossible for a woman of refined tastes to live and dress decently on less than six hundred a year, yet how many there are who receive much less. She must be a good manager, indeed, who can make ends meet on the salary often paid, if she is compelled to "keep up appearances."

An enterprising woman once visited many of the city's factories and workshops to investigate the conditions of the working girls. The story told was pitiful. It was found that in most of the places visited that labor was a bondage, the laborer a slave, and blood cheaper than thread and needles.

A child of fifteen was working nine hours a day to earn sixteen cents; another girl of seventeen earned eighty cents a week, working from 7.30 in the morning to 5.30 in the evening. A young woman engaged in making bustles received fifty cents a day. In another shop, wages ranged from one dollar to three dollars a week. There were hundreds of grown women who toiled from morning till night in the "slop shops" for two dollars and three dollars a week. In reply to questions, one young girl said,—

"I work ten hours a day and make from four to five dollars a week."

"What does your board cost?"

"With washing included, three dollars a week."

"How much do you pay for your car-fare?"

"At least sixty cents a week."

A liberal estimate would give this girl a margin of but one dollar and forty cents after sixty hours' work, or less than twenty-five cents a day.

Many of the places in which the poor creatures toil are unfit for human habitation. They are adjacent to, or surrounded by, garbage boxes, festering ponds of water, or masses of filth, giving off stenches galore. In one shop there was a rotten and broken flooring through which penetrated the foul odors from a stable.

Many of the workshops are poorly lighted, to the ruin of the eyesight of the workers, while the air is often poisoned from lack of ventilation. The girls are required to wash in dirty water, to dry their hands on their underclothing, and to wait in line before crowded, filthy water-closets. Neither health nor self-respect is possible in such surroundings.

The department store is the great modern feeder for the brothel. Long hours, hard work, poor pay, and dressing well under compulsion,—these things do not make for virtue. The proprietor of the great department store has not been slow to take advantage of the industrial situation. His demand that his female employees dress well and the small salary that he pays are the mill-stones between which the virtue of many primarily decent women is ground to powder. The overworked, underfed shop-girl has no recreation, no luxuries, and scant comforts. How often an evening at the theatre, a good dinner, and a bottle of wine weigh heavily in the balance with virtue the man of the world knows. The way seems easy, it is very attractive, and, once she has learned the road, all she has to do is to increase her price, and the game is hers. From entertainment to mercenary demands is a short step. As her income swells, she grows more luxurious in tastes. The occasional "tip" of sin is soon insufficient to meet her demands. First comes promiscuity, then the public brothel or the street.

Some phases of the industrial problem are especially perti-

nent as bearing upon prostitution. The instance has been known where women applicants for positions in large stores have objected to the salary proposed, and have been politely informed that they had the privilege of adding to their incomes in the "usual way." It is not an uncommon experience for women applicants for positions as stenographers to be informed that their employment is conditional, depending entirely upon their subservience to certain demands on the part of their prospective employers.

The steadily increasing expense of matrimony is a causal factor of prostitution that demands most serious consideration. The old idea that two persons, plus prospective children, can live upon an income which barely supports one has been pernicious in its influence. Young men and women are learning the fallacy of the old notion, and are chary of matrimonial alliances. When the fallacy of matrimony on a pittance is not understood and marriage is undertaken, serious trouble sometimes results. The young man is only too often tempted into crime, and the woman into what is equally bad.

The growing prejudice of youth against manual labor, and in favor of the so-called genteel occupations, is a deadly and insidious social and moral poison. The young man born of industrious, hard-working parents scorns his father's mechanical or day-labor occupation, and aspires to something better. He has, perhaps, a smattering of education, just enough to stimulate ambitions that he can never gratify. There is for him no dignity in honest labor. In many instances his chances in the battle of life are much less than his father's, whose occupation, while less genteel, is more productive. The daughter of the proletarian yearns for the shop and store, with their temptations and starvation wages. She, too, has ambitions that are the unhealthful product of her environment. These ambitions she can never gratify legitimately; where they often lead every sociologist knows. She spurns domestic service and abhors matrimony in her own sphere. The males of the sphere above her are not slow to take advantage of her ambitions, but not in a way conducive to her best interests in the battle of life.

The rise and fall of prostitution in correspondence with the ups and downs of commercial and financial interests is so evident that it scarcely deserves mention. As a broad general proposition, it may be stated that the proportion of prostitutes in any given community is inversely to the degree of general prosperity. The proportion of prostitutes in a given community fluctuates with the cost of living. Prostitution follows in the wake of great wars, famines, prolonged strikes, and panics as persistently as a bloodhound follows a fresh trail. Poverty and prostitution are close friends.

EARLY BEGINNINGS

A large number of prostitutes have been trained to the life from childhood. Foundlings, orphans, and the children of poverty-stricken or vicious parents often have no chance for a moral life from the very beginning. They grow up vicious, immoral, mentally undisciplined, and physically unclean. They fall long before maturity in most cases, and rarely rise again. This class exists everywhere, but is most numerous in Europe. Organized societies for debauching young girls have existed, and doubtless still exist. The revelations of the *Pall Mall Gazette* in 1886 showed this fact in all its hideousness. Lombroso relates a case of a woman in Paris who made her living as a procuress of young girls on commission.[3]

It is very probable that by far the larger proportion of prostitutes begin their lives of shame before they have attained their majority. Le Pileur secured authentic information in one thousand cases, and found that seven hundred and fifty-eight became prostitutes before their twenty-first year, and one hundred and nine before their sixteenth year.[4] Waifs and unprotected children have no rights which vicious men consider themselves bound to respect. I recall that some years ago there was a large number of newsgirls plying their trade in the vicinity of Chicago's greatest business corner. These children varied from six or seven to fifteen years of age. Within a few months every one

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[3] The Female Offender, Translated by Morrison.

[4] Conference Int., Brussels, 1899.

of them became syphilized. The resulting endemic of syphilis among the employees of the neighboring offices and business houses was finally brought to the attention of the police, and the newsgirl as an institution became a thing of the past. No effort, of course, was made to prevent the children's contamination originally, and no inquiry was made as to their subsequent fate. Some of them afterwards entered brothels. No one was ever punished for their debauchment. They were treated as though they had wilfully debauched and infected themselves.

The aged and middle-aged professional *roué* is more often responsible for the debauchery of young girls than is the thoughtless or depraved youth. Satiety breeds a demand for novelties. In every large city in this country men of advanced years are to be found whose all-absorbing passion is the quest of victims among young and innocent girls—mere children, indeed. Any one who gets the confidence of the crossing policeman on any down-town corner can get information on this subject. A hospital patient, a keeper of a house of accommodation for "transients," told the resident surgeon that a certain elderly business man had brought no less than fourteen girls to her house in the course of a month, none of whom were over seventeen years of age. The quest of young victims is often a mania with such men. They are the victims of a psycho-sexual anesthesia, the result of exhaustion of sensibility from over-indulgence. Novelty alone serves to titillate the sexual cerebral area of such debauchees.

ALCOHOLICS

Indulgence in alcoholics is the open sesame to many a woman's virtue. Intoxicants are dangerous enough to men; to women they are especially disastrous. The virtue of the woman with the drink habit is always in danger. If she escapes falling, it is by virtue of good luck rather than good judgment. What might safely be considered moderate indulgence in man is decidedly immoderate in woman. It would appear that the increasing consumption of alcoholics by women, associated with the undoubted increase of neuropathic conditions among them, is

tending towards a lowering of the average moral plane of femininity in our large cities. That the effect of alcohol upon woman's will-power and sense of moral responsibility is well known and utilized by the *roué* will hardly be disputed.

The lack of moral balance, and defective will, produced in the female by alcoholics are even more marked than in the male. Her emotional organization being more susceptible than that of the opposite sex, the special danger of the alcohol habit to woman is readily understood. The relation of an uncontrollable appetite for liquor in woman to the sale of her person for the purpose of securing money with which to purchase the desired stimulant has been expatiated upon elsewhere.

VICIOUS TRAINING AND IGNORANCE OF YOUTH

Vicious and illogical training of youth is one of the feeders of prostitution. Boys are taught by older men that fornication is manly, even that it is necessary. Such training, associated with ignorance of sexual physiology and the ebullition of undisciplined sexual impulses at the age of puberty, is most disastrous in results. The Lie of the Wild Oats is the reef on which many a youth's life has been wrecked. The belief is quite general that every youth of stamina "must sow his wild oats." Some go so far as to say that he cannot amount to anything unless he does sow more or less of them. Many women have been heard to say that penitent *roués* make the best husbands, not recognizing the fact that where one man is strong enough to overcome his evil experiences, a hundred are wrecked, morally and physically.

That the average young man sows wild oats in the present conditions of society is indisputable. That the more substantial and manly men are often the ones who have paid particular attention to their sowing is true. That some men who never sowed any were not much to begin with is also true. If fear, or lack of animality, had not been more prominent in such men than in their erring brothers they would have joined their ranks. That some "goody-goody" young men, who have never been tempted, fall into evil ways later in life cannot be denied. That penitents

often make good husbands is a matter of common observation; whether they have been scared into good behavior or have simply matured in judgment matters not. On the other hand, many young men who might have been ornaments to society have been ruined for life by wild oat sowing. That any man is better for wild oat sowing, save where its terrible results bring a naturally weak and vacillating character to his senses through psychic shock, is false. "Boys will be boys," they say. Oh, yes, dogs will be dogs; but does this lessen the virulency of hydrophobia? The wild oats theory was probably invented by a fake social philosopher, who had sins of his own to apologize for and no diseases acquired by early indiscretions to modify his opinions.

Almost every boy at some time in his life is taught by his elders the Lie of the Wild Oats. His father and grandfather learned it before him, and followed where it led. The man who escapes its dangers does so by great good luck, or by virtue of a strong organization, moral, mental, and physical, that nothing can shake. That any man who sows can altogether escape reaping is a fallacy. Physical, mental, or moral scars remain, and while the world may be satisfied with him, he is never satisfied with himself. Man's sexual lapses in after-life are often due to his chasing some psychic will-o'-the-wisp; some youthful experience which, like the circus of his boyhood, seems ideal. Impressions made upon the hyperesthetic psycho-sexual centres of youth at a period when its emotional organization is especially impressionable leave a memory that overshadows all its future life as a false ideal. The grown man may not know it, but his pursuit of sexual pleasure, that is always just beyond his grasp, is an unconscious chase for an ideal that no longer exists. His erotic desires are a reflex from a psychic scar that will never fade nor become dulled in sensitiveness so long as his physical sexual capacity remains unimpaired.

Shall youth be exposed to debauchery to strengthen it? No, a thousand times no. Protect youth from wild oats influences until its judgment is mature, and there will not be so many brands to be plucked from the burning. Inasmuch as women

have written themselves into the wild-oat conception of the male ideal, here are a few pictures for them—pictures only too familiar.

Picture 1.—A certain health resort—the sink-hole into which a large part of the immorality, crime, and disease of America is dumped—has a hundred thousand visitors annually. Of these, a large proportion go there to harvest their wild oats crop. Visit one of the government "rale holes," defender of the wild oats, and tell me how you like the harvest.

Picture 2.—A hospital. Here is a group of locomotor ataxics; there a group of deformed children; yonder, a girl in her teens is nursing a child who is not wise, for it knoweth not and ne'er will know its father. More wild oats.

Picture 3.—An asylum. Here is a case of general paresis; there a melancholiac; in the next room a maniac can be heard shrieking. Wild oats a-plenty.

Picture 4.—A police court, full of drunks, criminals, and bums. Wild oats again.

Picture 5.—A jail. Here are wild oats of the striped, short-haired variety in abundance.

Picture 6.—A foundling asylum full of children, cursed before they were born by society's cruel term, "bastard." Poor little wild oats.

Picture 7.—A doctor's office, full of anxious men, and still more anxious women, who do not gossip much about their ailments, even among their intimates, save where the women are told by the doctor a euphonious fairy-tale for home use. Wild oats growing in the dark.

Picture 8.—A brothel. Around the "reception" room sits a collection of poor devils, many of whom were originally sacrificed in aiding our youth to sow its wild oats. They are now getting poetic revenge, as the doctor knows.

Picture 9.—A beautiful girl was found dead in the river one fine morning. What was she doing there? Washing the wild oats out of her life.

Picture 10.—A pistol-shot rings out in a gambling-hell—a man falls dead. The gun was loaded with wild oats.

Picture 11.—A bank cashier flees to Canada; he is looking for a market for his wild oats.

Picture 12.—A series of deserted babies are found in the snow. Who planted them there? Will wild oats grow in the snow?

Picture 13.—A wife, surrounded by hungry children, is sitting weeping—eating her heart out. John is on a drunk; he has whipped her, is in jail, or has deserted her. Wild oats are not a poultice for a broken heart; they are poor food for babies; they do not buy coal, nor cover nakedness.

We doctors know the wild oats crop under numerous terms. Crime, inebriety, syphilis, paresis, locomotor ataxia, and gonorrhea are chief among them. What the consultation-room does not tell us the operating-table does. The woman who prefers the graduate of the wild oats college would better look at the pathologic specimens taken from innocent wives, and see how they tally with the wild oats of some husbands' youth.

There are thousands of syphilitics and tens of thousands of gonorrheics in every large city in the world. Add to these the other wild oats products, crime, prostitution, inebriety, and insanity,—all the conditions of degeneracy,—and we can never offset the frightful record with an occasional brand plucked from the burning, or "burnt child who dreads the fire."

The Lie of the Wild Oats is based upon the misapplication of the theory of a separate standard for men and women. The young man may sow his wild oats, but the young woman must not. As the sowing of wild oats by the one necessitates the co-operation of the other, I cannot precisely follow this line of reasoning. What made the thousands of prostitutes in every great city? What supports them? What keeps the supply equal to the demand? Wild oats, good friend, wild oats. Wherever immorality, vice, disease, crime, drunkenness, and insanity most thrive, there, if we dig down to the very root of these evils, we find wild oats the thickest.

Let the gray-beards who learned the wild oats lie from society's primer speak. Are not the wild oats of yesterday watered with the tears of to-day? Do not their vicious roots lie

deep in the ashes of despair? Are they not garnered with the sickle of regret and threshed with the flail of disease and pain?

SEDUCTION

Seduction as a cause of prostitution has always been assigned the first position by moralists. I am not prepared to so accept it off-hand and without question, nor am I disposed to ignore it as some sociologists do. The chaplain of the Millbank Prison, in England, has often been quoted as having found only eight hundred out of sixteen thousand prostitutes, in whom seduction could be assigned as a cause. These statistics are very misleading,—first, because they bear only upon prostitution in England, among the lowest class and in London almost exclusively, and secondly, because the influences that directly drive women to the street or brothel would be inoperative in many cases had the woman not already lost her virtue. Virtue once lost, it may be readily understood that the one great barrier to a life of shame has been swept away. As already stated, society's ostracism of the "first offender" has had much to do with this. Inasmuch as society has sentenced her, the woman often sees nothing but the brothel ahead. She is much like the man who has been caught in a petty theft, and at whom every man's finger is pointed. Quoth he, "I have the name, why not the game?" Oftentimes the "Honor lost, all is lost" dogma is seized upon with avidity by the natural-born prostitute as an excuse for adopting a life of shame, although her fault is not known. This point must be taken into consideration. While in the majority of cases the man is at fault, there is a certain class of women whose seduction is a literal impossibility. There may be a first offence, but a seduction, never. This class of women comprises a certain proportion of the prostitute class. They are typic degenerates, moral or physical, or both; some are nymphomaniacs. The term "ruined," as a valid excuse for such women's lives, is fallacious, in view of the fact that thousands of women who have been seduced have never entered brothels or become clandestine prostitutes. They made a misstep, it is true, but were primarily and innately virtuous. The woman who is found out is the only

one who has even a social excuse for a life of prostitution. She may or may not be a degenerate.

Seduction under promise of marriage, without its consummation, is comparatively exceptional. In most cases, probably, the woman falls from grace without a word having been said about matrimony on either side. Matrimony is here the woman's afterthought. Sometimes it is not thought of at all on either side, or at least not until the woman discovers that she is *enceinte*. That young lads are often seduced by lewd women is a matter of common observation; so common, indeed, that an "age of consent" should be universally established for the male as well as for the female.

The situation may be summed up in this wise:

1. Seduction is responsible for the primary fall from virtue of most prostitutes.

2. There is a numerous class in which the woman is more than compliant, and perhaps seeks danger, or even enacts the active rôle in the so-called seduction. This class of women comprises the degenerates. The victims of nymphomania from nervous or sexual disease and most of the low-class prostitutes come under this head.

3. Necessity impels many women to prostitution. It operates with special stress upon women who have already fallen, who are prone to exaggerate their necessities in the face of the temptation to lead an easy and luxurious life.

4. Prostitutes often adopt the life from choice, and remain in it from choice. The average clandestine prostitute is such as a matter of volition. The clandestine prostitute who, under the cloak of respectability, taints middle and upper tendom is a typic harlot, as a rule, who is to the manner born.

ATTITUDE OF THE PROSTITUTE TOWARDS HER OCCUPATION

The point of view of the sociologist depends largely upon the class of women among whom he makes his investigation. Inquiry among high-class and low-class prostitutes develops widely varying results. As a rule, the high-toned woman of the town frankly acknowledges that she prefers the life she

leads to any other. When she makes complaint, it is from some ulterior motive, or possibly it is a case of "sick saint, well devil." If she is sick or rapidly losing her beauty, her penitence may be extreme, especially if she is under the questioning of a social reformer whom she desires to hoodwink. In many cases the woman is attractive enough to enable her to marry and live a respectable life away from the scene of her shame, if she would.

A public woman of the higher class was once asked, "What will you do when your beauty begins to fade?" "Oh," she replied, "I'll go back to the little country town where I used to live, marry some jay, and settle down. Nobody knows where I am, or what I'm doing. That's the way lots of us do."

Strange to say, like the male penitent, some of these women who "settle down" become unassailable models of domestic virtue.

Inquiry among the diseased, inebriated, poverty-stricken, lower-class prostitutes discloses a different state of affairs. They usually express penitence, unless lost to all knowledge of what the term implies. In most instances they would really like to do better, from the stand-point of physical comfort, but their ability to reform is a delusion of the reformer's mind. I have seen the experiment of reformation tried time and again, but have never known a success among this class.

In brief, the high-class courtesan rarely wishes to reform, so long as she is in demand. In most cases she could not if she so desired. The middle and lower-class prostitute, as a rule, cannot be reformed, although she often expresses a wish to be. Harsh opinion this, but twenty-five years' observation in and out of public institutions has convinced me that it is the truth. Not that I would discourage the reformer. Let him go on in his noble work, and save what souls he may. He will never affect the proportion of prostitutes in our social system one way or the other, perhaps, but if he wins an occasional individual victory, all praise be to him. That proper religious, moral, and educational influences brought to bear upon both men and women have a repressive influence is admitted. This is not the first instance where means which are to a certain extent preventive

are a failure as a curative method. The proportion of prostitutes in our social system has not varied under the repressive attempts of the moralist, but he who claims that religious and moral teaching and example have not a powerful restraining influence on woman, and that they do not pluck an occasional brand from the burning, is too bigoted and narrow-minded to justify quoting in testimony. That such training cannot alone successfully cope with the question is not open to argument.

SPECIAL FACTORS

One of the most important phases of the commercial problem in its relations to prostitution is the only too frequent custom among merchants of entertaining their out-of-town customers —or having them entertained—by showing them "the sights," including the round of the various brothels. The country customer is not always an available excuse. Many a prosperous man in our great cities considers buying wine for harlots the ideal of a good time. It is a pitiable, yet absolute, fact that some of the better-class brothels of our large cities are supported, not by young men who resort to them for the purpose of alleged necessary gratification, or even for the satisfaction of innate depravity, but by men of wealth, social position, and family who have no possible excuse for patronizing them. It is true that in some instances the brothel is merely an incident in a general "good time;" it is true that many men who spend enormous sums for wine to be drunk by harlots go no further, but the fact remains that such men help to support the brothels.

A certain part of the responsibility for prostitution and its attendant evils must be laid at the door of the physician. Reputable medical men have ever been remiss in their duties to the public, so far as instructing it in sexual matters is concerned. Such information as youth obtains it gets from the quack. This is often pernicious, but not an unmixed evil. Many a boy has received his first warning from quack literature, or quack museums. The reputable physician who should write a book upon sexual matters for popular reading would immediately be swooped down upon by that stench in the nostrils

of broad-minded men,—the Multitudinous Medico-Ethical Ass, whose raucous voice and flamboyant ears are always in evidence.

The special temptations, allurements, and financial necessities of city life are important causal factors in prostitution and crime. The young woman who is desirous of self-support has her laudable ambition antidoted by the gayety of dress of the women about her, and the high fixed charges of living. The young man is corrupted by the immoral atmosphere of the city, and subjected to demands upon his pocket far beyond his earning capacity. Marriage and the home are beyond his wildest hopes. Imbued with the false and, to him, welcome notion that his life must have a physio-sexual side, he takes the usual road to the wild oats field and becomes a *debauchee* or defaulter, or both.

I am by no means exploiting communities of lesser magnitude as paragons of virtue. Many small towns are hot-beds of clandestine sexual vice. A large proportion of country recruits for the brothel were first debauched at home, not necessarily by home talent, for the small town is a fertile field for the "Knight of the Road,"—the commercial drummer, upon whose hands time is often heavy and who sometimes kills it by browsing in forbidden fields. What I have said bears particularly upon open prostitution. When the debauchery of women in small towns results from cosmopolitan agencies, the immoral atmosphere of the metropolis must bear the blame. In general, the town "conscience" is keener than the city conscience, because opportunities for concealment are less, and sexuality-fostering influences—*i.e.*, features of environment that excite psycho-sexual erethism—are not so abundant and potent as in great cities. Human nature is fundamentally in no wise different in small communities, but the inhibition of fear of detection is greater. The gentleman who passes the hat in the little white church at the "Corners," often "cuts loose" when he visits the city, in a manner surprising to all but the police, who are familiar with his breed. An occasional demure little country milliner or dress-maker, who makes periodic visits to the metropolis to

replenish stock, has been known to don and shed city ways as facilely as a lightning-change artist does his costume.

The physician is, of all men, the best situated, so far as collecting data and forming logical conclusions as to prevention and cure of the social evil are concerned. His influence in the matter of repression and regulation is most powerful when he chooses to exert it. The medical profession has sometimes been accused of aiding and abetting prostitution by advising fornication. That occasional ignoramuses and moral perverts may take this method of concealing their ignorance is true. That the medical profession as a whole does other than discountenance fornication is false. It must be remembered in this connection that the physician is confronted with two classes of males,—viz., (*a*) hitherto virtuous men or boys; and (*b*) those to whom virtue is a term the meaning of which has long since been forgotten. In the one instance he can often prevent wild oat sowing, while in the other he is usually compelled to accept conditions as they are, and offer advice based upon the knowledge that nothing will deter the patient from his usual habits.

There is one point in which it must be confessed the physician is often at fault. It is not infrequently the case that he is consulted by broken-down, perhaps diseased, *roués,* for whom he prescribes matrimony. This is most reprehensible. The prescribing of virgins for "maimed debauchees" is an unmitigated crime. It is a sacrifice of innocents upon Hymen's altar that cannot be too severely condemned. Pure women should not be considered as remedial agents, to be prescribed in the interests of the consumer. The crippled *roué* who asks the physician to repair his bodily disasters in order that he may "marry some nice girl and settle down," is a frequent picture, and a sight for gods and men.

The young girl's ignorance of the world and its ways, and of male character especially, bears a most important relation to prostitution. She knows still less of sexual physiology than of the other things necessary to put her upon the defensive. To be fond of admiration is a weakness of the sex, and where this fondness is inordinately developed, the young girl's ignorance

is likely to lead her into danger. She is susceptible to flattery, and often only too ready to listen to almost any argument, providing it revolves around an exalted appreciation of her physical and intellectual attractions. The expert woman-hunter has little difficulty in ascertaining the inexperienced young woman's special weakness. Her betrayal after its discovery is frequently a mere following along the lines of least resistance. After the first misstep, resistance to further indiscretions is more fanciful than real. Gilded vice is often very attractive to the girl who feels that she no longer has anything to lose. The weak mind sees a glamour about a life of immorality that is a veritable magnet to draw it down from the conventional plane.

A frequent element in the causation of sexual immorality in women is the malign influence of woman herself. The sexual curiosity of young girls is often excited by the conversation of older and more experienced women. It is nothing unusual for women to tell vulgar stories, or discuss marital experiences, in the presence of younger and inexperienced women. This *penchant* of the semi-occasional ostensibly decent woman is not generally recognized, but nevertheless exists where it should be least expected.

What has been said of the degrading influence of some adults upon the young, bears with especial force upon the male sex, in whom evil association and example are necessarily more frequent than in the female. Ignorance and lack of control of sexual physiology in the male, combined with evil individual and social influences are the well-spring of the social evil.

Close intimacies between young persons of either sex are dangerous. The libidinous adult who trains boys in vice is found in every community, quite as likely as not teaching the boys that masturbation is a manly thing, and possibly that indulgence in some form of sexual vice is necessary to good health. A father has even been known to take his young son to a brothel, to " make a man of him."

A special feature of female depravity is the mania that the bad woman has for dragging the decent one down to her own level. She resents morality in other women. There is no surer

way to accomplish the prostitution of women than through the agency of woman. The immoral woman will set traps for a pure one, and catch her sooner or later. Strange to say, it is the clandestine prostitute of polite society who is most dangerous to the pure. The public prostitute of the higher class usually draws a hard and fast line between herself and decent women, and does all she can to prevent them entering upon lives of shame. Whether "professional" jealousy has anything to do with this or not, I cannot say, but the fact remains.

It is not always the unintellectual woman who grovels. The intellectual woman less often descends from her pedestal than does she of coarser-grained mentality, for the reason that she is often masculine in type, but when she is distinctly feminine, and once begins a life of shame, she takes to it with astonishing avidity. She may fall in the first instance, not through immorality, but through the power of a great love. While this lasts she is safe. Her love serves as an inhibition. As soon, however, as it is removed, she often succumbs to every temptation that is thrown in her way. She may be naturally high-principled, but is weak-willed, and once her chief purpose in life —loyalty to an overmastering love—is dissipated, she throws all restraint to the winds, and either joins the great army of clandestine prostitutes or enters the brothel. Instability of nervous equilibrium is inseparable from such a woman's highly developed intellectuality. Temporarily, it is governed or checked by genuine affection, but when she ceases to love, and control is removed, absolute moral degeneracy results. Once her downward career begins, she throws decency to the winds, and not all the love and kindness in the world could check her. The weak woman who marries is safe while love lasts—no longer.

Some of the factors of environment afforded by modern social conditions are very demoralizing to youth, especially from a psycho-sexual stand-point. Literature, both ancient and modern, sacred and profane, has played a large part in inculcating immorality. To the trained, disciplined mind, no literature is injurious; but to the inexperienced mind of youth, with its turmoil of conflicting psycho-sexual emotions, the perusal of some

of it is pernicious. Suggestion is recognized as a powerful factor in psychology, and should be given due weight in connection with the subject under consideration.

The modern school of realism is responsible for such moral wreckage. Realism as such is not objectionable, but the literary realism that makes the heroine drag her bath-tub into the parlor and perform her ablutions before company is indefensible. Realism is only too often a cloak from beneath which the intrinsically depraved mind of the author may cater to the innate depravity of human nature in general. Realism assumes that there can be nothing offensive in truth,—*i.e.*, that truth is beautiful, simply because it is truth. "Truth is beauty, beauty truth," is often itself a lie. Truth has been well said to be stranger than fiction, —it is often nastier. Certain truths, like strong medicine, are not adapted to youthful minds that cannot be relied upon to go beneath the surface and see the moral that adorns the tale. When the young person is compelled to dig through yards of filth to find so diminutive a pearl as most realists have to offer, he would better seek for his mental and moral training nearer at hand. To be compelled to condone a barrel of realistic filth as the price of a few grains of alleged good intention on the author's part is asking too much.

There is much buncombe about the legal "restriction" of the publication and sale of obscene books. The splitting of hairs between things that are obscene because they are meant to be obscene, and those which are not obscene because the writer did not openly acknowledge their obscenity, is very amusing. The obscure author of an obscene book has his work stopped in the mails and himself sent to prison. A medical journal was once stopped in transmission, and much trouble was caused the editor, because an article in it was said to be obscene. Zola and Boccaccio may monopolize the mails, if it be desired, and none shall say them nay. If there is anything more obscene than Zola unexpurgated, I am ignorant of it. Taking "La Terre" as an example of his work, it is difficult to draw the line between his realism and ordinary obscenity. When the healthful reaction against vile literature comes, as it one day must, Zola's

name will be anathema, and the Decameron will no longer be a classic. Classic?—the more shame to those who made it so. It is meat for strong men, whose innocence is but a memory, and for *litterateurs* who seek for style and theme, and are anesthetized against literary filth. The "Rose D'Amour" of later days was tabooed. It was, to be sure, not so well written as the Decameron, but as a moral educator it was hardly worse. As for the Bible, a revised and expurgated edition should be published expressly for youth. With not the slightest intent of irreverence, I claim that the Scriptures would gain weight and moral influence were this done. The vulgar human tinge which they possess, here and there, does not tend to enhance their claims as a product of divine inspiration. The ethics which the Scriptures might teach the young is sometimes lost in the immorality that the curious mind of the child picks out as one might plums from a cake.

Some of the classics, and many more modern books, are wonder-workers of harm to the young. Such books as the Decameron, Heptameron, the unexpurgated Arabian Nights, Rabelais, and Zola's productions should be denied the young, given in sparing doses to the mature, and permitted chiefly to the old, upon whom their aphrodisiac effects are likely to be *nil*. Many a man and woman has extolled the literary beauty of these books who would not have read two pages of any one of them had their salacity not been in evidence. The exceptions are the literary connoisseur and the sociologist. To specialize on Rabelais, I will say that, although the dogma of literary infallibility invests the old ruffian like a halo, "dear old Rabelais" is vulgar old Rabelais, just the same. The world has been made worse, not better, by every such production.

Dean Swift was a great satirist. His mind was a well, at the bottom of which were gems of thought, but the well was a poisoned one and a muddy. Possibly the youth of that day were not so susceptible as ours; besides, morals has changed. More than likely, youth was not then especially addicted to midnight oil. Certain it is that some of the intellectual meat Swift gave his generation is too strong for the youth of ours.

Balzac apologized for the immorality of genius. Mesdames George Sand and George Eliot devoted their lives to demonstrating and exploiting their antisocial views of the sexual relation. A great tragedienne, now living, alluded to her son as an "accident of love," felicitating herself the while on the multiplicity of her amours, and the paucity of accidents attending them. Sexual liberty is probably not too high a price for the world to pay for its geniuses, but the youthful mind knows little of social values.

The publisher of erotic literature lays the blame upon the public. "The public demands such books, therefore I sell them." The fallacy of this argument is obvious enough, as will be seen later, but we will concede the public demand. It is a sad fact that the average man and the more than occasional woman or girl will sneak behind the door to devour a lewd book or picture. Many Parisian tourists bring back to America books and pictures peculiarly French, and have no difficulty in finding people who appreciate them.

Whatever defence may be put up for salacious and erotic literature, the fact remains that it is responsible for much moral depravity and chaos in the minds of young persons. The turbulent psycho-sexual emotions of pubescence are heightened and perverted by improper reading. Just as the growing lad absorbs pernicious ideas of heroism from the exploits of road-agents and pirates, so both boys and girls absorb feverishly unhealthy moral impressions from the erotic romances of literature. The wrong kind of reading has ever played a prominent part in populating the brothel.

The yellow journal must bear its share of the blame. Sexual vice is blazoned to the world in all its varied forms by the great modern daily. The impression gained by young persons is that sexual immorality in high places is smart, and not at all reprehensible. The amours of a stage celebrity are glossed over in such a way as to make them very alluring to undisciplined minds. Sensational divorce suits are related in every detail. The advertising pages are filled with advertisements of quack doctors and abortion shops, with all their disgusting minutiæ of

description. Oftentimes the assignation "personal" and the "matrimonial agency" are much in evidence. The press in general defends itself by the assertion that it merely gives the public what it wants. The public taste, however, like public opinion, is largely a matter of newspaper creation, and is very much what the press makes it. But papers must be printed and sold, and advertisements are the bone and sinew of the newspaper.

The degeneracy of the modern stage is so evident that it is difficult to understand how any one can be found to dispute it. The classic drama is well-nigh a thing of the past. The time is not far distant when he who would render Shakespeare from the boards will find it an expensive luxury indeed. The play with the honest moral has gone out of fashion. There is a certain counterfeit of it, in which the gross indecency of the play is condoned by an alleged moral. The fraud and deceit are so palpable as to be ridiculous. Now and again the legitimate drama, or clean comedy, asserts itself, but the average manager is afraid of it. It does not usually pay. Time was when plays that are now eagerly sought by both managers and public would have been hissed off the stage. The "living picture" of to-day was tabooed a quarter of a century ago. The occasional variety show of those days is now represented by the vaudeville craze, that tolerates exhibitions which would have laid the offender liable to legal complications not so very long since.

The better class of players themselves have begun to protest against the prostitution of the histrionic art. The modern stage is not altogether devoid of noble artists who strive to elevate it. Mansfield, with all his idiosyncrasies, has never stooped to the level of salacity. He relies upon his art alone. Of Sothern, a recent critic says, "He does fine things with spirit, decorum, and scholarship. He takes infinite pains. He shuns meretricious exploitation as men shun pestilence. He asks no odds of that whimsical but numerous throng of playgoers who regard the theatre merely as a place of amusement, and he asks fewer of certain shrewd and intensely commercial gentlemen who are willing to make obeisance to art only when it insures them large and prompt returns."

The better female element of the stage is neither unappreciative nor unresentful towards the decadence of histrionic art. Miss Blanche Walsh has expressed herself emphatically upon the pruriency of the modern play. It is a pity that the spirit and clean work of Miss Mary Anderson could not be generally accepted as a model for modern female stage-folk. There was an artist—and a woman. But the modern actress in general is bound hand and foot. She must choose between her innate delicacy and idleness and poverty.

To protests on the part of players the oily manager replies, "The public demands the class of plays of which you complain." The chief support of the immoral play, then, is "the Lie of the Manager." Human nature, as I have elsewhere remarked, has a specific gravity that tends to drag downward. Morality has been accomplished by hard work. As soon as inhibitions are removed, human nature tends to revert to the primitive condition from which it sprang. Shrewd judges of human nature take advantage of this—and who is shrewder than the theatrical manager?

The argument of "public demand" is absurd. Because human nature tends to revert to a lower moral standard is no reason why it should be pushed in that direction. A child, a weak woman, or a degenerate who once tastes liquor is liable to acquire an appetite for it. Shall we, then, feed the victim alcohol, simply because he demands it, and is willing to pay the price?

The moral decline of the modern play is, in brief, due to two causes,—viz., (1) the great specific gravity of morals—the innate depravity of human nature, and (2) the commercial shrewdness of the manager, who takes advantage of this human quality for his own ends, and caters to and develops a depraved public taste. He sometimes even enacts the rôle of procurer, by fostering immorality on the part of chorus girls to attract the patronage of weak-brained men.

Vice is put upon the stage nowadays in the most attractive form possible. I recall a play in which two well-known exponents of "refined comedy" appeared, that not only condoned

sexual vice, but illustrated it in a manner necessarily most pernicious in its effects upon young persons. A high-class brothel was depicted upon the stage, in which aristocratic men and fashionable demi-mondaines were seen with all the glitter and circumstance attending such establishments in real life. The familiar relations of men and women in the Under World, the elegant costumes, the champagne, private supper-rooms, and music were all in evidence; nothing characteristic was lacking. The effect of such exhibitions upon the impressionable minds of youth is self-evident. There was a matter-of-course, "Everybody who is anybody does it," tone to the performance that would counteract any dozen moral lessons the stage could present. The moral lesson alleged to be inculcated by most modern salacious plays is merely managerial hypocrisy,—a mercantile *raison d'être*. A small minimum of far-fetched moral instruction cannot redeem a great maximum of filth.

That the immoral atmosphere of stage-life itself has an effect in moulding the sexual ideas and habits of youth goes without saying. There are many noble men and women among players, and the actor of to-day occupies a much higher plane than he did a few decades ago, but the habit of some stage-folk of playing matrimonial battledore and shuttlecock in their private lives is most demoralizing. That matrimony is a mere form with many in the histrionic profession is so evident that to call attention to it is almost supererogation. The example afforded by the much divorced, more married darlings of the stage is very demoralizing to youth. The young person is taught one code of morals at home, and has something entirely different depicted for his instruction by certain prominent actors and actresses. As they are gods and goddesses in the eyes of youth, and do not seem to lose social caste because of their peculiar sexual customs, their young admirers are likely to move along the line of least resistance. This line, being surrounded by an atmosphere of romance, and given an especial fascination by the glare of the footlights and press prominence, adds to the difficulties of those who would fain inculcate proper moral views in the youthful mind.

Both boys and girls in these modern days often come to regard with tolerant, curious, and even longing eyes the moral lapses of social, literary, and stage celebrities. Youth, in its innocence, has difficulty in harmonizing the edict of Society, "Thou shalt not," with the special dispensation in behalf of the favored few,—"Of course, this does not mean public personages like you." Vice thinly veiled is more dangerous than the flagrant variety. Gilded though it was by mawkish sentimentality, apologized for as it was by social faddists, Du Maurier's "Trilby," with its "pink teas" and "yellow breakfasts," was insidious and deadly. A Magdalen repentant has ever been a lesson in morality, but the naïve admission of Trilby, that she had had a limited number of lovers, is hardly to be admitted to Magdalenic literature. As moral educators, some of the female exponents of the histrionic art now before the public are not brilliant examples. That such artists have a pernicious influence is apparent even to the most liberal minded. Where the personal influence of the player is not pernicious, the plays she presents are often so. Reform in this direction may eventually come, through a healthier public and managerial sentiment and the opposition of the better class of players to stage pruriency. The drama should be educational and refining, rather than a hot-bed in which to develop immorality in the minds of the young.

It is possible that carrying immoral plays to extremes may eventually kill them. The public palate may become anesthetized through sheer satiety. The novelty of such plays having worn off, the public demand may revert to decent plays as the only possible means of titillation of its palate. When the thrills produced by immoral plays cease from satiety, the immoral play may grow so commonplace that it is no longer immoral, and will cease to attract. The nakedness of the savage shocks civilized man and woman at first, but ere long is looked upon quite as a matter of course, and ceases to shock.

That the moral tone of the female portion of large communities has changed of late years is obvious. Time was when women who made the slightest pretence to respectability shunned

open participation in the prurient or scandalous. The changed attitude of the sex is well illustrated by salacious trials of divorce suits in open court. In one case occurring in Chicago the evidence was such as to make hardened men blush. Women from all classes of society, some with the peach-bloom of supposedly innocent girlhood upon their cheeks, crowded the court-room and eagerly drank in every word of the putrid details of evidence. If any of them blushed, it must have been internally, for the ordinary variety of blushes was not in evidence.

MATRIMONY AND THE SOCIAL EVIL

Certain phases of the matrimonial problem have much to do with prostitution. Society's attitude towards the matrimonial question is based largely upon mawkish sentiment, ignorance of natural law, and the impracticability of its application in every-day life. The average moralist, accepting marriage as a divine institution instead of what it really is,—a conventionalized regulation of sexual love, a civil, business, and social contract,—sees nothing in the problem save conformity or non-conformity to divine law. Quite naturally he cannot conceive of such a thing as divine error, and consequently is dominated entirely by the "Tied you are, tied you must stay," dogma. From this stand-point there can be no such thing as marital mistakes to be rectified. Infallibility of matrimonial selection is taken for granted, and invariably demanded by such reasoners.

Unfortunately for the philosophy of such moralists, however, the "Heaven-made marriage" is in real life a theologian's dream. Its divinity is sadly marred by the fact that, whatever it is in theory, in practice it is a human institution in which the contracting parties are not demigods but human beings, with all the fleshly attributes thereunto belonging. These human beings are possessed of certain animal traits, besides the intellectual attributes that are distinctively human. They stand not alone, but act upon, and are acted upon by, the other individuals who, with them, make up a social system.

The primal flaw in the matrimonial relation is that marriage is, of necessity, experimental. Neither of the contracting parties

has, as a rule, any means of knowing the true character of the other. The young man who goes courting dons his best behavior with his best clothes. The young woman courted, not to be outdone at woman's own game, lays even greater stress upon externals. She puts on her prettiest gown and "company manners," and does her best to conceal not only her physical defects, but her mental and moral flaws. Rouge, powder, and pads accomplish the one result, and clever dissimulation the other. Her mission in life is to catch a husband—honestly, if she can, but to catch him. If one or both be inexperienced, the game is an easy one, and the end assured; propinquity assists the fraud. There is no critical study of character, as a rule. The ideals of "calf love" reduced to their ultimate are largely bluff and dry-goods. When love approves, the loved one is past criticism. When the aim is a purely mercenary one, especially, there is no incentive to character study.

After marriage both love and mercenary selfishness become more critical. Marriage is not a question of an evening call or a box at the opera; it is a steady and intimate association, day in and day out, which only compatibles can face without disaster. The rose tints of the pre-marital ideal become murky indeed, when incompatibility becomes plainly manifest. Considering the impossibility of weighing the question of compatibility before marriage, what wonder that there should be so many ruptures after marriage?

Compatibility involves several elements that intimate association only can discover, and which, broadly speaking, may be resolved into physical and mental. In many instances—in the majority, perhaps—the mental and physical qualities that attract or repel are so blended that it is hard to determine where the one terminates and the other begins. Psychic impressions modify the physical, and *vice versa*. The resulting complex, aided by their imaginations, may or may not correspond to the pre-marital ideal pictured in the minds of the contracting parties. That such ideals should be often shattered is by no means surprising. That an ideal based entirely upon externals, and the superstructure of which is built up from an imagina-

tion dominated by psycho-sexual erethism, is greatly handicapped in its contest with the psychic and physical reality is obvious.

Under natural conditions, the physical is far more important than the psychic in the question of mating. Sexual attraction is a purely animal attribute which, invest it as we may with a halo of sentiment and romance, is none the less an instinct that is common to all species. Civilization and its attendant refinements have added the psycho-sexual to the purely animal, but as yet the former by no means dominates matrimonial selection, nor would the best interests of the race be conserved by its domination. The unlike attracts and the like repels, here as elsewhere. If the large, powerful man usually selected a woman built upon similar lines, and the small man the small woman, we would in time have two races side by side,—one of dwarfs and the other of giants. Should intellectual persons always gravitate together, procreation would finally cease and the race would run out, dying at the top, after passing through all the degrees of physical and mental degeneration. As a matter of fact, the natural tendency of human beings to select mates of opposite characteristics has been conservative, and has tended to maintain a certain physical and mental average.

But the tendency to rise superior to the purely physical in matrimonial selection is growing, *pari passu* with the march of civilization; so is the business of the divorce courts and so, alas! is degeneracy. Men and women are growing more and more selfish and exacting. The family is less and less their concern as time goes on. The attributes of the given member of the opposite sex as a prospective parent are of less and less moment. The demand for congenial companionship is greater than it has been heretofore, and, as the test can only be made after marriage, mental incompatibility has necessarily become more prominent in matrimony. The psychic element is purely artificial, and therefore less stable than the purely physical. The savage does not prate of incompatibility; the question is with him altogether a physical one. The physical element, however modified by civilization, being still dominant in matrimony, the

proportion of discords as compared with the sum total of marriages is as yet small, although it is steadily growing.

I assume that purely physical incompatibility is the exception, yet, as all physicians know, it exists far oftener than is generally supposed. It is not manifest in frigidity alone, for in many instances there is an instinctive repugnance to physical contact, yet no complaint of frigidity can justly be made, and the mental aspect of the situation is apparently ideal. If he had been more materialistic, Goethe would not have been far from the truth in the theory implied in his "Elective Affinities." Mayhap the Buddhistic theory of sexual affinity, so beautifully portrayed by Lafcadio Hearn,[5] has also the soul of truth in it. Possibly there is for each human being another in the world who is a reincarnation of one whom he or she loved when the world was young, but most likely the unconscious memory is more organic than spiritual; psycho-physical rather than psychic. In truth, no psychic element whatever is really necessary to explain the attraction any more than to explain chemical affinity.

If there be aught of truth in the theory of affinity,—and who would be so ultra-materialistic and unobserving as to gainsay it, however materialistic the explanation?—the fact remains that many persons go through life without meeting their ideal. Some realize what they have missed; the majority, fortunately, do not, and are perfectly happy in their ignorance. In fact, the sum total of misery that attends the untimely recognition of the psycho-physical ideal more than offsets the happiness that humanity derives from it. When the ideal comes in a legitimate manner, or when the conception of the ideal does not exist, and the partner selected is sufficiently near the physical correlative, everything goes smoothly. Should the ideal appear at an inopportune moment, trouble arises,—trouble that the whole world recognizes and blindly explains on moral grounds.

I am well aware that the ideal is usually assigned to the realm of spiritual things, and am willing to acknowledge that

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[5] Out of the East.

the hyperesthetic psycho-sexuality of civilized races has much to do with the construction of ideals, but I am nevertheless convinced that the question of physical affinity is to be given serious consideration. It is here that I would take issue with the purely spiritual conception of the ideal. The instance has been known where two childless couples have been divorced and remarried, each taking the partner of the other, with resulting fruitfulness in both families. There is a biologic element in such cases that the moral philosopher would do well to consider. When a beautiful, refined, and intellectual woman, surrounded by every luxury, runs away with a coarse, unattractive, illiterate stable-hand, one is perforce compelled to wonder why the woman grovelled. The spiritual ideal will hardly be advanced here. Are all such cases to be explained upon the moral specific gravity basis? If so, what removed the inhibitions—what made the moral apple fall?

Where the physical conditions of married persons are absolutely harmonious, mental incompatibility is unusual. Where one or the other is a high-strung, neurotic individual, however, the psychic element is likely to be discordant. Should both be neurotic, psychic compatibility is almost impossible. With each succeeding dissension, the pre-marital and early marital halo of sentiment grows dimmer. Finally, the halo disappears, and there is left a physical reality that has not one lineament of the ideal.

In most cases of marital infelicity, it is safe to say that the husband is at fault. There is a very cogent reason for this. He has usually a physical standard in mind based upon previous experience. While the glamour of early married life lasts, he is satisfied with the situation. The inexperience of the wife is a decided novelty. When satiety arrives, as it usually does sooner or later, he begins to recall memories of past experience, in the light of which the physical charms of the wife begin to pale. Once the sexual will-o'-the-wisp begins flitting about in his brain, he discovers physical incompatibility, and resumes the chase after elusive past sexual impressions that his marriage temporarily interrupted. His relations with his wife have

perhaps been a species of legalized rape, that have served to make permanent and incurable any qualities of frigidity which she may have possessed. The marital relation is for her only a painful and disgusting memory, and the very thought of it inspires her with abhorrence.

In many cases moral degeneracy on one or both sides is the cause of infelicity. The antisocial instincts of the degenerate are as manifest in the matrimonial relation as they are elsewhere.

The undue familiarity usually existing between husband and wife is a feeder of sexual vice. Once the halo of sex mystery is dispelled, romance often has a hard road, indeed. I am firmly convinced that a less intimate association of husband and wife would be better for both their health and morals. The less knowledge they have of each other's physiology, the better for sentiment. Privacy is an individual right, in or out of matrimony.

Familiarity breeds satiety; satiety is the parent of sexual discontent. The satiated, discontented man is very like the pampered house-dog, who leaves a meal of delicate viands to feed in the garbage-barrel. He often browses in queer pastures, in search of new thrills for his exhausted psycho-sexual centres, and is often unable to find them in aught but a debasement that is surprising to those who know him. Only the student of sex psychology can explain the escapades of "Milord" with the presiding genius of the scullery.

There are those who believe that the regulation of all sexual vice growing out of the matrimonial relation revolves around the divorce problem. Views upon this subject vary in liberality from the "wide open" policy to the prohibitive doctrines of the Catholic Church. Much that is foolish and impracticable has been written upon it. The question as to whether morality is bettered or made worse by lax divorce laws is still an open one. The distinguished author, F. Marion Crawford, has recently displayed much sentiment, but little knowledge of sociology, in a dissertation upon the subject appearing in one of our Chicago newspapers. He says:

"When two people find, after an honest effort and a reasonable time, that they cannot live under the same roof, let them separate by all means, and by mutual agreement. But why should they insist upon marrying again? The chances are very great that they are not by character fitted to live a married life, and that one of them is far better fitted than the other to take care of the children, if there are any.

"Again, if one of the two has been unfaithful in marriage, let the right of separation rest with the other, since the right of forgiveness does. But let it be law that the one who has committed the fault shall forfeit the right of marrying any one else.

"Let American woman consider those countries in which divorces are most easily obtained. They are the very countries in which the position of woman is one of inferiority and degradation."

Mr. Crawford begins with a logical proposition, one which should be self-evident to any thinking mind. Infallibility of marital selection is a manifest impossibility. If either the man or the woman has made a serious mistake, matrimony is hell. There should be no law, human or divine, compelling people to live in a hell on earth. To compel them to do so is a wrong, both to the individual and to society. It is in itself immoral, and leads to immorality outside the pale of matrimony. It may lead to murder and suicide. Should two people, each of whom thought the other was an ideal, and who in their ignorance thought they could live together in harmony, be put in the position of a couple of cats tied together and hung upon a clothesline the rest of their lives? Humanity cries, "Spare the cats!" why not, "Spare the people?"

The progeny of ill-assorted marriages is likely to be degenerate. Family quarrels, a lack of mutual respect in the parents, vicious home example, and negligence in training will, however, accomplish the same ends as primary degeneracy; it will produce secondary degeneracy. The children grow up profligates, criminals, and prostitutes in many cases, and are a burden on the community. If the parents are degenerates to begin with, so much the worse for the children and for society. By all means let them separate, and stand not on the order of their separation.

But Mr. Crawford has forgotten a very important point,—

viz,, the future welfare of the woman. She has perhaps sacrificed the flower of her youth in her unfortunate matrimonial venture. Her opportunities are gone. She has no visible means of support. Shall she be driven to starvation or the brothel by "mutual agreement"? It is unfair, perhaps, in a certain sense, for the husband to be compelled to support the woman until she has married or become self-supporting, but it nevertheless rests between him and the State. The State will not, and he should, support her. Let it be understood that the man must pay the price of the matrimonial experiment, and there will be fewer "experiments," and fewer "mutual agreements." Should the woman be the offender, or subsequently lead an immoral life, the husband ought to be released from further responsibility. It is a fair rule in love that every man should pay for his own, not for another's.

The rest of Mr. Crawford's argument is convincing proof of his ignorance of sociology and his narrow view-point. "Why should they insist upon marrying again?" he asks. Simply because they should not be condemned to outer darkness as a punishment for their fallibility of judgment, and, furthermore, because they are human, and as much entitled to such of the pleasures of life as revolve around sex as any one else. These pleasures are not legitimately obtainable outside the marriage relation. Would you put a premium on prostitution, Mr. Crawford, or do you believe in asexualization as an appendage of divorce, although too modest to say so?

That the one who has sinned has forfeited the right of marrying again is absurd, unless the corollary be established that such a person shall be locked up and thus prevented from establishing the illicit relations to which he or she would be thereby condemned, if swayed by sexual impulse. The mere commission of a sexual offence does not prove that it would again be perpetrated in other matrimonial relations. Again, supposing some one else, knowing the facts, wants to marry the offender, shall the liberty of the former be curtailed? What a great penologist Mr. Crawford would make, to be sure. A criminal would be by him debarred from any attempt to lead an honest life, because

of previous offences. The doctrine that the criminal has no rights and the one who has not sinned every right, is responsible for all of the cruelty, ignorance, and faulty methods that have ever been brought to bear upon the punishment and reformation of the criminal.

That a couple fails to agree in no sense proves their inadaptability to married life under proper conditions. Physiology, psychology, and the theory of organic affinity are against such a proposition.

The superiority of one parent over the other in the matter of caring for children is quite as marked among people who are harmoniously married as among the divorced. It is the duty of the State to see that all children are properly reared, and especially children of the divorced.

Nothing could be more unfair than the demand that society tacitly makes, that infallibility of judgment should be exhibited in matrimonial selection. This demand is practically backed up by penalties, and the church is accessory before the fact. The result is prostitution, both in and out of matrimony. As the situation now is, any fool with the price of a license and a minister's fee can speedily walk into matrimony, but once in, he or she is expected to remain in, even though it be a hell, and it requires much time, much money, and several wise men to get the victim of bad judgment out of the dilemma.

There is much opposition to making divorce easier, but none to the present system of allowing anybody capable of asking for a license, in person or by proxy, to marry. In many States a mere agreement to live together as man and wife constitutes marriage. This is well enough, but where is the State which provides that mutual agreement to separate constitutes divorce? Until marriage is made more difficult, and properly regulated, altruism would appear to lie in the direction of making divorce easier.

That the ease with which divorces are obtained in some countries is responsible for the degradation of women is absurd. Are such countries the equal of our own in all other respects save the social position of women? Divorce is in such countries

the mere putting away of a chattel—the woman has no rights. In Christian countries the woman has marital rights equal with man's before the law. She can never be brought to the Oriental level, whether divorce be easy or difficult.

To revert to the question of the children of the divorced. No matter what the merits of the differences between parents may be, there should be no question as to the responsibility for the care of their offspring. It is for the court to decide upon the moral fitness of each parent to assume charge of the children, but their support should be invariably imposed upon the father, and he should be compelled to perform his full duty, within the measure of his financial capacity. This, fortunately, is the usual custom, in theory, at least. In general, it is safe to say that children often bridge over serious incompatibilities and engender a spirit of tolerance between individuals to whom matrimony would otherwise be insufferable. Parental love and responsibility not infrequently overshadow and minimize differences that would otherwise be too great to be borne. The love of children is primarily unselfish, and when well developed often subjugates the self-interest of the parents and compensates for the lack of affinity sufficiently to make married life endurable. Maternity is a powerful repressant of prostitution, as it is of crime. It is a normal outlet for psychic and emotional energy which is so powerful that it even acts vicariously with criminality in female criminals and reforms them temporarily. Childlessness in matrimony is a source of serious danger to both parents.

That better children, morally, physically, and mentally, result from happy marriages is indisputable. The common observation that "natural" children are, on the average, more beautiful than legitimate children in the same social station is worthy of comment in this connection. Procreation under natural circumstances of sexual attraction is as close to Nature's primitive design as may be.

While the bond of family is one of the most powerful agents in the repression of prostitution and crime, the blessings of reproduction may be pushed to extremes. The idea that married couples should go on procreating children until the limit

of their physical capacity has been reached is most illogical and even pernicious. The decadence of the large American family has attracted considerable attention of late, and much that is illogical, and more that is hysterical, has been said upon the subject. The progressive diminution in the size of families is by no means a new theme in this country, and has given a great deal of concern to sociologists abroad. That it is not in any sense an American question is proved by the marked diminution in the size of French families, which has occasioned so much alarm that the government has offered a bounty for a certain number of children. In New Zealand, a country which is peculiarly insular and isolated from outside influence, the unpopularity of matrimony has attracted very serious attention, and the small size of the latter-day New Zealand family has been the occasion of marked comment.

The increased cost of living is not only a frequent bar to matrimony, but, matrimony once undertaken, is a serious obstacle in the way of raising large families.

The strenuous American life, involving, as it does, various unfavorable social and economic conditions, associated with the pursuit of the Almighty Dollar, is so decreasing the vigor of the purely animal side of the American that a decrease in the size of the American family is not to be wondered at. I have serious doubts as to whether this is not conservative rather than otherwise. With a nervous parentage, it would seem better that the size of the family should be restricted within certain limits. The social and industrial conditions of America tend to produce nervous degeneracy, and a large number of nervous degenerates would hardly tend towards race improvement. Better a few healthy children than a large number of weaklings.

I do not believe that the average well-to-do American woman is, under present conditions, physically fitted for raising a large family, even were she so disposed. The well-to-do family cannot very well procreate a large number of healthy children. The physically stronger, poorer classes do so, but, once bred, they cannot be taken proper care of, and are dragged up rather than reared. The great " middle class" is at present the racial stand-by.

The best bred children, improperly educated and uninfluenced by suitable parental control, are likely to grow up a burden on the community. The responsibility of rearing useful and upright citizens is a little too great for the poor female drudge, who manipulates the washboard with one hand, holds a squalling baby with the other, and simultaneously attempts to keep in control half a dozen other demonstrative and lusty children. She has a difficult task before her, even where her environments are favorable to the rearing of children, but where the children are brought in contact with evil associates, as they are very likely to be when parental control is so lax as it necessarily is under such circumstances, they are not likely to become either ornamental or useful factors in our social system.

Very large families among the wealthy classes, especially, entail degeneracy, with all the evils that it brings in its train, in a large proportion of instances. If more attention were paid to quality of both parentage and children, and less fretting done as to the possible disasters to the nation incidental to small numbers of children, it would be better for the race. At the present day, when practically no attention is paid to stirpiculture in the human species, it seems absurd to worry about the diminution in size of the American family.

Is the function of the wife altogether that of a breeding animal? Has she any personal rights? Should she be sacrificed to posterity? Is it always her duty to rear a large family? Unhesitatingly, I answer, no, to each question. The perpetuation of the race depends upon maternity, it is true. It is not, however, woman's function merely to increase numbers at the expense of her own life and comfort. This is a fallacy, and an injustice to womanhood that should be contradicted from the house-tops. The woman who is a mere beast of burden and breeder of children is a failure in modern life. Quality of progeny is not conserved along such lines, and quality, not quantity, makes for the elevation of the human race. Woman should not be sacrificed to posterity. Something is due her as a social integer. She is entitled to life, liberty, and the pursuit of happiness. She, as well as man, comes within the provisions of the

Constitution. The fashionable mother who avoids child-bearing, or neglects the few children she has, is quite as potent a factor in civilization as the household drudge, for whom there is no joy anywhere, and in whose life there is no music save the rattling of pots and kettles, the sputter of soup-bones, and the shrieks of multitudinous wailing infants. Better a single child, properly reared by a happy, contented mother, than a dozen ill-fed, unkempt, dirty, vicious, and "half-baked" hoodlums.

I wish to protest, also, against the view that a man is justified in making his life a species of slavery in the support of many offspring, under the egotistic and absurd notion that the fate of his country is his particular care.

"Multiply and replenish the earth" was once sound doctrine, but it does not uniformly fit modern conditions. The scriptural injunction should be qualified. The multiplication should not extend beyond the parents' capacity to comfortably rear and educate their children, nor beyond the number consistent with the preservation of the mother's health and happiness. Children are many, and places in life are few. Being born is often a disaster, social or individual, or both; never having been born may be a blessing, but it never can be a disaster to the individual. The interests of the individual may here be the highest altruism. The opposite view is responsible for much degeneracy and its disastrous results.

I am well aware that the foregoing is not in harmony with the teaching of certain religious sects, but I am inclined to think that the glory of the church rather than altruism underlies the encouragement given to the rearing of multitudinous children. Interference with gestation, unless as a matter of life-saving, under competent medical advice, should not, of course, be countenanced, but there are, in my opinion, legitimate means of limitation of the size of families when the wisdom of so doing is evident.

There is an economic side to the question. Even at the present rate of progression, the time will come when the means of subsistence will be greatly minimized, as compared with the population.

Persons who are intrinsically eminently compatible often make a complete failure of the marriage relation through inadvertence, ignorance, or selfishness. The woman who ceases to exert herself to be attractive to her husband shares the burden of responsibility for domestic misery with the man who regards his wife as a domestic animal whose sole business is to rear children and whose life is in duty bound to be a weird kaleidoscope of scrubbing-brushes, wash-tubs, and dirty dishes. The indifference of woman to her husband's tastes is one of the brothel's friends. The monotony of the lives of farmers' wives peoples our insane asylums; the monotony imposed upon some city wives peoples less respectable institutions.

The young man struggling for fame and fortune sometimes marries too early, and marries a woman in his own sphere. Success comes, by and by, and along with other ambitions comes the desire to possess a woman who is more ornamental than the one who began life with him. He may have been a boor at the beginning, but his daily contact with the world has smoothed off his rough angles and imparted to him a semblance of literacy and polish that gives him *entree* to a social sphere into which he is ashamed to take his wife. She has drudged at home, and has not kept pace with him in his journey to success. His ideals have changed, and the wife of his youth is now a misfit. He seeks the new sexual ideal and gets it, legitimately or not as needs must. Oftener than not he is a staunch supporter of the brothel. This picture is not a novel one in America, the land of the "self-made" man.

THE FATE OF THE PROSTITUTE

The question, "What becomes of the prostitute?" is an interesting one, but very difficult to answer, because of the many sources of fallacy in following the career of public women, and the almost utter impossibility of getting accurate data regarding clandestines. Sanger[6] claimed that the average length of the

[6] Op. cit.

career of the New York prostitute was about four years, only two and three-fourths per cent. of them being still in the ranks at the end of ten years. Parent-Duchâtelet claims that in Paris only seventeen and one-half per cent. are still engaged in prostitution at the end of ten years.

Many causes enter into the falling out of prostitutes from the ranks. Disease and alcoholism are chief among them. The life is so strenuous, and the special influences producing physical deterioration so numerous and potent, that the woman's usefulness in her occupation becomes rapidly impaired. Those who begin in the high-toned brothel soon drop into a lower stratum, and become inmates of second-rate establishments. From here on, their downfall is rapid. Fortunately, many die by the way, the mortality among them rapidly increasing as they sink lower and lower in the scale.

When the depths are reached, the woman finds herself in the midst of the social dregs,—that large class of degenerates who were originally recruited mainly from the lower strata of society, comprising the female criminal refuse of the slums. A very few prostitutes reform—so few that they are scarcely to be taken into consideration—and go into other and more respectable occupations. A considerable number of the better-class women "marry and settle down." More are taken out by admirers and "kept" for a time, only to drop back and join the dregs. A certain proportion take up a criminal career, and are lost to sight as prostitutes. Some leave the brothel and join the army of clandestines. In many instances prostitution is only occasional. Other means of support failing, the woman is temporarily driven to debauchery, going back to reputable wage-earning as soon as opportunity permits. The "occasional" prostitute is not so common in this country as in Europe.

The report of the New York "Committee of Fifteen" estimates the average duration of prostitution as about six years; but, taken all in all, the estimation of the duration of the shameful careers and longevity of prostitutes is one of the most difficult of problems. The most we are justified in saying is, that the professional life of the prostitute is necessarily relatively

short and her longevity decreased by the exigencies of her "business."

In regard to the longevity of the prostitute, Lombroso's opinion is the opposite of that expressed above. He claims that it is greater in the Parisian prostitute than in the average Parisienne.[7] Great observer though he is, logical reflection and the impossibility of obtaining accurate statistics give one the privilege of doubting his conclusions.

The question of longevity of prostitutes is of necessity a factor in the determination of their relative proportion in a given social system. Obviously, an enormous number of recruits is necessary to fulfil the demand and replace those lost in battle. The question here arises: Granting that prostitution is unavoidable under present conditions, is not the preservation of the health of the prostitute conservative, and would not an increase in her longevity protect the virtue of those from whose ranks recruits must necessarily be drawn?

NUMBER OF PROSTITUTES

The number of prostitutes in any given community is impossible of estimation. Sanger, some decades since, said that there were ten thousand professionals in New York City, and several times that number of clandestines. Thirty years ago, Lecour claimed thirty thousand for Paris, only four thousand of whom were registered. There are six thousand registered now. Vienna has some twenty-five or thirty thousand. Of these, only two thousand four hundred were registered in 1896. In 1890, Neumann estimated that there were fifty thousand in Berlin, three thousand and sixty-three of which were registered. It is probable that while the large cities of America do not differ much in their proportions of prostitutes, they are smaller than in European cities. The obstacles to census-taking among prostitutes are great, even in Europe; they are practically insurmountable in America. A recent estimate of prostitutes in

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[7] The Female Offender.

New York City puts the figures at twelve to fifteen thousand, with two thousand houses of prostitution. This is absurdly low—a veritable "whitewash" estimate.

ETIOLOGIC INFLUENCE OF DISEASE

That actual physical disease is a factor in the causation of the social evil, and sexual vice and crime in general, is patent enough to the medical man. Aberrant development or disease of the cerebellum is probably important here. Irritative and inflammatory affections of the sexual organs in women cause nymphomania, and in men produce its correlative, inordinate sexual desire, which by its effect on the brain may develop into *furor sexualis*. The libidinous propensities of both old and young men, and especially the former, are often due to prostatic disease, producing not only local irritation, but reflexly a constant psycho-sexual erethism. Relief of the prostatic difficulty often has a marvellous effect upon the morals of the subject, and relieves an insatiable sexual craving, which is only aggravated by indulgence. An instillation of nitrate of silver or a prostatic massage is often more effective than a dozen sermons. The surgeon's knife is sometimes corrective of female depravity by removing sources of reflex psycho-sexual hyperesthesia.

RELATIONS OF THE POLICE TO PROSTITUTION

The system of reciprocity existing between the police and prostitutes of large American cities is one of the most potent factors in maintaining the social evil. The "Committee of Fifteen" that investigated conditions in New York City, in 1901, proved beyond peradventure of doubt the existence of such a system. Immunity from arrest is exchanged for a share of the profits of vice. As the Committee said, in its report, "When a house containing not more than ten inmates could afford to pay five hundred dollars 'initiation fee' to the 'wardman,' and fifty dollars per month for subsequent police 'protection,' some estimate can be formed of the extent of the trade. The occasional honest policeman has no chance to exhibit efficiency under such

a system. Should he become officious, he is transferred for the 'good of the service.'" [8]

For some years the "cadet" system has flourished in New York. The cadet is a young man who makes a business of seducing young girls. He stops at nothing. The saloon with the room attachment and drugged liquor play an important part in his nefarious occupation. The girl is finally placed in a house of prostitution, in which she is given a twenty-five cent check for each of her patrons. At stated intervals the cadet appears, takes the checks from her, and gets them cashed by the house. Should the girl escape, she prefers street-walking to facing her friends. The police have long been in touch with this system. It was also found by the Committee that the police fostered prostitution in tenement houses. The resulting effect of the social evil upon the children of the crowded tenements may be imagined. The New York Police Commissioner appeared before the "Cities' Committee," at Albany (April, 1901), and protested stoutly against the claim that there were disorderly tenements in his jurisdiction. It was proved that they existed in the very street in which he himself resided.

New York is in no wise different from many other great cities. The periodic "round-ups" of street-walkers in Chicago are among the most pitiful of farces. The "fines" inflicted upon the poor creatures are, as Mr. Dooley said of Christian Science, "Wan way av gittin' the money." The "bail bond" is mightier than the sand-bag. The lot of the *nymph du pave* who does not come to an understanding with the patrolman is a most unhappy one. The recent investigations of the "graft commission" showed plainly the relations of the police to disreputable houses.

Once upon a time a queer state of things existed in Chicago. The social evil was utilized for revenue with a vengeance. The salaries of the police were mainly drawn from "pulling" and fining the keepers and inmates of brothels. A policeman was furnished with "expense" money and assigned the duty of getting evidence *per vias naturales*. Levying by the police is

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[8] The Social Evil. Putnam's Sons.

still going on, but, so far as known, it is not official. The eminent jurist, Judge Murray F. Tuley, once remarked:[9]

"There has been during nearly every administration of this city government for the last thirty years a most infamous practice,—that of making the social evil a source of revenue for the police justices, the professional bailers, the police court shysters, and the harpies who hang on to and drag these poor women down to a deeper perdition—the practice of pulling bawdy houses for the benefit of a particular class of people; and it is a shame and a disgrace that the moral tone of Chicago has never been strong enough to demand that this degrading practice should be forever abandoned."

CRIMINAL ABORTION AND ILLEGITIMATE PARENTAGE

The most terrible result of sexual vice is abortion. It is germane to the subject of prostitution, and can be more logically discussed in connection with it than elsewhere.

The practice of abortion is, in a sense, a causal factor of prostitution, by offering an avenue of escape from the chief dangers of illicit sexuality. That it is a frequent result of prostitution is indisputable. That it is not more frequent is due to the fact that, as a consequence of septic early abortions and gonorrheal infection, the prostitute sooner or later becomes sterile.

The newspapers foster infanticide by publishing abortionists' advertisements, that he who runs may read, thus offering an easy method of escape from the penalties of indiscretion. Such advertisements put a premium upon sexual vice and the slaughter of innocents. The newspaper that chronicles the trial and conviction of some poor starveling of a doctor who has been caught red-handed, and perhaps contains editorials expressing abhorrence for the criminal and his horrible deed, presents in another column the announcement that Madame X. is ready for business at the old stand, and will remove all "obstructions" for five dollars—money down, in case of death. Such advertising will continue until some newspaper is convicted as accessory before the fact in a murder trial. The plea that the management of any given newspaper does not know what such

[9] Transactions Sunset Club, 1893.

advertisements mean deceives no one. The chief of the advertising department is no more misled by the wording of the advertisement than he is by the specious paid announcements of "massage parlors." He certainly is as discerning as the persons whose patronage the advertisements are designed to attract.

The familiar cry of "public demand" would fit the abortion business better than it does some other things. The evil is widespread, both in and out of matrimony. Its existence is recognized under the rose as a social necessity, yet the law calls it murder. For every man and woman who is caught in its commission and punished, a thousand escape detection. The weakling family doctor, faced by the hazard of losing a profitable client, sometimes feels compelled to commit a crime for a married woman who has no valid excuse for interfering with the course of nature. The more fashionable the *clientèle,* the oftener and greater the temptation. In some small communities abortion is considered a part of the doctor's regular business. Should a serious or fatal accident happen, it is merely an incident in practice. The man or woman who commits the same crime on some poor woman whose reputation depends on her ridding herself of the fruits of her indiscretion is placed in a different position. Should a fatal or serious complication arise, those who employ the abortionist usually leave him in the lurch, and to jail he goes.

That criminal abortion should be visited by severe penalties of law is well; indeed, it is necessary to the integrity of a social system that must keep up its "bluff" though the heavens fall, but there is an element of unfairness in the dispensation of punishment, which at once suggests itself to the thoughtful mind. Whether this unfairness is necessary or not, is another question. Lombroso says that abortion is a social institution in America, and alludes to the barefaced advertisements of abortionists in our newspapers.[10] From his point of view, the punishment of the abortionist who is caught must seem unfair and unjust indeed.

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[10] The Female Offender.

In the management of vice and crime, society is often compelled to choose between two evils. A wrong to the individual may be the lesser of these—society must be protected at any cost. The procreation of children outside the pale of matrimony is in strict conformity with natural law, but it is distinctly anti-social, a breach of the ethics of social artificialism, and a menace to matrimony, which, beneficent institution as it is, is one of the most arbitrary and artificial inventions of society. Illegitimacy is a menace to the home and to fundamental property rights. It shakes the moral code to its very foundations, yet the laws bearing upon it, both written and unwritten, are the cruelest ever devised by man, because of the helplessness of the principal victim, the unborn child. Worse than the brand of Cain is the brand of "bastard," a word that should be stricken out of every language. How pitiful the thought that there is no way to right the wrong to unborn innocence and yet avoid the evils of illegitimacy.

The necessary evils of our prohibitive laws and ethics bearing upon illegitimacy are obvious,—viz.:

1. First and worst is infanticide, committed usually before, but only too often after, birth. In the latter category I would place abandoned children who die of exposure or starvation, and the bulk of mortalities in foundling asylums and "baby farms." The social ostracism placed upon the woman is a prime factor in this child murder. Condemnation and shame are hers if she allows nature to take its course, and the penalty of infanticide stares her in the face if she interferes with the conception. A rather anomalous state of affairs this.

2. The brand of infamy placed upon the unborn child, from which only its murder can save it.

3. The prostitution or suicide of the woman who is found out.

4. Multitudinous diseased and crippled women in all social systems, where abortion is practised. In many instances abortion results directly in the death of the woman.

Such are the consequences resulting from the conflict between ungoverned natural law, on the one side, and moral and

statutory law, on the other. That these evils are less than those which would necessarily result from the abrogation of the law is probably true. I am simply stating the price that the arch hypocrite, Society, pays for its safety in this particular direction.

Abortion in the matrimonial relation is a crime in comparison with which infanticide outside the pale is philanthropy itself. Nothing but disease menacing the life or health of the mother, or unequivocally insuring the physical uselessness of the prospective child, can warrant interference. That the mother's physical interests should always be conserved most physicians will agree. Even here, counsel should be sought. That a multiplicity of children in poverty-stricken families often impels to abortion is evident, but while sympathy may be extended, condonation must not be. Whether children of known syphilitic parents should be allowed to come into the world is an open question. Personally, I do not believe that, where both parents are actively syphilitic, the best interests of either the child or society are conserved by its birth.

The physician who is induced to commit an abortion upon a married woman, merely to suit her convenience and to conciliate a valuable patient, cannot be too severely censured. His duty is to explain the criminal nature of the operation, and impress upon the woman and her husband the manifold dangers to life and health following it. Young couples should be especially warned against such an evil beginning for their married life.

It must be confessed that an element of sympathy is naturally evoked by the mental distress of the unfortunate woman who is extra-matrimonially pregnant. The question as to whether the shame of the woman and the bastardy of the child are not a worse crime than abortion is a pertinent one, but the laws were made to be obeyed, and who shall be judge, and who executioner, in such cases?

The reputable practitioner appealed to in such cases certainly should not be blinded by any mercenary consideration. Should his sympathies be aroused, he must remember that, independently of the moral aspect of the act which he is asked to commit, the principle of self-defence prohibits his committing it.

Criminal abortion is a penitentiary offence. No one has the right to demand that a physician perform it, any more than to request him to commit any other statutory crime. He who balances a fee or his sympathies for others against the possible loss of his own reputation, and perhaps his liberty, is a fool.

The murder of children after birth is worthy of serious consideration in connection with the general subject of sexual crimes. It is one of the most vital points in the crime and vice problem. Branded with ignominy from the moment of conception, a burden to society and a still greater burden to its parent or parents from the moment of its birth; with no systematic endeavor on the part of society to prevent it from growing up a criminal, a drunkard, a pauper, a prostitute, or a physical wreck; what wonder that many a poor woman's fingers become too tightly entwined around her offspring's neck? If her motive for the act were always as altruistic as its consequences, so far as the child's welfare is concerned, there are some clear-minded thinkers in the world who could not be brought to judge her harshly. If social altruism were alone to be considered, the world would be lenient enough with some child murderers. That an occasional woman may kill her illegitimate child out of kindness for it is probable. But the motive is usually a selfish one; the murderess is merely protecting herself, and society cannot tolerate the carrying of the principle of self-defence to extremes. Neither does it dare to discriminate to the fineness of a hair between murderers. Fortunately, the maternal impulse is usually too strong in the normal woman to permit her committing infanticide. The majority of the really unfortunate women who give birth to illegitimate children plead to be allowed to keep their offspring.

That society shirks the duty it owes to illegitimate children is patent to every thinking mind. The State is in duty bound to stand in *loco parentis* to the illegitimate child. How does it fulfil its obligation? Bastardy is made a quasi-criminal offence, that can be "squared" for a stipulated sum of money. This sum is based upon the presumed necessities of the child. The reputed father is placed under bond to pay into court for the support of

the child one hundred dollars for the first year, and fifty dollars for each subsequent year for a period of nine years. Should he wish to do so, he may compromise and pay four hundred dollars in full settlement. This settlement may be made with the woman out of court, and absolves the man from all future obligations. Society is also absolved from all further responsibility, and, with its usual asininity, fancies that all bills are paid. So far, Illinois.

The absurdity and cruelty of such laws are at once manifest. A legal premium is put upon blackmail. An occasional trusting and betrayed woman takes advantage of the law, it is true, but, in most cases, the woman simply chooses from among several possible fathers the one who is most likely to be productive because of his social and financial standing. Having selected the most suitable victim for her "mace," she bobs up in court as an example of injured innocence, which is open, and the law says may be open, to that sovereign legal panacea for virtue wrecked, —money, vulgar money. The four hundred dollars—which so munificently guarantees the support and education of the child until such time as it may be able to support itself—having been paid, the woman proceeds to dispose of her ill-starred offspring as quickly as possible, and with little regard to humanitarian methods. Should the child survive, which, fortunately, it does not often do for long, it becomes a burden on the community. Whether criminal, physical degenerate, idiot, pauper, or prostitute, the illegitimate child is a luxury for which society must pay dearly. The poor little bastard avenges itself sooner or later, and society foots the bills.

DEGENERACY AND PROSTITUTION

The physical basis of prostitution is just now attracting much attention. The researches of Lombroso, Tarnowsky, and others have been claimed to show that the prostitute has special features of degeneracy. These have been discussed elsewhere in connection with the general relations of degeneracy to vice and crime, and do not require repetition here. I am by no means in accord with the dogmatic deductions which some criminal anthropolo-

gists have drawn regarding the special relation of degeneracy to prostitution. The prostitute is merely one of the various products of the conditions that produce crime, pauperism, inebriety, perverted sexuality, and insanity. It is not a physical disease, although it may result from it. It is a social disease and dependent upon certain conditions of the given social system. Social influences, such as poverty and adverse industrial conditions, are more potent in the etiology of prostitution than in that of crime. Inhibitions are less in the case of sexual vice. Temptations are greater and degeneracy acts here with double force. The sexuality of the male has more to do with the primal cause of prostitution than has the degeneracy of the female. A vicious ancestry and a neuropathic constitution underlie many cases of prostitution, it is true, but these conditions are, after all, predisposing causes that require the special agency of man for their operation. The various causes that build prostitution upon degeneracy are all-powerful, but when given a fair chance act upon normal and degenerate in a like manner, if in less degree. Prostitution by necessity, or force, and prostitution of young children have nothing to do with the degeneracy of the victim. Social and masculine degeneracy are responsible here.

Again, the element of physiologic impulse on the part of the female comes into play. That the illegitimate performance of the sexual act is necessarily a manifestation of degeneracy I am not prepared to believe, unless, indeed, we take an arbitrary moral and social standard for physical normality. That many prostitutes are to the manner born is true; that most of them, whether prostitutes born or bred, are irreclaimable is also true, but that in most cases prevention of prostitution was absolutely impossible is absurd, unless the entire responsibility is to be laid at the woman's door.

I have elsewhere expatiated upon the fallacy of deductions drawn from the study of a limited and specialized number of a great class. Many of the phenomena showing a variance of the prostitute from the normal average standard are incidental to her occupation, on the one hand, and to over-enthusiasm of the investigator, on the other.

CHAPTER VIII

SEXUAL VICE AND CRIME—*Continued*

Sexual Psychopathy—Satyriasis and Nymphomania

No discussion of sexual vice and crime is even approximately complete that does not comprise the various phases of sexual psychopathy. Sexual perversion and the varying forms of disease characterized by aberrations of erotic impulse are of the greatest importance in their criminologic, social, and medico-legal aspects.

Sexual perversion and inversion have until recently been studied solely from a moral stand-point, and their unfortunate victims have often been unjustly viewed as moral perverts instead of sufferers from a physical and, incidentally, a mental defect—or, in brief, from psycho-sexual aberration. The attention of scientific physicians has recently been directed to the subject, and some very startling facts have been developed. The physical explanation of the degradation of many of these poor unfortunates should be far less humiliating to the social optimist than the theory of wilful viciousness could possibly be. Even for the moralist there should be much consolation in the fact that a large class of sexual perverts is physically abnormal rather than morally leprous. It is, of course, often difficult to draw the line of demarcation between psycho-physical and moral perversion. Indeed, the one is often so dependent on the other that it is doubtful whether it were wise to attempt the distinction in many instances. But this does not alter the fact that the true sexual pervert or invert is generally a physical aberration—a *lusus naturæ*.

Krafft-Ebing expresses himself upon this point as follows:

"In former years I considered sexual perversion as a result of neuro-psychic degeneration, and I believe this view is warranted by more recent investigations. As we study into the abnormal and diseased

conditions from which this malady results, the ideas of horror and criminality connected with it disappear, and there arises in our minds the sense of duty to investigate what at first sight seems repulsive, and to distinguish, it may be, between a perversion of natural instincts which is the result of disease, and the criminal offences of a perverted mind against the laws of morality and social decency. It would not be the first time that science has rendered a service to justice and society by teaching that what seem to be immoral conditions and actions are but the result of disease."

That sexual perversion is not to be studied solely from a moral point of view is shown by its existence in the lower animals, in whom it is a matter of common observation. Fowls, for example, have been observed to act the rôle of male or female indifferently, although apparently normal in every respect. The confirmatory bearing of such observations upon the atavistic view of sexual perversion and inversion in the human species must be admitted.

There are in every large community colonies of male sexual perverts and inverts, who are usually known to each other, and who usually congregate together. They often operate in accordance with some definite and concerted plan in quest of subjects wherewith to gratify their abnormal sexual impulses. They are frequently characterized by effeminacy of voice, dress, and manner. In a general way, their physique is apt to be inferior—a defective physical make-up being quite general among them, although exceptions to this rule are numerous. Sexual perversion, and more particularly inversion,—*i.e.*, homosexuality, or sexual predilection for the same sex,—is more frequent in the male. Public women often adopt unnatural sexual habits for the purpose of pandering to the depraved tastes of their patrons rather than from true perversion. Many female inverts are met with, however. For example, there are numerous instances of women of perfect physique, moving in good society, who have a fondness for women and are never sexually attracted to men. There are numerous cases in which the female is sexually attracted by women, yet has a perverted desire for the opposite sex. In general, inversion is less likely than perversion to be the result of depravity.

In discussing sexual psychopathy, I will exclude certain cases, occurring especially in women, but not limited to them, in which what is erroneously believed to be perversion consists of extraordinary manifestations of endearment or exaggerated normal desire inhibiting the instinctive reserve of the female. This occurs in perfectly normal women, often in those who are absolutely inexperienced, and in whom the apparently perverted indulgence is dependent upon the ignorant abandon of passion. Not a few women who are sexually normal have the same impulse to amorous extravagances, but are restrained by motives of delicacy, which motives are usually innate perhaps, but not infrequently politic and based upon worldly knowledge. That atavism is also often a factor here is obvious.

Sexual perversion may be defined, in a general way, as the possession of impulses to sexual gratification in an abnormal manner, with a partial or complete apathy towards the normal method. It may be classified etiologically as follows:

1. Congenital and perhaps hereditary sexual perversion.
   - (*a*) Sexual perversion without defect of structure of the sexual organs, due to aberrant psycho-sexual differentiation.
   - (*b*) Sexual perversion with defect of genital structure; *e.g.*, hermaphroditism. Here, aberrant differentiation of sex is both physical and psychic.
   - (*c*) Sexual perversion with obvious defect of cerebral development; *e.g.*, idiocy.
2. Acquired sexual perversion.
   - (*a*) Sexual perversion from pregnancy, the menopause, ovarian disease, hysteria, etc.
   - (*b*) Sexual perversion from acquired cerebral disease, with or without recognized insanity.
   - (*c*) Sexual perversion—"perversity" (?)—from vice.
   - (*d*) Sexual perversion from overstimulation and resulting anesthesia of the nerves of sexual sensibility and the receptive sexual centres, incidental to sexual excesses and masturbation.

As regards the clinical manifestations of the disease, sexual perverts may be classified as—

(*a*) Those having a predilection (affinity) for their own sex—sexual inversion—homosexuality.

(*b*) Those having a predilection for abnormal methods of gratification with the opposite sex.

(*c*) Those affected with bestiality, with or without coexistent normal desire.

Instances of all these different varieties have been observed.

Although the foregoing classification was published some years ago, I have had no occasion to modify it. It still appeals to me as a practical working classification. Its acceptance by my distinguished co-worker, Havelock Ellis, has by no means lessened my confidence in its practicality.

The precise causes of sexual perversion are obscure. The explanation of the phenomenon is, in a general way, much more definite. Just as variation of physical form and of mental attributes, in general, may occur, so may variations and perversions of that intangible entity, sexual affinity. In some cases, perhaps, sexual differentiation has been imperfect, and there is a reversion of type. As Kiernan remarks:

> "The original bi-sexuality of the ancestors of the race, shown in the rudimentary female organs of the male, could not fail to occasion functional, if not organic, reversions when mental or physical manifestations were interfered with by disease or congenital defect. The inhibitions on excessive action to accomplish a given purpose, which the race has acquired through centuries of evolution, being removed, the animal in man springs to the surface. Removal of these inhibitions produces, among other results, sexual perversion."

Reasoning back to cell-life, we find many variations of sexual affinity and the function of reproduction between the primal segmentation of the cell—the lowest type of procreative action—and that complete and perfect differentiation of the sexes which requires a definite act of sexual congress as a manifestation of the acme of the reproductive impulse. The variations in the method of sexual gratification—or, to attribute it to procreative instinct, of perpetuating the species—presented to the student of natural history are numerous and striking. The procreation of fishes is a curious phenomenon. It is difficult to appreciate the sexual gratification involved in the deposition of

the milt of the male fish upon the spawn of the female, yet that the so-called instinctive act of the male is unattended by gratification is improbable. Indeed, it is an argument as applicable to the lower animals as to man that, were the act of procreation divested of its pleasurable features, the species would speedily become extinct; for the act of procreation *per se* is possessed of no features of attractiveness, and many that are repulsive or even productive of discomfort.

It is puzzling to the healthy man or woman to understand how the practices of the sexual pervert can afford gratification. If considered in the light of reversion of type, however, the subject is much less perplexing.

That maldevelopment, or arrested development, of the sexual organs should be associated with sexual perversion is not at all surprising; and the more nearly the individual approximates the type of fetal development that exists prior to the commencement of sexual differentiation, the more marked is the aberrance of sexuality. Studies of so-called hermaphroditism demonstrate this.

There is one element in the study of sexual perversion that deserves special attention. It is probable that few bodily attributes are more readily transmitted to posterity than peculiarities of sexual physiology. The offspring of the abnormally carnal individual is likely to be possessed of the same inordinate sexual appetite that characterized the parent. The child of vice has within it, in many instances, the germ of vicious impulse, and no purifying influence can save it from following its own inherent inclinations. Men and women who seek, from mere satiety, variations from the normal method of sexual gratification stamp their nervous systems with a malign influence which in the next generation may present itself as true sexual perversion. Acquired sexual perversion in one generation may thus be a true constitutional and irradicable aberrancy in the next, and this independently of gross physical aberrations. This involves the question of transmission of acquired traits. The author believes in such transmission, especially in respect to neuropathic phenomena.

Carelessness on the part of parents is responsible for some cases of acquired sexual perversion. Boys who are allowed to associate intimately are apt to turn their inventive genius to account by inventing novel means of sexual stimulation, with the result of ever after diminishing, or even perverting, the natural sexual appetite. Any powerful impression made upon the sexual nerve-centres at or near puberty, when the sexual apparatus is just maturing and very active, although as yet weak and impressionable, is likely to leave an imprint in the form of sexual peculiarities that will haunt the patient throughout his after-life. Adolph Belot illustrates this in his "Mlle. Giraud, Ma Femme." In this novel the life of a female sexual pervert of boarding-school manufacture is depicted. Sexual congress at an early period often leaves a similar impression. Many an individual has had reason to regret the indulgences of his youth, because of its moral effect upon his after-life. The impression made upon his psycho-sexual centres in the height of his youthful sensibility is never eradicated, but remains in his memory as his ideal of sexual matters; for there is a physical as well as an intellectual memory. As he grows older and less impressionable, he seeks vainly for an experience similar to that of his youth, and so joins the ranks of the sexual monomaniacs, who vainly chase the will-o'-the-wisp, sexual gratification, all their lives. Variations of the circumstances under which young persons of either sex are exposed to sexual excitation may determine sexual perversion or inversion rather than abnormal desire. Thus exposure to stimulation by one of the same sex, or in an abnormal manner by the opposite sex, is likely to prove disastrous. Let the physician who has the confidence of his patients inquire into this matter, and he will be surprised at their disclosures.

Excess brings in its train a deterioration of normal sexual sensibility, often with an increase in the sexual appetite. Impotency, associated with desire, sometimes develops perversion. As a result, the deluded and unfortunate being seeks for new and varied means of sexual stimulation, often degrading in the extreme. Add to this condition intemperance or disease, and

the individual may become the lowest type of sexual pervert. As Hammond concisely puts it, regarding one of the most disgusting forms of sexual perversion: "Pederasty is generally a vice resorted to by debauchees who have exhausted the sources of the normal stimulus of the sexual act, and who for a while find in this new procedure the pleasure which they can no longer obtain naturally."

When differentiation of sex is complete, from a gross physical stand-point, the receptive and generative centres of sexual sensibility may fail to become perfectly differentiated. The result is, upon the one hand, sexual apathy, and, upon the other, an approximation to the female or male type, as the case may be. Such a failure of development and imperfect differentiation of nervous structure is necessarily too occult for discovery by any physical means at our command. It is, however, only too readily recognized by its results.

There exists in every great city so large a number of sexual perverts from satiety, that seemingly their depraved tastes have been commercially appreciated by the female portion of the Under World. This has resulted in establishments whose principal business is to cater to the perverted sexual tastes of a numerous class of patrons. Were the names and social positions of these patrons made public in the case of any of our large American cities, society would be regaled with something fully as disgusting as the *Pall Mall Gazette* exposure. The individuals alluded to would undoubtedly resent the appellation of "sexual pervert," but, nevertheless, in many instances they present the disease in its most inexcusable form, sheer depravity. Such moral difference as exists between the patrons of such women and the unfortunate victims of true perversion is in favor of the latter. The latter is to be pitied for an unavoidable affliction; the other should be despised for his deliberately acquired debasement. In the case of the professional prostitute who panders to the depraved tastes of certain males, she has, at least, the questionable excuse of commercial instinct, and in some cases the more valid one of essential sexual perversion. These excuses the majority of her patrons certainly do not have.

In an interesting discussion of the question of sexual perversion in its relations to evolutionary reversion, Clevenger claims that the sexual appetite is a derivative of hunger.[1] There is much evidence in support of this theory.

In a paper on Researches into the Life History of the Monads, by Dallinger and Drysdale,[2] fission of monads was shown to be preceded by the absorption of one form by another. One monad fixes on the sarcode of another, and the substance of the lesser or under one passes into the upper. In about two hours the merest trace of the lower is left, and in four hours fission and multiplication of the monad begins. Professor Leidy has asserted that the ameba is a cannibal. Michels called attention to Dallinger and Drysdale's contribution, and draws therefrom the inference that each cannibalistic act of the ameba is a reproductive or copulative one, if this term is admissible.

Clevenger, in commenting upon the foregoing, says,—

"Among the numerous speculations upon the origin of sexual appetite, I have encountered none that referred its derivation to hunger. The cannibalistic ameba may, as Dallinger's monad certainly does, impregnate itself by eating its own kind, and we have innumerable instances, among algæ and protozoa, of this sexual fusion appearing very much like ingestion of food. Crabs have been seen to confuse the two desires by actually eating portions of each other while copulating. The *mantis religiosa* female eats off the head of the male mantis during conjugation. In some arachnidæ the female finishes the marital repast by devouring the male. The erotic bitings and even the embrace of the higher animals appears to have reference to this derivation.

"Association often transfers an instinct in an apparently outrageous manner. With quadrupeds it is most clearly olfaction that is most related to sexual desire and its reflexes. This is not so in man. Ferrier diligently searched the region of the temporal lobe, near its connection with the olfactory nerve, for the seat of sexuality. With the diminished importance of the smelling sense in man, the faculty of sight has come

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[1] Physiology and Psychology, S. V. Clevenger. See also The Evolution of Man and his Mind, by the same author.

[2] Transactions Royal Microscopic Society, 1873, and Monthly Microscopic Journal, London, October, 1877.

to vicariate olfaction; certainly the 'lust of the eyes' is greater than that of other special sense organs among Bimana.[3]

"In all animal life multiplication proceeds from growth, and until a certain stage of growth—puberty—is reached, reproduction does not occur. The complementary nature of growth and reproduction is observable in the large size obtained by some animals after castration. Could we stop the division of the ameba, a comparable increase in size would be effected.

"It is apparent that a primeval origin for both ingestive and sexual desire existed, and that each is a true hunger, the one being repressible and in higher animal life subjected to more control than the other.

"It requires but little reflection to convince us of the potency of hunger in determining the destiny of nations and individuals, and what a stimulus it is in animated creation. It seems likely that it has its origin in the atomic affinities of inanimate nature, a view monistic enough to please even Haeckel and Tyndall."

Spitzka, in commenting on the foregoing, writes:

"Observations made by alienists tend to confirm Clevenger's theory. Under pathologic circumstances, relations obliterated in higher development and absent in health return and simulate conditions found in lower and even in primitive forms. An instance of this is the pica or morbid appetite of pregnant women and hysterical girls for chalk, slate-pencils, and other earthy substances. This has been considered a sort of reversion to an oviparous ancestry, which, like the birds of our day, sought the calcareous material required for shell structure."

The confusion of hunger with the sexual appetite did not escape the attention of ancient writers. Thus Ovid says,—

"Mulieres in coitu nonnemque genæ cervicemque maris mordunt."

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[3] The author has met with a case where the "lust of the eyes" produced violent fits of sneezing. This disappeared after cauterizing the turbinates. In general, vision has not altogether replaced olfaction in the sexual attraction of human beings. The habit of using perfumes by women is an unconscious deference to olfactory sexuality. In regard to the structure covering the turbinates, it is true erectile tissue which, in a sense, is probably an evolutionary vestige that may sometimes functionate atavistically. The impression necessary to develop this is made through the olfactory nerves higher up. In the case cited, the reflex irritation was probably produced through olfaction.

Some forms of sexual perversion properly classed under the head of degenerative mental states show a close relation between hunger and the sexual appetite. Krafft-Ebing[4] describes as sadism a form of sexual perversion in which the sufferer finds gratification only in biting, eating, murder, or mutilation of the mate. The Hindoo myth, Civa and Durga, shows that such observations in the sexual sphere were known to the ancients. Instances have occurred in human beings where, after the act, the ravisher butchered his victim and would have eaten a piece of the viscera; where the criminal drank the blood and ate the heart; and where certain parts of the body were cooked and eaten.

A recent case occurring in Ohio is a graphic illustration of the sadistic form of sexual perversion. The subject, who was executed for the murder of a woman, confessed that she was the fifth one he had murdered, three of the women having been his wives. His confession was not attended by the slightest emotion or expression of the danger and moral responsibility involved in his acts. He himself attributed his multi-murders to the domination of a homicidal mania, which irresistibly impelled him to shed the blood of women. A fourth wife, to whom he was recently married, narrowly escaped death at his hands. With reference to the escape of his last wife from a violent death at his hands, the murderer said, in his confession,—

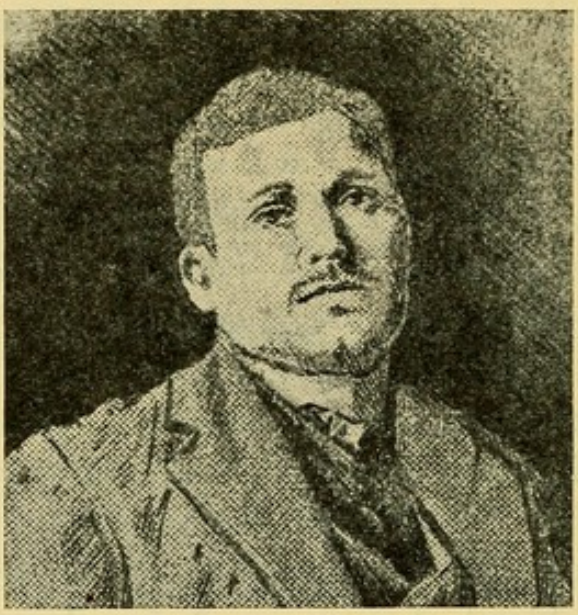
"I know that she has waked up several times since we were married and found my hands grasping her neck when I was asleep. She would wake when I grabbed her, and ask what I meant by taking hold of her neck in that way, and I could not tell her why, because I was asleep and did not know I had done it. Just last week she woke up just in time, or she might never have waked at all. I had grabbed her so tight and was choking her that she was nearly gone when she came to and woke me up."

The explanation the murderer gave of his case is the ordinary medical and, also, the popular one. It is, however, fallacious. The restriction of his homicidal impulses to the female sex is in

[4] Op. cit.

itself suspicious. His multitudinous marriages, in connection with his sexually emotional anesthesia, is still more suggestive. He said, in answer to the question, "Ally, do you love this woman who is now your wife?" "Oh, I guess I love her as much as I am capable of loving any woman. I do not know what love means." His portrait shows a degenerate of a decidedly common type. (Fig. 14.)

FIG. 14.



SADISTIC WIFE-MURDERER.

The terrible exploits of Jack the Ripper, and the mutilation of women by rapists, black or white, and especially the former, are phases of the same form of perversion in which atavism results in confusion of sexuality with the parent instinct of hunger. This applies especially to the negro, in whom atavism develops cannibalistic impulses.

That the perpetrator of the Whitechapel atrocities was mentally unsound is shown by the manner in which the bodies of the women were mutilated. The description of one will serve for all:

"The miserable woman's body was literally scattered all over her little room. Almost every conceivable mutilation had been practised on the body. The woman's nose was cut off and the face gashed. She had been completely disembowelled, as had been all the murderer's former victims, and all the intestines had been placed upon a small table, which,

with a chair and the bed, constituted all the furniture in the room. Both the woman's breasts had been removed, and placed also upon the table. Large portions of the thighs had been cut away, and the head almost completely severed from the body. One leg also was almost completely cut off. The mutilation was so frightful that more than an hour was spent by the doctors in endeavoring to reconstruct the woman's body from the pieces so as to place it in a coffin, and have it photographed. It was found that portions of the sexual organs had been carried away by the murderer."

A series of murders identical with those of Whitechapel occurred in Paris in 1872. They were perpetrated by a religious fanatic, one Nicholas Wassilyi, yclept by the people of Paris *"La Saveur des Ames Perdues,"* the saviour of lost souls.

In the year mentioned there was a movement in the orthodox church of Russia against some sectarians. Some of the people, menaced because of their religion, fled from the country. Most of them were peasants, but Nicholas Wassilyi left a good home. His parents were quite wealthy, and he had been educated at the college of Odessa. But Nicholas was a fanatical sectarian, and soon became a leader among them. The chief belief of his sect was in the renunciation of earthly joys to secure immortal life in Paradise. Members of the sect, whether male or female, were strictly forbidden commerce with the opposite sex. Wassilyi fled to Paris. He was an excellent type of Russian. He had a tall, elastic figure; a regular, manly physiognomy; burning, languishing eyes, and a pale complexion. He avoided his countrymen, taking a small lodging in the Quartier Mouffetard, where the poor and miserable live. He became a riddle to his neighbors. He used to stay all day long in his rooms studying books. At night he wandered through the streets until morning. He was often seen talking with abandoned women, and it soon became known that he followed a secret mission in doing so. First he tried mild persuasion on the poor creatures, telling them to return to the path of virtue. When words failed, he put premiums on virtue, and gave large sums to the *cocottes* on condition that they commenced a new life. Some of the women were really touched by his earnestness, and promised to follow

his advice. He could often be seen on the street corners preaching to gaudy nymphs, who bitterly shed repentant tears.

His mission, however, was not crowned with much success. He often met girls who had broken a holy oath that they would sin no more. Then there was a change. He would approach a woman, speak to her kindly, and follow her home. When alone with her, he would take out a butcher-knife, kneel on her prostrate body, and force her to swear not to solicit again. He seemed to believe in these forced oaths, and went away happy.

One evening, in the Rue de Richelieu, he met a young woman. She had an elegant figure and beautiful blue eyes. This girl seemed to make a great impression on him. He spoke to her,—she was a lost one, too,—but not brutally. She told him the whole story of her life,—the story of a poor, parentless girl, who had been torn from happiness and cast into misery and shame.

Wassilyi for the first time fell in love. He procured a place for the woman in a business house, and paid liberally for her support, although he made her believe she was supporting herself. For several weeks the girl kept straight. But one day, when Wassilyi visited her home,—a thing he seldom did, and then only when an old guardian of hers was present,—he found that she was gone. She had left a letter to him, in which she said that, though thankful to him for all his kindness, her life was now too *ennuyant* for her, and that she preferred to be left alone. Wassilyi was in a fearful mood after this. He wandered so restlessly through the streets as to attract the attention of the constables. Eight weeks afterwards he disappeared. At the same time, Madeline, the woman he had supported, was found murdered in the quarter where she had formerly led a life of shame. Two days afterwards, in a quiet street of the Faubourg St. Germain, the corpse of another murdered woman was found. Three days afterwards a Phryne of the Quartier Mouffetard was butchered at night time. All the murders were perpetrated in the same horrible way as those in Whitechapel. Jewels and everything of value on the corpses remained untouched.

Five more victims were found butchered in the Arrondissement du Pantheon, between the Boulevards St. Michel and De

L'Hôpital. Finally, in the Rue de Lyon, an attack was made on a girl who had a chance to cry for help before she was strangled. The would-be murderer was captured. He was Nicholas Wassilyi. At his trial his lawyer claimed that his client was insane. The jury decided that such was the case, and Wassilyi was sent back to Russia, after a short stay in a private asylum at Bayonne.

In the case of Wassilyi, the transition from religious psychic erethism to perverted sexuality was brought about by his love-affair and the psychic shock of the discovery of the woman's duplicity. That Wassilyi was sexually normal primarily is highly improbable. Religious enthusiasm was a psycho-sexual vent for him, and was, in his case, essentially a manifestation of sexual perversion.

Illustrations of the varying types of sexual perversion have of late years found their way into literature. A very interesting series of cases is related by Krafft-Ebing.[5]

Tardieu chronicles the following interesting points with regard to one form of sexual perversion, which is given attention in the criminal code:

"I do not pretend to explain that which is incomprehensible, and thus to penetrate into the causes of pederasty. We can, nevertheless, ask if there is not something else in this vice than a moral perversion, than one of the forms of psychopathia sexualis, of which Kaan has traced the history. Unbridled debauchery and exhausted sensuality alone can account for the pederastic habits of some men.

"We can form some idea on the subject from a perusal of the writings of pederasts containing the expression of their depraved passions. Casper had in his possession a journal in which a man, member of an old and aristocratic family, had recorded, day by day, and for several years, his sexual adventures, passions, and feelings. In this diary he avowed his shameful habits, which had extended through more than thirty years, and which had succeeded an ardent love for the other sex. He had been initiated into the horrible practice by a procuress. The description which he gives of his feelings is startling in its intensity.

"I have had frequent occasion to read the correspondence of known pederasts, and have found them applying to each other idealistic names, legitimately belonging to the diction of the truest and most ardent love.

[5] Journal of Neurology and Psychiatry, and Psychopathia Sexualis.

"It is difficult to deny the existence in some cases of real pathologic alteration of the moral faculties. When we witness the profound degradation and revolting salacity of men gifted both with education and fortune, we must believe that their sensations and reason are altered. I can entertain no doubt on the subject, in view of certain facts such as have been related to me by a magistrate, who has displayed both ability and energy in the pursuit of pederasts. What other idea can we entertain of such horrors than that those guilty of them are actuated by the most pitiable and shameful insanity?"

That unbridled licentiousness may lead to perversion is well shown by the *Pall Mall Gazette* exposures in London. The Cavendish Square scandal plainly showed that perverted sexuality was not unknown among some degenerate scions of European aristocracy. This is not surprising to the student of neurology. Refinements of civilization and luxurious living bring refinements of vice in their train.

Some of the older members of the medical profession in one of our large American cities will recall the case of a celebrated surgeon who was compelled by his colleagues to resign his college position and leave the city upon positive evidence of his practice of pederasty. In this case perversion developed only under the influence of alcohol.

Some of the manifestations of sexual perversion are very extraordinary, and it is difficult to associate them with titillations of psycho-sexual sensibility. The most familiar case is that of Sprague, committed in Brooklyn, some years ago, for highway robbery. Sprague was arrested immediately after having assaulted a young lady by violently throwing her down, removing one of her shoes and running away with it. He made no attempt to steal anything else, although she had on valuable jewelry. When the trial came on, insanity was alleged as a defence. Numerous witnesses, the principal of whom was the father of the defendant, a respectable clergyman, testified to the erratic conduct of the prisoner. The family history bore most pertinently upon the case, Sprague's grandfather, grandmother, great-grand-uncle, three great-aunts, and a cousin having been insane. He had himself in his youth received numerous blows

and falls upon the head, and within a year from the last head injury had developed severe headaches, associated with "a bulging of the eyes." About this time the prisoner developed a penchant for stealing and hiding the shoes of the females about the house, and it was found necessary by his female relatives and the domestics to carefully lock up or conceal their shoes. It was discovered that the act of stealing or handling the shoes produced in him sexual gratification.

Wharton,[6] several years ago, chronicled a most peculiar case of sexual perversion occurring in Leipzig. In this instance the morbid sexual desire impelled the individual to assault young girls upon the streets by grasping them and plunging a small lancet into their arms above the elbow. It was shown after his arrest that these peculiar acts were accompanied by sexual gratification. This case is additional evidence in support of the hypothesis that the notorious Whitechapel assassin was a sexual pervert, a theory which Kiernan in particular has supported, and which has been accepted by the majority of alienists who have given the murders even slight consideration.

Many cases manifest themselves only under the influence of disease or drunkenness. Ovarian irritation and certain obscure cases of hysteria in women, which we are frequently unable to trace to a definite physical cause, are sometimes associated with sexual perversion. Pregnancy, in certain neurotic patients, is productive of similar aberrations.

Whether the influence of liquor obtunds the moral faculties or develops an inherent defect of sexual physiology in any given case is, of course, difficult to determine. I have the data of the case of a man of exceptional intellectual attainments who conducts himself with perfect propriety when sober, but who, under the influence of alcohol, is too low for consort with the human species.

The association of sexual perversion with malformation of the sexual organs, with or without associated close approximation to the general physique of the opposite sex, is, as already

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[6] Medical Jurisprudence, Stillé and Wharton.

remarked, not surprising. I have met with a most peculiar illustration of this form of sexual perversion in a young mulatto. This man had marked hypospadias, and had a predilection for women, as evidenced by his contracting gonorrhea in the usual way. That he also had a predilection for the passive rôle in the sexual act was demonstrated by the fact that a number of young lads, from ten to seventeen years of age, who lived in the neighborhood in which the spurious hermaphrodite was employed in the capacity of cook, contracted from him typic gonorrhea.

Figs. 15 to 22 constitute a group of sexual perverts, who, with the exception of the youth shown in Figs. 21 and 22, present marked degeneracy. It could hardly be claimed that they present any features especially indicative of the nature of the crime for which they are imprisoned. It may be fairly claimed, however, that the group is worse looking than the average of criminals.

The subjects shown in Figs. 15, 16, and 17, 18 were convicted of pederasty; Figs. 19 and 20, of indecent exposure; Figs. 21, 22 are portraits of a weak but refined-looking boy, who probably was not a true pervert, but had been initiated into vice by older and more hardened offenders. He illustrates very plainly the necessity of careful supervision of young lads, especially as regards association with older males.

SATYRIASIS AND NYMPHOMANIA

Satyriasis is a disease that occurs in the male, with or without insanity, the principal manifestation of which is an abnormally excessive and unreasonable sexual desire. It is not frequently brought to the attention of the physician, save in the insane, probably because opportunities for gratification of the male are numerous. The disease consists of constant desire attended by priapism, which in some cases no amount of sexual indulgence will gratify. It has been termed "erotic delirium." It may or may not be due to coarse disease of the brain. In the worst cases the unfortunate individual may be the subject of violent mania and delirium. Acton relates the case of an old man, suffering from satyriasis, whose desire was so extreme that

FIG. 15.

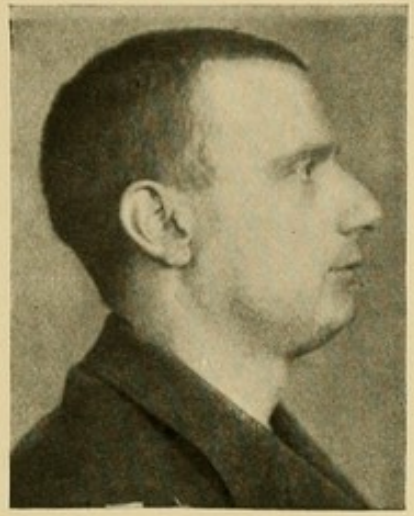


FIG. 16.

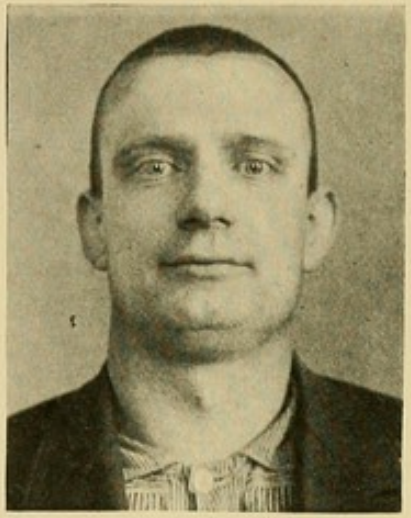


FIG. 17.

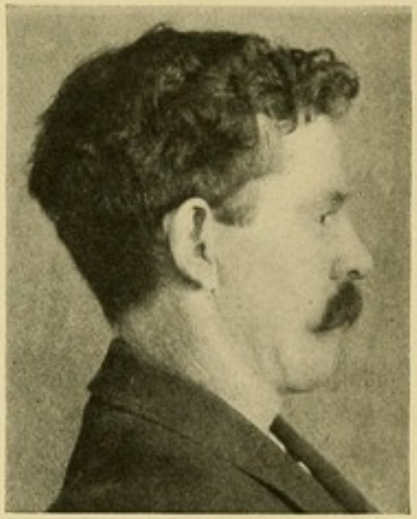


FIG. 18.

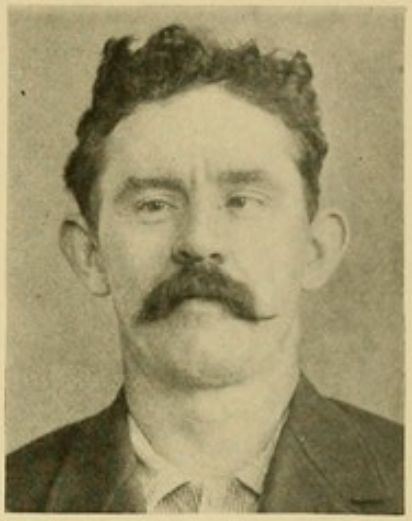


FIG. 19.

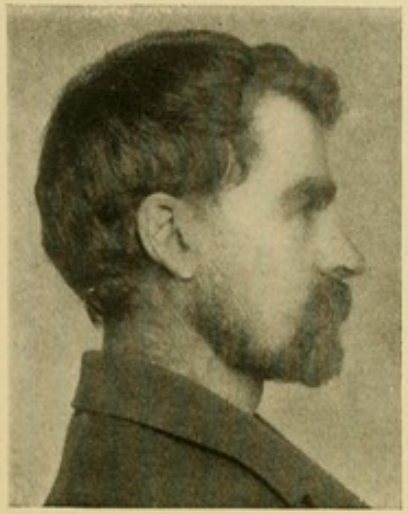


FIG. 20.

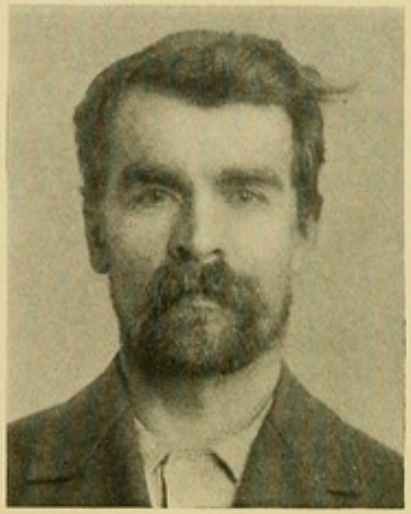


FIG. 21.

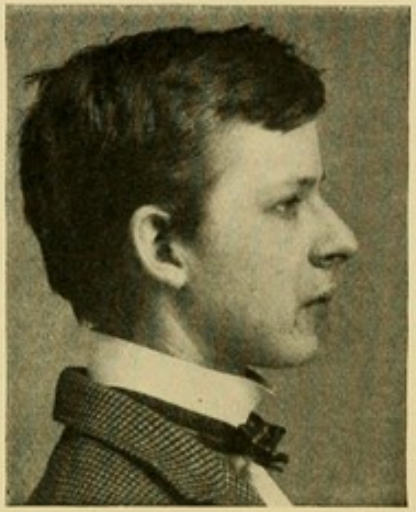
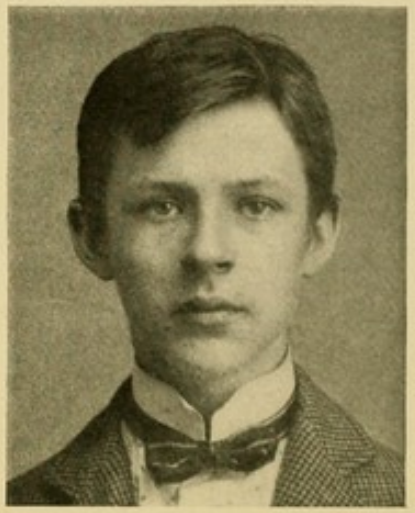


FIG. 22.



GROUP OF SEXUAL PERVERTS.

he was lost to all sense of propriety. After his death a small tumor was found in the pons Varolii.

Shocks and injuries involving the cerebellum are peculiarly apt to be followed by priapism. This has been noticed in subjects executed by hanging. Injuries of the spinal cord, although in the majority of cases inhibiting the sexual functions by producing complete paralysis of the genito-spinal centre, produce in some instances, from irritation of the same nervous structure, persistent priapism.

The causes of satyriasis as enumerated by different authorities are: Masturbation; diseases of the brain, particularly those affecting the cerebellum; injuries and diseases of the spinal cord; sexual excesses; and the administration of poisonous doses of cantharides. Prolonged continence is another cause to which satyriasis has been ascribed. This, in my opinion, is absurd. The relation of satyriasis of greater or less degree to *furor sexualis,* which is so often responsible for sexual crimes, is obvious.

Nymphomania (*erotomania, furor uterinus*) is a disease analogous to satyriasis, occurring in the female. It is characterized by excessive and inordinate sexual desire, and often by the most pronounced lewdness and vulgarity. In severe forms it is likely to be associated with and dependent upon true insanity, with or without gross brain disease. In some instances the disease is a reflex manifestation of irritative affections of the sexual apparatus. Thus ovarian and uterine disease are sometimes associated with it. Any irritation about the external genital organs of females of hysterical temperament may produce the affection. All that is necessary is a nervous and excitable state of the nervous system, a passionate temperament, and local irritation of the sensitive sexual apparatus. Some of the recorded cases of nymphomania are pitiful. It has been known to be associated with the cerebral disturbance incidental to pulmonary consumption. Cases have been recorded of women who in the last stages of this disease exhibited the most inordinate sexual desire.

The association of hysteria with this unfortunate condition

of the mind and sexual organs is one with which nearly every gynecologist of experience is perfectly familiar. Nymphomania is also known to occur as a result of masturbation and sexual excess. In women of highly erethistic temperament it has been developed as a consequence of sudden cessation of normal regular sexual indulgence.

A knowledge of sexual matters is by no means necessary to the development of nymphomania, for it has been known to occur in individuals who had neither masturbated nor indulged in sexual intercourse. Some of the most painful cases have occurred during pregnancy. The most astonishing feature of some cases is lewd actions and expressions by women previously pure-minded and refined. Such women conduct themselves so as to lead one to wonder where they could possibly have acquired their vulgar knowledge.

The gynecologist is compelled to be on his guard against a not infrequent form of nymphomania, one which is not suspected by the patient's friends, in which the woman develops a fondness for gynecologic manipulations. The subterfuges and devices of such patients to induce handling of the sexual organs by the physician are remarkable. Perhaps one of the most frequent forms of this malingering is the pretence of retention of urine. Every disease of which they have ever heard may be complained of by such patients in their insane endeavors to obtain local treatment.

Inordinate sexual desire on the part of the female, falling short, perhaps, of true nymphomania, is not infrequent. This, with nymphomania, is, as I have already noted, one of the occasional causes of prostitution.

CHAPTER IX

THE RACE PROBLEM IN ITS RELATION TO SEXUAL VICE AND CRIME

THE race problem in its specific bearing upon sexual crime in America is most important, especially in the Southern States.

Whatever the merits of the "war of races" may be, it is certain that the South is accursed by frequent outrages of its women by negroes, followed by swift and terrible retribution. That sexual immorality and the perpetration of sexual crimes is not altogether one-sided nor monopolized by the blacks is also true, as will be seen later; but this does not lessen the specific importance of the sexual phase of negro criminality.

Although the majority of outrages perpetrated by negroes are committed in the South, because of certain conditions as regards the number of blacks and their peculiar environment in that section, similar crimes are claimed to be more frequently committed in the North by blacks than by whites, the numerical relations of the two races being considered.

In the study of the causes of the relatively frequent perpetration of rape by the American negro, numerous factors in the etiology of crime in general must be considered. Most of these have been dwelt upon in a previous chapter; only the special factors leading to sexual crimes concern us here.

Hereditary influences descending from the negro's barbaric ancestors are of prime importance. Considering the peculiar sexual customs of his ancestry, it is not surprising that evil traits crop out frequently. Marriage among certain negro tribes is a close simulation of what civilized communities classify as rape. When the black savage knocks down his prospective bride with a club and drags her off to his kraal, he illustrates the prototype of the criminal sexual acts of the negro in the United States.

From the native African stand-point, however, there is nothing immoral or criminal in the negro marriage by capture,—indeed, he draws a hard and fast line between it and what he calls rape, —nor is it restricted to him alone, some primitive Caucasian communities practising essentially the same custom. The same method applied to the conquest of the female in highly civilized communities is an infraction of law and morals. Among degenerate or reversionary types of whites sexual crimes are often a socially atavistic manifestation of savagery similar to that which occurs in the black rapist.

Many centuries of civilization and appreciation of altruistic social obligations have done much for the sexual subjugation of the white race, which is essentially a mixed type after all. We should consider, on the other hand, how short a time such influences have been brought to bear upon the American negro. We should also consider the fact that, from the stand-point of civilization and moral independence, his evolution really began with his liberation. Then, and then only, did he become a distinct social factor in this country.

A disproportionate development of animal propensities incidental to a relatively low degree of differentiation of type is a marked characteristic of the negro. This is necessarily involved in the factor of heredity. It is a racial characteristic which, for physical reasons, environment will never entirely eliminate, although time will do much.

A relative defective development of what may be termed the centres of psychologic inhibition is characteristic of all races, white or black, of a low grade of intellectual development. This, with some races, might be corrected, but it certainly has not yet been corrected, nor is it probable that it can ever be completely in the negro as a distinct racial type. This is one of his racial handicaps.

Physical and moral degeneracy,—the latter involving chiefly the higher and more recently acquired attributes,—with a distinct tendency to reversion of type, is evident in the Southern negro. This physical and moral degeneracy and atavism is especially manifest in the direction of sexual proclivities. This

is natural, accords with the principles of evolution, and applies to all races, but with especial force, perhaps, to the negro.

The cannibalistic sexual rites of Hayti and Liberia and the enormous increase of Voodoo Phallic worship among the Southern negroes since the war are equally significant of atavism. When sexuality finds vent in Phallic worship, it is comparatively harmless as regards the individual. When it cannot be vented in this manner, it is likely to result in sexual crime.

The removal by his liberation of certain inhibitions placed upon the negro by slavery itself, already alluded to in the chapter on etiology of crime in general, has been especially effective as a causal factor of sexual crimes among the blacks of the South. The demoralizing influence of certain whites in the South, who did not recognize even sexual rights in their human chattels, was to a certain degree offset by fear on the part of the slave, yet it is remarkable that outrages upon white women were so rare. When the negro exhibited immorality in relation to the females of his own race, he usually had the excuse of the bad example set him by the whites,—often by his masters,—who did not concede to the negress the attribute of virtue. Indeed, the negro as a breeder, rather than as a moral factor, was often the slave-owner's chief concern.

The old idea that the negress had no sexual rights has lost ground since slavery days, but the view that she necessarily has no virtue—that virtue is an attribute impossible to the race—still exists. I recall a statement made by a young Southerner to the effect that a young man in his section who fornicated never injured his social standing, even though his habits were known, providing he confined himself to "prostitutes and niggers." His remarks were allowed to pass without protest by the party of representative Southerners before which they were made. While not a subject for discussion in circles polite, cohabitation with negresses is in some quarters tacitly understood to be inseparable from the wild oat sowing of Southern youth.

Much of the racial trouble in the South to-day is due to the intrinsically immoral attitude of many whites towards the negro.

That a powerful undercurrent of resentment should exist in the minds of the blacks is but natural. That the whites have not always set them a good example is self-evident. The large number of illegitimate mulattoes in America bears witness to this. How illegitimate relations with the blacks can be condoned or even tolerated, while miscegenation is legislated against, is perplexing to the logical mind.

We are perforce compelled to admit that synchronously with the passing of the old-time slave—who still revered "ole marse and mistis"—and the incoming of his degenerate descendants, all kinds of criminality in the Southern negro increased. Considering his disproportionate sexual development, is it remarkable that, with the removal of his inhibitions, sexual crimes—which were hitherto almost unknown—should result? The idea of equality with the whites—who were no longer to be revered as demigods—seething in the ignorant minds of the younger generation of blacks played a powerful rôle in determining the sexual direction of antisocial acts.

An incapacity of appreciation of the dire results to himself of sexual crimes is evident in the lower-class black. This incapacity is characteristic of a low type of organization, and such little sense of personal responsibility as a large proportion of the race naturally possesses is readily inhibited by excitement of the lower brain centres by anger, alcohol, or the *furor sexualis*. The higher faculties of the brain—those of ideation and reason—are better developed in higher types of humanity, and there is usually a corresponding lack of development of the lower, or more strictly animal centres. When, therefore, in the superior race a struggle for the mastery arises between the intellectual faculties and animal impulses, the balance is likely to be with the former, particularly when a keen sense of personal responsibility comes into play; the reverse obtains in the black.

When all inhibitions have been removed by sexual excitement, there is little difference, so far as the sense of personal responsibility is concerned, between the sexual furor of the degenerate human being, and that which prevails among the lower

animals, in certain instances and at certain periods. This is not confined to the blacks, but is observed, although much less frequently, in some sexual criminals among the whites. This reversion of type is both physical and psychic, and must be taken into serious consideration, as it bears directly upon the question whether or not it is practicable to remedy the resulting evils by the present methods of punishment and revenge?

Kiernan has asserted that *furor sexualis* in the negro resembles similar sexual attacks in the bull and elephant, and the running amok of the Malay. He further notes the sadism manifested by the negro in the torture or murder of his ravished victim. This is distinctly atavistic and occurs occasionally in whites.

The seeds of religion sown upon the soil of ignorance and superstition have had much to do with the development of criminality in the negro. Whether no religion at all would not be better for a large proportion of the lower class blacks is at least debatable ground. When a low type of race is subjected to emotional strain, inhibitions are removed and primitive instincts or bloodthirstiness come to the surface. The Anabaptists of the Lutheran Reformation threw all restraint to the winds and indulged in sexual murders. These Anabaptists were chiefly serfs who had been inflamed by fallacious notions of the clergy emanating from the time-honored text: "And they, the disciples, had all things in common, in love preferring one another."[1] Influences of this character affect the negro race in consequence of the quality of preaching that degrades.

There is more than an indirect relation between the emotional excitement associated with religious fervor in the blacks, and outrages upon white women. Angels are depicted as white, and their pictured beauty has a very disastrous effect upon the brain of the negro when his emotional centres are in the condition of auto-erethism characteristic of religious excitement. The result, in brief, is an inflamed desire for the possession of females of the superior race, and an increase of what may be

[1] J. G. Kiernan, Journal of Nervous and Mental Diseases, 1885.

termed sexual curiosity. A celebrated Southern negro divine has expressed himself similarly. This clergyman said that, in his opinion, fewer white angels and more black ones would have a repressive effect on sexual crimes among the blacks.

The view that repentance upon the scaffold is a guarantee of divine favor is quite general, and is especially potent in its influence upon the blacks. The condemned negro who does not believe that he is heavenward bound as he stands upon the scaffold, or confronts the infuriated citizens of the community in which he has committed an outrage, is a rarity. It is not a long step backward from the pious and superstitious negro who, in the shadow of the gallows-tree, believes he is on the short cut to heaven, to the Zulu, who in battle courts death because the religion of his fathers has taught him to believe that an eternity of happiness lies just beyond the enemy's spear or bullet. The indifference to death which heredity and religion—both heathen and Christian—have imparted to the negro, associated with the moral anesthesia of the more degraded of the race in America, is one of the chief factors in defeating the aim of capital punishment—viz., repression of crime. Capital punishment is not a brilliant success in the repression of crime, even among the whites, whose nervous organization and sensibilities are more refined than the blacks', and who, therefore, should be expected to have a keener appreciation of present existence and a greater dread of "that something after death." Du Bois himself has said, "Of death the negro shows little fear, but talks of it familiarly and fondly as simply a crossing of the waters, perhaps—who knows?—back to his ancient forests again." [2]

The greater frequency of rape in the South is explicable in part by the climate, which is much more favorable to the perpetuation of the primitive impulses of the black race than is that of the North. Reversion of type—both physical and psychic—is more likely to occur under the influences of the climate which most nearly approximates that in which the race was originally

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[2] The Souls of Black Folk.

bred. The influence of climate upon the sexual function is powerful in even the Caucasian. Seasons also have their influence.[3] Aside from the influence of the climate the Northern and Southern negroes are, on the average, widely different, physically, intellectually, and as social factors.

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[3] Influence of Seasons upon Conduct, Leffingwell.

CHAPTER X

THE TREATMENT OF SEXUAL VICE AND CRIME

If it were proved that prostitution is always due to degeneracy, would we be any better off as to its prevention and cure, if we limited ourselves solely to the conditions underlying degeneracy? Like crime, prostitution and its evils demand attention in our own generation, and while we should discover and correct its physical causes, where possible, we must remember that the prevention of degeneracy demands many years for perceptible results. The phenomena of all social diseases demand immediate palliation, even where the causes are either remediable or very remotely so. To abjure methods of amelioration of prostitution, even though it were in all cases dependent upon physical degeneracy, which cannot be immediately affected by our remedies, would be quite as absurd as to refuse aid in certain diseases of the individual body because the specific germ is beyond our reach. The chief danger of ultra-materialism in vice and crime, as in bodily disease, is therapeutic nihilism. No matter how clearly science may demonstrate the cause of criminality and vice to be physical, and beyond immediate control, measures for present amelioration must not be neglected.

The same measures that tend to prevent crime by correcting or preventing degeneracy necessarily apply to the prevention of prostitution, but moral, educational, physical, industrial, and social measures of prevention and cure are much more logical and effective in their application to prostitution than to crime, although the same principles govern in the case of each. The general principles in the correction of vice and crime have elsewhere been considered. The special measures for the prevention, amelioration and cure of prostitution alone concern us here.

Considered as an entity,—a social disease,—prostitution may be said to be absolutely incurable under existing conditions. All

efforts in the direction of cure have been signal failures. There has thus far been but little accomplished even in the prevention and amelioration of the evil. That moral, legal, social, and medical methods of management have done much good is admitted, but the good has been individual and sporadic. Prostitution as an institution has not experienced the slightest effect from the labors of moralist, social philosopher, legislator, physician, or the church. The proportion of prostitutes has increased, just as have other products of social and physical degeneracy. The proportion of syphilitics and gonorrheics has apparently not lessened, so far as the world at large is concerned, whatever may have been accomplished in certain localities.

It would be presumptuous in me to prescribe an arbitrary system of treatment for the social evil, in the face of the failure of the ablest minds of the world to suggest a practical remedy. I desire simply to present what I believe to be the most logical measures of prevention and amelioration of prostitution and its results—remedies which, while they do not always operate along the lines of least resistance, and are in some instances necessarily slow in results, even if adopted *in toto,* must inevitably prove beneficial to society after a reasonable time.

The immediate suppression of prostitution under present conditions would probably result in social disaster. Taking prostitution as it really is, it is a protector of the home. The debauchery of the degenerate is in a sense the salvation of the virtuous. The debauchery of one woman—already past hope of redemption—may protect the persons of a large number of her more fortunate sisters. This may be considered a very unsentimental way of expressing the situation, but I am discussing actual conditions, evil though they are, and am bound to present what I believe to be the facts. If there is a soul of good in things evil, let us know it by all means. The remedy lies not in suppression, but in mitigating the effects of prostitution in the first instance, and, secondly, in correcting, so far as possible, the causal conditions underlying it.

Prevention of prostitution is the key-note of its management. The first essential is, in my estimation, the education of youth

by giving it sound ideas of sexual physiology, correcting vicious notions derived from depraved men and women, imparting a knowledge of the horrors of venereal disease, and cultivating a healthful selfishness.

In speaking of the advisability of the sexual education of youth, I desire to oppose the notion that the male and female should be educated in precisely the same way, and that pruriency is excusable when published for alleged educational purposes. A distinguished and able member of the medical profession once wrote a treatise upon the sexual relation along the lines that he considered proper for popular reading, which was justly refused publication in a prominent medical journal. The pamphlet was couched in such terms that the man who should do bodily harm to any one who should place it in the hands of a respectable woman would scarcely be punished in any court in the land, yet the author advocated placing it in the hands of young and innocent girls. The intent in this case was laudable, but the method was as deplorable as those of certain degenerate quack "professors" of sexual training who have recently cropped out in various large cities.

There is much that is necessary in the sexual education of boys in the better grades of society which would be superfluous and indecent in the training of girls of similar social status. There is not so much of innate, hereditary, and acquired depravity, nor so many sources of vicious training and example to combat in girls as in boys. The normal social atmosphere of girls is relatively pure and sexually repressant, the reverse being the case with boys. The environment of the more degraded class of girls, is, of course, not greatly unlike that of boys of the same social stratum, yet even here there is a difference, although educational measures will have little influence in either sex unless such children are removed from their vicious surroundings. Moral and intellectual improvement demands brain susceptibility, which in certain environments cannot be developed.

Inasmuch as I have assigned to the male the most important rôle in the etiology of prostitution, he should be considered as of first importance in the problem of prevention.

As matters stand at present, the growing lad comes to regard sexual purity in the male as something to be ashamed of, and female virtue as extremely out of fashion. The city youth, especially, is not likely to boast of virtue that causes him to lose caste among his fellows. Example, evil teaching, pernicious literature, the stage, and physiologic promptings incline him to accept the fatuous notion that sexual indulgence, in season and out of season, legitimately or illegitimately, is a necessary factor in the life of the male. That it is a *sine qua non* to manliness, he verily believes. All of the environmental conditions of growing youth are faulty save—in the case of the fortunate ones—the moral atmosphere of a proper home, the great inhibitor of all moral evils. Even here physiology and ignorance often combine to defeat home influences.

Boys should be disabused of the idea that man's life revolves around his sexual organs, and should be taught that the creative principle has a higher aim than personal gratification. Above all, they should be taught that sexual passion is not only susceptible of control, but that the man who cannot control it is far from the physical ideal. Youth should early be taught that to control one's appetite makes a man a king among men, but that allowing his appetites to control him makes him a slave who can never enter his birthright. The lad's selfishness should be appealed to. He should be taught that physical perfection and early sexual indulgence are incompatible. The fallacy that sexual indulgence is necessary to good health should be dispelled. When the psycho-sexual centres are not stimulated by erotic environmental impressions, the non-gratification of the sexual function is unproductive of physical deterioration. The sexual function may, in an environment free from erotic stimuli, be held in abeyance indefinitely, without general or sexual deterioration. Boys should be taught that the ideal of manhood is physical perfection, and that early indulgence impairs not only their chances of attaining physical perfection, but also the usefulness and pleasure of the function at maturity. This appeal to their selfishness may accomplish more than any amount of preaching.

Boys should learn the dangers of venereal disease. Instruc-

tion in this direction has unfortunately been left to the quacks. Free museums of anatomy and pathology, with plenty of exhibits of the severe forms of venereal disease, should not be monopolized by quacks and pretenders, whose object is to terrorize youth into parting with its pocket-money. Such museums should be established and maintained at public expense, and lectures given therein, of comprehensiveness sufficient to the needs of the laity.

Upon the physician devolves the major part of the duty of instructing the public in the delicate matters germane to sexual vice and crime. That he neglects this duty is only too obvious. The so-called ethics of medicine has limited the sources of public instruction to charlatans and quacks. There is, however, a soul of good in things evil, and the warning to youth imparted by quack literature is better than nothing, even though the object of the quack is venal. The public cannot be blamed; it must get its information as best it can, and while the layman usually dearly loves to be quacked, he is often open to instruction from reliable sources. The quack thrives because the medical profession has neglected its plain duty.

Physicians should be encouraged to write and disseminate among the public dignified and discreet treatises on various sexual and venereal topics. The more advanced pupils in our boys' schools and colleges should be taught, not only physiology, but the elementary principles, at least, of venereal pathology. Boys should be taught to put a higher premium on their own, as well as upon female virtue. They should especially understand that he who is a slave to his passions not only degrades himself, but is the chief factor in the degradation of women.

The attention of the profession has recently been pertinently called to the question of venereal prophylaxis. A recent paper by Dr. Ludwig Weiss [1] presents *in extenso* a specious plea for the prevention of venereal diseases by the use of antiseptic and other measures. The measures advocated may be broadly divided into two classes,—viz.: (1) Prevention of infection of

[1] Journal of the American Medical Association, January 24, 1903.

the prostitute and her patron. (2) Prevention of infection of the innocent.

At first sight there would seem to be no possible objection to either class of measures. On analysis, however, the first class will be found to merit very grave reflection.

Is it not the duty of the physician to suggest continence, rather than antiseptics, to patients who seek advice on the question of prophylaxis? In the case of youths who have had no experience our duty is plain. We should not remove the only inhibition—the fear of consequences—that exists in many individuals. The suggestion of continence is thrown away upon the experienced man, for it is never followed, yet it is our plain duty. That the medical profession should endorse prostitution and constitute itself an assurance association for the purpose of removing one of the most potent checks upon the spread of the social evil known to humanity is open to serious question. It is my belief that the increase of patronage, and the moral effect of the tacit endorsement of prostitution thereby involved, would more than offset any possible advantages that could accrue from the attempt at prophylaxis. Syphilis would increase *pari passu* with increase in the patronage of prostitution, for no measure of prophylaxis would prevent immediate infection *via* abrasions of the skin or mucous membranes. The profession cannot assume precisely the same attitude towards the venereal diseases that it does towards typhoid, yellow fever, and the exanthemata, without assuming a moral responsibility it can ill afford. It certainly cannot put itself on record as believing that fornication is as much a part of human necessities as is food supply and proper exercise. Nor is it the duty of the profession to supervise the venereal life of man and make his immorality sanitary, just as it has tried to do his food and drink.

In order that the arguments in favor of this phase of venereal prophylaxis shall be cogent, it must be shown, beyond cavil,—

1. That prostitution itself is not increased by it.

2. That immorality of youth is not increased by it.

3. That the sum total of venereal disease, including syphilis, is lessened.

4. The corollary of the foregoing, that fewer infections of the innocent result.

That prophylaxis of infection of others by the speedy and thorough cure of afflicted individuals is the duty of the profession goes without saying. Even this, if done ostentatiously, is open to impeachment. The dispensaries to which Parisian prostitutes are consigned for treatment, are daily surrounded by men who seek for women whose discharge from custody, theoretically cured, is accepted as a guarantee against danger. It is the duty of medical men to impress upon the laity the grave dangers of venereal disease, and especially the long duration and protracted infectiousness of deep-seated gonorrhea and syphilis, involving, as they do, the necessity for prolonged and thorough treatment. In this enlightened age there is no more room for the ignoramus, either professional or lay, who believes that gonorrhea is a trivial and easily curable disease, "no worse than a bad cold," than for him who claims syphilis to be incurable. Special hospitals, or special wards in all general hospitals, for the treatment of venereal diseases are demanded in every large city. Let our wealthy philanthropists take notice.

Should the venereal hospital be a "lock hospital," and part of a system of compulsory sanitary inspection? After a careful analysis of all the arguments, *pro* and *con,* with reference to sanitary regulation of prostitution, I have arrived at the conclusion that such a system is not practicable in America. Paternalism and interference with individual liberty are so unpopular in this country that legal and sanitary measures of repression or regulation of prostitution must of necessity fail. That they have been a success in Europe, as many claim, is, to my mind, absurd, in view of certain statistics. In Paris only ten per cent., and in Berlin and Vienna (Müller-Nieman) less than fifteen per cent., of the entire estimated number of prostitutes have been subjected to registry and control. Regulation and inspection invariably increase clandestine prostitution, and as the greater relative infectiousness of the clandestine as compared with the professional prostitute in Paris is as 31.65 to 13.47, the inference is obvious. Statistics of the frequency of

venereal disease I consider to be worse than valueless as an argument in favor of regulation—they are pernicious.

As a broad general proposition, I believe that, while voluntary submission to inspection by prostitutes should be encouraged, and public institutions for the cure of venereal diseases established, any measures of compulsion must necessarily not only fail but become a pernicious factor in the social and political systems of our large American cities.

Licensing of prostitution, or any recognition of it as an institution, I believe to be absolutely inimical to the welfare of society. The campaign against the social evil should be conducted along medical, educational, moral, and philanthropic lines, absolutely divorced from legal and political measures of coercion, save in so far as the social evil may be a factor in crime or social disorder, or may obnoxiously parade itself before the public eye.

It has been claimed that in British India prostitution increased after the removal of control, and that the proportion of venereal diseases doubled among the soldiers thereafter. This may be true, but what prevails in India under militarism is no criterion for American, nor for any other large cities. The source of supply of women at army posts is extremely localized, and control of the special class of women patronized by the soldiers is easy and effective, as compared with the control of the prostitutes of a large metropolis and their patrons. As to the accuracy of the Indian statistics, it is suggestive that their compiler also claims that lues has become much more malignant since regulation ceased. If the analyst of the statistics was no more accurate in his figures than in his fantastic ideas of the conditions determining the malignancy of lues, his conclusions would best be taken *cum grano salis*.

The most thorough and logical discussion of American prostitution and its causes and remedies that has thus far appeared is the report of the New York "Committee of Fifteen."[2] The Committee's conclusions and recommendations are well worth

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[2] The Social Evil, G. P. Putnam's Sons Company, New York.

quoting, and the perusal of the complete report should be profitable to any one who desires a more exhaustive discussion of the regulation question than the scope of this work permits. In abstract, the Committee says essentially as follows:

1. The evidence shows that extant European regulation is not a remedy for prostitution, nor even for its incidental physical ills.

2. Moral considerations alone suffice to stamp as intolerable compulsory sanitary inspection of prostitutes for the purpose of making vice innocuous.

As an outline of a practical policy of dealing with the subject, the following is submitted:

1. Strenuous efforts should be made to prevent tenement-house overcrowding, which is a prolific source of immorality, and to provide better home environments for the poor.

2. The establishment by public or private enterprise of pure and elevating forms of amusement as a substitute for low-class dance-halls, music-halls, and theatres, which serve to stimulate sensuality and debase taste.

3. The amelioration of those conditions of the wage-earning class which tend to produce immorality through sheer physical want.

4. The establishment of institutions for the treatment of venereal disease.

5. The stern repression of all public manifestations of prostitution.

6. The creation of a special body of "morals police," to whom should be intrusted all the duties entailed by the adoption of the foregoing recommendations.

It is to be regretted that the Committee of Fifteen did not touch upon the questions of physical training and educational measures in the prevention of prostitution.

Apropos of the treatment of the evil now in vogue, a word must be said regarding the custom of street solicitation. This is a flagrant source of immorality and disease. At present, all that is done in Chicago is to "round up" and fine the street-walkers at stated intervals. The frequency of the "round-ups"

depends upon the police estimate of the ability of the women to stand assessment. The street-walker is very popular with the police, and a never-failing source of income to both the police and alleged "hotels" of certain districts. She is a stench in the nostrils of decency, but in all great cities she, like her more affluent sister of the Red Light District, is necessary to police affluence.

The street-walker should become a thing of the past. The inexperienced lad and the country "Reuben" alike fall victims to her wiles. As an institution, she is a reflection upon humanity. But what shall be done with her? She can rarely be reformed, and she must have food, clothes, and lodging. Let her be given an opportunity to earn an honest living in some industry under municipal control and ownership. Should she refuse, she should be given her choice between the seclusion of the brothel, or unobtrusive clandestine vice, and the House of Correction. First of all, I repeat: The excuse of hunger and cold must be done away with, by providing her with means of honorable self-support. She should not be compelled to work, but given the opportunity to work. If she declines it, let her then retire from the public view as best she may, or suffer the consequences. A fine, which is merely a percentage commission paid for the privilege of infamy, and makes the municipality and its officers co-partners in prostitution, is a satire upon humanity and morals, and an outrage upon misfortune.

Any special tax, license or other, placed upon prostitution, either stamps it as a moral and legitimate occupation, or places the authorities on the plane of co-partnership in prostitution and immorality. Those who argue in favor of a license system may take their choice. Either horn of the dilemma would be a moral and social disaster.

The plays and books indulged in by the young demand careful supervision. As I have previously stated, certain things which are the intellectual meat of strong men are often deadly moral poison for youth. Openly prurient literature is often no worse in this respect than some productions that pass as classics, so far as the effect upon the undisciplined mind of youth is

concerned. High-class literature may be even worse than the strictly prurient variety, because of the general endorsement of such books, and the refinement, social standing, and intellectual status of the characters depicted therein.

The modern newspaper is worthy of the censorship of parents and guardians. It is a great educator of the masses, it is true, but not all of its educational features are conducive to sound moral training of the young.

It is perfectly possible to so train children as to permit of censorship of their reading. When the parent or guardian has the full confidence of the normal child, literary restrictions are not likely to be rebelled against, and even the abnormal child is usually susceptible to sufficient control to permit of discrimination in the selection of its reading.

Care should be taken not to expose children to the pernicious and debasing influence of the rotten modern play, and to correct such views of life as the example of some celebrities inculcates.

The importance of manual training and moral, physical, and intellectual education in their relations to vice and crime in general has been expatiated upon in another chapter. It is only necessary to emphasize here the special advantages of physiologic muscle-training in facilitating sexual self-control. Where the superfluous energy of growing children, and especially boys, is directed towards muscular development, sexual erethism is lessened. The boy whose muscles are daily properly trained—*i.e.*, to the point of physiologic fatigue—is much more amenable to moral persuasion and much less likely to have vicious sexual instincts than the neurotic weak boy, whose unstable nervous equilibrium makes him a ready victim of sexual temptation.

Parents should guard carefully against vicious and demoralizing comradeships. The period of puberty, when the psychology of the child is being disturbed by hitherto unknown sexual impulses, is especially dangerous from this stand-point. Sexual impressions made at this time may permanently pervert the psycho-sexual centres. Even a normal child may be converted into a sexual pervert by sexual stimuli imparted by one of the same sex at this critical period. The intimacies of

boarding-schools and colleges are often responsible for sexual perversion and inversion. The character of the future sexuality of the pubescent is likely to be dominated by early sexual impressions. Physicians and parents would do well to study Adolphe Belot's "Mlle. Giraud," in which the dangers of boarding-schools for girls are only too plainly depicted.

The histories of such pitiful cases as that of Oscar Wilde, who was in his day the literary genius of Europe, give evidence that society would better devote some attention to a certain very disagreeable subject, one that reflects uncomplimentarily upon the entire civilized portion of the human race.

Close intimacies among both boys and girls should be avoided. Innocence, good breeding, and normal parentage are often of little avail here, especially if one or the other of the intimates is naturally depraved. The social pleasures of both girls and boys should be carefully supervised.

In regard to boarding-schools, something special should be said. It is my opinion that there are very few of these institutions in which intelligent supervision is exercised. Wine-drinking, cigarette-smoking, profanity, card-playing, and sexual vice are often indulged in by both girls and boys. The same influence of moral specific gravity is evidenced here as in other circumstances demanding the segregation of human beings. Teachers should understand this and guard against it. More accurate information should be obtained by school authorities as to the moral status of the pupils. I recently had under my care a girl of seventeen, a pupil of a certain fashionable boarding-school, who not only had gonorrhea, but the manners of a demi-mondaine. She spoke glibly of "our set" at school,—a set that smoked and drank.

Two cases have recently come under my observation of girls who became *enceinte* while at boarding-school. If betrayed innocence was responsible for their downfall, these girls must have learned the manners of the street very quickly, for they were of the type that can be seen any night in the shadow spaces of our down-town streets. One girl of this stamp can corrupt a large number of pupils, who, even more than the adult,

tend to sink to the level of the lowest, rather than to rise to the plane of the highest, of their associates.

The evils of alcoholism should be impressed upon both boys and girls, and especially the latter. There is no such thing as moderate indulgence for women. The seductive signs, "Ladies' Entrance," and "Family Entrance," over the side doors of saloons are an insult to human intelligence, and a reflection upon womanhood. One might fancy a similar sign over the gates of hell.

Much can be done for women by knocking fallacious, immature conceptions of the ideal out of the young girl's head. The ideal of which she dreams is likely to be realized in the first man who pays her attention. Propinquity builds ideals sometimes —dangerous ones. All depends on whether he whom she idealizes is trustworthy. Her conception of the ideal is merely the maternal instinct, plus a concatenation of early ovarian reflexes, —physiologic in foundation, but perverted and distorted by hothouse literature and other environmental evils;—associated with puerility of judgment and absolute inexperience. Such ideals are usually misleading, and often disastrous. When Voltaire said, "Every woman has her quarter of an hour," he slandered the sex, but he unconsciously made obeisance to the maternal instinct and the ovarian reflex. Character study and the development of discrimination should precede the building of ideals. The idealized of to-day is perhaps the despised of to-morrow. Love at first sight often leads to divorce at second sight.

Fallacious notions of the ideal and incomprehension of the principle of self-preservation are responsible for a most dangerous peculiarity of young women. The man who is stamped as dissolute and depraved has often an absolute fascination for them. Given the same or even less favorable opportunities, and the reprobate can usually win a girl away from a large field of decent and orderly competitors. Warnings and an exposé of the true character of the man rarely do more than hasten the wedding-bells, or worse. The author of the story of the Snake in Eden knew woman nature, however ignorant of science he may have been.

Young girls should be given to understand that, while a happy marriage is the natural fate of woman, spinsterhood is not only no disgrace, but far preferable to an unhappy marriage, which, for discomfort, must discount hell. They should understand that a happy marriage is not always the outgrowth of a youthful ideal. Ideals do not always stand the fire of connubial experience. The physical and intellectual attractions of the girlish ideal are often an insecure foundation for future happiness and comfort. The idea that marriage is a partnership for the battle of life should dominate woman's mind. I am well aware that, as matters stand at present, woman has relatively little voice in selection. Such voice as society permits her to have, however, she should exercise to the full.

The hazard of matrimony has attracted the attention and study of some of our most profound thinkers. The suggestion of time contracts in marriage—which in effect is probationary marriage—by so eminent a student as Professor E. D. Cope, is not without meaning.[3] From whatever angle the moralist may view matrimony in its relations to sexual vice, the man who marries a face and the woman who marries a pocket-book are serious matters for consideration.

So far as matrimonial infelicity in its relations to prostitution is concerned, I do not believe that morality can be conserved by making divorce difficult. This, as elsewhere remarked, puts a penalty upon unavoidable mistakes in matrimonial selection. There should be no impediments to divorce where harmonious relations are impossible, providing that, where there are children, due and satisfactory provision for their support and training is made, and further, providing that the man is compelled to care for the woman where she is not proved to be at fault.

The sooner the world comes to regard marriage as a civil and social contract, upon the fulfilment of which rests the very foundation of society, the better for the human race. The "divinity of matrimony is as absurd as the cosmogony of Genesis, from which its theory was derived. As a human institution,

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[3] The Open Court, November, 1888.

it deserves all the consideration that philosophic altruism can give it. As a divine institution, it is open to impeachment. The "sanitary" marriage of which sociologic idealists are wont to dream will never be realized so long as the alleged divinity of matrimony permeates society. When matrimony is shorn of its theologic bias, and resolved into its true status as the sheet anchor of society, stirpiculture may have its day.

Young girls should be taught sufficient selfishness to put them on the defensive. They should learn that familiarity not preceded by respectful formality along prospective matrimonial lines means disrespect and danger, and that men respect woman in proportion as she respects herself. They should know that men talk, and that *roués* are given to boasting. If women were more familiar with the masculine application to the opposite sex of the "What man has done, man may do," maxim, they would be more guarded. The slightest tolerance of familiarity often makes a woman's name a byword and a reproach. One thing she should ever bear in mind,—namely, love should wait on judgment.

Many girls are imbued with the idea that coquetry is an innocent accomplishment. To say the least, the coquette courts danger, and trusts to luck to escape paying the price of her diversion. Mantegazza was not far wrong when he said, "The virtue of the coquette is purely physical." The prevalent masculine theory is that, given opportunity, the woman who flirts will do worse.

Mere moral and religious training, while well enough so far as they go, are often ineffective as repressants of female immorality, simply because the young girl observes that the standard of virtue and morality is largely a matter of opinion. When she sees examples about her that set at naught all of the principles enunciated by her parents and religious mentors, her immature conceptions of her relations to her environment are likely to become, first confused, and finally perverted. Especially is this likely to follow where the vicious example is lionized by society.

The home is the greatest moral inhibitor in society. Ex-

perience shows that even the worst of home surroundings is better than none, in the present state of our social system, in which society's obligation to waifs is practically ignored. When public and private effort is directed to the improvement of home surroundings, much good will be done in the direction of preventing prostitution. Cleanly and healthful surroundings for the poor tend to increase sex self-respect, and with increased self-respect comes a lessening of immoral tendencies. The overcrowded tenement affords no privacy for the sexes. A community of sex association does not tend to immorality among savages, perhaps, but it is certainly disastrous to the morals of civilization, because of the difference in primitive and civilized standards of morals, and the relatively greater viciousness of civilized man.

With increased public and philanthropic interest in the fate of poor and friendless female children will come a decrease in the proportion of prostitutes. Society's neglect of destitute female children is even worse than its indifference to the fate of boys. What has been elsewhere said of the duty of society towards children in general is especially pertinent as applied to the female.

The latter-day, ultra-materialistic theories of degeneracy as a cause of prostitution will lead us to the Nowhere of Progress in Sociology, so far as the social evil is concerned, unless, after recognizing the innate predisposition of many women to prostitution, we regard it as a demand for the protection of all women, and especially the degenerate, against the influences that point the way to the brothel.

With strange inconsistency, the law has not concerned itself with the sexual debauchment of boys, which is so important in its bearing upon prostitution. The "age of consent" established for the protection of the female in various States is a sop thrown to that Cerberus, social conscience, and is made ridiculous in certain quarters. The age of consent is so low in some States as to lead one to wonder what manner of brutes framed the law. With all its absurdities and inconsistencies, however, it is still to a certain degree deterrent of sexual vice and crime.

The debauchment of the male should be guarded against by similar laws. The admission of either males or females under age to houses of prostitution should be visited by severe penalties, no matter what, if any, age of consent may be established.

The modern tendency to train girls to be social butterflies is a great evil, one that is easier to criticise adversely than to correct. Mothers set the example, and girls follow only too willingly. Domestic duties and accomplishments are considered unrefined and undignified. Dress and society are the key-notes of the modern hot-house method of training girls. Girls trained in this manner are in danger from their very helplessness, when they are suddenly thrown upon their own resources or marry men who cannot provide the luxuries and social refinements to which they are accustomed. The so-called "higher education" fails here. This evil will prevail so long as mothers encourage in their daughters a spirit of resentment or indifference to domestic duties as something unworthy or undignified. The poor man's daughter, who believes herself better than her hard-working mother, is always in danger. The typewriter is mightier and more attractive than the washboard, one must admit; that it is morally more dangerous, none can justly deny. That it will continue to be a dangerous implement, until human nature changes, is self-evident.

The age which shall restore the dignity of domestic labor will do a great work in antagonizing the social evil. Respectable and comfortable homes, with excellent wages, will be open to thousands of women in this country as soon as they are willing to do for an independent living the same amount and character of work that most sensible women would gladly do for husband and children with a mere existence as compensation. The woman in domestic service is healthier, more comfortable, better protected, better paid, and more independent, so far as securing and holding a position are concerned, than the average shop- and factory-girl or female clerk. She is in a better position even than many married women, so far as the material comforts of life are concerned. The cry of "necessity"

as a cause of prostitution is not so valid as it might be, after all, so long as female labor in domestic life is as scarce as it is at present.

Not only is woman, in general, becoming demoralized by her present attitude towards domestic occupations, but the home-life of this country is becoming sadly disorganized. Were it possible to obtain domestic labor, many city flat-dwellers would have comfortable suburban homes, with moral and healthful surroundings for their children, instead of the evil atmosphere of the city.

The problem of the superfluous woman, and the woman out of whom the great industrial Juggernaut is crushing the life-blood and decency, is one of the most vital points in the prevention of prostitution. Social conventionality and moral expediency in Christian countries have evolved laws that prevent man from marrying more than one woman at a time, but it is his duty, as the bulwark of the State, to see that all women are cared for so far as possible. Conditions should be such that no woman would be compelled to sell herself for bread. She is responsible for her person, so far as her impulses go; she is not responsible for the necessities that drive her to prostitution. Her charms are ofttimes her only capital. With necessity staring her in the face, who should damn her for making the best terms she can for self-preservation? The legal right of woman to sell herself on the best terms possible, providing she thereby violates no right of others, is tacitly conceded in all social systems. That she should ever be compelled to do so from necessity is a blot upon civilization. As conditions now are, nothing practical is done to relieve this necessity save the effects of individual philanthropy, and this does not usually emanate from the class of persons best able to bear the financial burden. If, instead of liberal church endowments, donations to colleges and universities, and gifts of libraries, our wealthy men would devote themselves to the amelioration of the conditions underlying vice and crime, they would accomplish ten thousand-fold more good to humanity than they are doing at present. What the people from whose ranks criminals and prostitutes are

derived most need is not libraries and higher educational institutions—they need bread and butter, clothes to wear, bathing facilities, clean and wholesome surroundings, and manual training. But, our wealthy men would not be satisfied with philanthropic enterprises the drum-beat of which could not be heard in the market-place. Homes, living wages, refined amusements, and educational influences within her intellectual grasp would do more for the working-woman than all the churches and universities combined. A " Merchant Prince" donates a large sum of money to found a museum. Through philanthropy? No, to advertise for the present, build a monument for himself, and perpetuate his name long after the true worker for humanity has been forgotten. Fame may be bought with money. I am not sure that " immortality" is not to be had for a price. If the Merchant Prince would devote the same amount of money that he donates to enterprises heralded from the house-tops to increasing the wages of his thousands of employees, he would accomplish much more practical good. The millionaire philanthropist who shall devote his fortune to placing a greater or less number of women beyond the necessity of selling themselves for bread may be well called, after the manner of the Mohammedans, Effendi, the Blessed.

There is a great demand for proper recreation and amusement for working-women. Woman instinctively abhors the humdrum of life, and only too often pays the highest possible price for diversion. Men are not slow in asking the price. What opportunity has the average working-girl to attend the proper play, or indulge in any form of social recreation? Money and suitable dress are lacking, and a decent escort difficult to find. The average man considers the self-supporting woman fair game. The very thing that should win his respect and esteem is regarded by him as evidence that the woman is at least open to argument. What a magnificent field there is for play-houses and music-halls for working-people, supported by private philanthropy, and devoted to education as well as amusement. As an auxiliary to amusements for women, better legal protection for respectable women who are unattended by escorts

would be useful. A legal machine for "mashing" the masher would do great good.

The "Noon-Day Rest," established by philanthropic women for working-girls in Chicago, is one of the grandest institutions ever devised for self-supporting women. A number of these "Rests" are in operation. Here the tired girl may repose in peace and quiet, in refined and comfortable surroundings. Her lunch is provided at the lowest possible rates. The break in the monotony of toil, and the avoidance of the temptation to secure a meal at "man's price," which she cannot otherwise afford, are by no means the least of the blessings of the Noon-Day Rest.

Home-like hotels and boarding-houses for worthy self-supporting persons, and especially for women, are the crying need of the hour and the philanthropists opportunity. Clean and wholesome food, refined surroundings, and light and cheery rooms at moderate prices would do more to increase the self-esteem and comfort of working-girls than anything that could be mentioned. At present it is well-nigh impossible for the woman who is dependent upon her own industry to secure a boarding-place that is comfortable and home-like, within her scanty means, and free from evil influences and associations. Men can much more easily find tolerable places in which to live, although even here much could be done. Special homes for women should restrict their liberty as little as possible, consistent with good behavior. Some efforts at the establishment of such homes have failed because of the reformatory methods applied to decent women, who are, or should be, free factors. The rules should be reasonable, especially as regards receiving friends, but the management should keep in close touch with the inmates of the home, and keep a parental eye upon them. Should a woman prove herself unworthy, she should thereafter be denied the privileges of the home. The "charity" aspect of such homes should be kept in the background. The boarders should pay according to their abilities, and the management should know what salary they receive.

The health boards of our large cities should be invested with

greater power to regulate the sanitary conditions under which women work. Abundant light, cleanliness, plenty of air-space, and sanitary conveniences for physiologic necessities should be insisted upon. Provision should be made against all the conditions inimical to health, characterizing certain special occupations, and the necessary regulations strictly enforced. The laws regulating child labor should be particularly enforced in the case of female workers, and the home surroundings of children forced into idleness because they are under the prescribed age limit carefully investigated. Much harm may be done by neglecting this. Some families are so dependent upon the labor of their children that great physical and moral disaster may result from preventing them from working. Great circumspection is necessary here, lest child labor be replaced by worse conditions.

The hours of working-women and the compensation received demand the strictest supervision. The commercial Shylock, striving for his pound of flesh, has had his own way in grinding out the very life and morality of working-women far too long. The industrial Juggernaut has crushed millions into the earth, and has been allowed to go unmolested on its soul-shrivelling career, until it is no wonder that the wageworker has occasionally risen in rebellion. The spectacle of a multi-millionaire donating to charity thousands of dollars amassed in the sale of garments made for a mere pittance by half-starved sewing-women is an anomaly which will one day be out of harmony with the spirit of the age. Hood's "Song of the Shirt" was the apotheosis of the female toiler.

The day may be far distant when municipalities will operate in antagonizing the social evil along the lines suggested in the foregoing chapter, but once private philanthropy is seriously interested, great good will be accomplished. As one of our humorous writers has satirically remarked, "In uplifting the masses we should get underneath."

The remedies for the local diseases of various kinds that so often underlie sexual vice and crime have no place in this volume. Suffice it to say that these pathologic conditions, in both male

and female, are often amenable to proper medical or surgical treatment. Sexual perversion and inversion of an acquired form are sometimes curable by suggestion, a therapeutic field that cannot be considered here. The congenital variety is incurable. All incurable victims should be permanently removed from our social system. They are sources of moral contagion and promoters of sexual crime to whom the right to remain in society should be denied.

TREATMENT OF NEGRO RAPISTS

There is an unwritten law in the South, from which there is no appeal, that the negro rapist shall meet with summary execution, whenever and wherever he is found. It is also coming to be an almost universal custom to apply the principle of revenge in the most horrible manner conceivable. Judge Lynch is growing more and more diabolically exacting, year by year, and Southern communities vie with each other in inventing fresh punitive horrors for the intimidation of negroes of criminal tendencies. The West, even, has followed the example of the South, and Kansas, Colorado, Indiana, and Illinois have each added a black page to America's history of crimes perpetrated to avenge crime.

It is easy for one at a distance to sit in judgment upon the acts of people infuriated by the commission of a horrible crime in their own community, and often as unfair as it is easy, especially when the critic is actuated by mere sentiment. I am not unmindful of the extreme provocation under which mobs have wreaked their vengeance upon offending blacks, nor am I entirely out of sympathy with the spirit of revenge that underlies the lynching of negro rapists, so far as it is personal to individuals who have suffered from outrages upon those near and dear to them. The matter, however, should be considered from the social, not the individual, stand-point, and the Southern method of dealing with the problem submitted to the crucial test, *cui bono?* What good has been accomplished by the shootings, hangings, and burnings? Is there any method that is likely to be more effective in repressing the evil?—for this, not revenge,

should be the object of any method of dealing with the ravisher, white or black.

As a general proposition, I unhesitatingly affirm that the American method of dealing with black *violateurs* is illogical, ineffective, and attended by a disturbed *morale* of the community in which the summary executions occur, that more than neutralizes any advantages that might by any possibility accrue from them. That the method is ineffective is admitted by all thinking men in the South. The late Dr. Hunter McGuire, in a letter to me, said, " Sexual crimes on the part of the negro in the South are becoming more and more frequent. This despite the horrors of the punishment inflicted on the criminal."

Admitting, for the sake of argument, the justice and necessity of summary lynchings in the South,—which is tantamount to the admission that anarchy, not law, prevails in that section, —there are still certain special points that are open to serious question.

No process of reasoning can possibly justify the burning alive of the negro ravisher. Such treatment, though well deserved, and horrible enough to satisfy the most epicurean taste for diabolic revenge, cannot possibly be more effective than a more humane execution by the bullet or rope. With the departure of the vital spark from the lyncher's victim all impression made by the horrible manner of execution ceases. That the moral effect upon prospective criminals is not deterrent is shown by the fact that rape has been at least as frequent, if not more frequent, since cremating negroes alive came into fashion, as in the days when revenge was satisfied with more humane methods of despatching its victims. As elsewhere remarked, crimes feed upon punitive brutality. History demonstrates this.

As rape is often perpetrated by white men, and no white man has ever been used as material for a bonfire, the negroes of America are chiefly impressed and justly enraged by the unjust discrimination against the black race, especially as it is not for rape alone that he is discriminated against. The barbarity of the execution obscures its justice, and the result is a bitter and rebellious spirit among the blacks as a class. Any

"moral" effect that roasting a negro might have is dissipated by this spirit. The black also recognizes as the spirit actuating a mob seeking revenge upon a negro ravisher, "Kill the right nigger if you can catch him, but any nigger will do for an example." The same spirit actuated Charles IX. in ordering the massacre of the Huguenots, when he said, "Kill them all, God will know his own." Hair-splitting questions of identity do not worry the average mob, in any part of the country, and, as the majority of lynchers believe that "the only good nigger is a dead nigger," a mistake is not likely to be a matter to lose sleep over. The prevailing sentiment reminds me of the story of the Western mob that lynched the wrong man. The leader of the lynchers called upon the victim's widow, explained matters, and said, "I reckon, ma'am, the joke's on us, good and plenty."

There are those in the South who assert that the negro is a brute without a soul, and should be treated like one. To this I reply, that, were he treated like a brute, roasting bees would stop. If a Southern child were bitten by a rabid dog, and some one should capture the animal, tie him to a tree, saturate him with kerosene, and apply the torch, a hundred pistols would be drawn in defence of the helpless brute, or I overestimate the manliness of the South. To pronounce the negro a soulless brute, is to absolve him from all criminal responsibility.

A special source of fallacy in the infliction of a horrible death by burning is the fact that only the negroes of the immediate locality in which the execution occurs are likely to know of it. The class of blacks at which the supposed deterrent effects are aimed is the lowest and most illiterate. Not being able to read, those at a distance from the scene of the tragedy may never learn of it save by accident. So far as those who do hear of the horrible executions, in all its details, are concerned, the moral effect is slight and transient. The more brutish of the negroes, the class from which sexual crimes are expected, are of such a low grade of mentality that current events soon obliterate all recollections of the crime, the criminal, and his punishment. In general, any method of punishment that results in the death of

the criminal, or is liable to be forgotten by prospective criminals, is illogical and ineffective.

In my opinion there is but one logical method of dealing with the rapist, and that is total ablation of the sexual organs. The criminal is thereby not only incapacitated from a repetition of the crime, but put beyond the power of procreating his kind. A few "complete" eunuchs scattered throughout the South would really be the conservation of energy, so far as the repression of sexual crime is concerned. Executed, they would be forgotten; unsexed and free, they would be a constant warning and ever-present admonition to others of their race. I do not advocate this method of dealing with sexual crimes upon the illogical principle of revenge, yet the most ardent advocate of that principle should find no fault with it.

To be effectual, asexualization should be enforced against rapists of whatever color. Unjust discrimination against the blacks merely serves to defeat the purpose of the method. The double color standard of virtue has already worked great harm.

Like all methods of dealing with crime, asexualization should be made statutory, to be inflicted only after proper legal proceedings have unequivocally established his guilt. Here, as elsewhere, great caution is necessary to avoid injury to the innocent. The danger of the latter is especially great in the court of Judge Lynch.

There is little doubt that innocent negroes have suffered horrible deaths at the hands of mobs.[4] Identification of the criminal is often difficult. That the half-crazed victim of the assault is often incapable of identifying her assailant is unquestionable. The resemblance between negroes is very strong, and the woman's fright and the circumstances surrounding the assault effectually preclude the possibility of her identifying the rapist in many cases. This, however, as already stated, is only too often a minor consideration with the mob that has the case

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[4] In a recent case, a man, for the murder of whose wife three young negroes were hanged, confessed on his deathbed that he had murdered the woman himself.

in hand. I have elsewhere discussed more in detail the question of identification under strong emotional excitement.

The prevention or amelioration of the outrages from which the South is suffering will never be accomplished until the whites drop the double standard of morals that ever looms up like a giant monster, just behind the race problem, which implies that a white woman's virtue is a sacred thing, but that a negress is incapable of virtuous sentiment, or, at least, has none that a white man is bound to respect. Example means much, especially to the primitive types of humanity. Again, if the negro has a low standard of virtue set for him, what reward can he expect from moral conduct—simply the privilege of not being shot, hanged, or cremated alive? Brand a man as a thief, and he "might as well have the game as the name." He has no incentive to uprightness and honesty.

Admitting that the capacity for moral development and altruistic perception is primarily low in the negro, it is still only fair to ask, "Is the negro in his native state essentially immoral, according to his lights, and if not, are we not justified in assuming that his immorality in civilized communities is due in part to his ignorant attempt to adapt himself to the standards of degraded whites.

Cherry, in his lectures on Africa, shows pictures of prison stockades in African villages wherein negroes are undergoing severe punishment for rape, adultery, and robbery, so the native African must have a moral code. One might be justified in wondering if the Dahomey villagers were improved by the atmosphere of civilization enveloping the Midway Plaisance at the Chicago World's Fair; the *danse du ventre* was, I believe, danced by Caucasians before Caucasian audiences.

There is much truth in Professor Du Bois's remarks anent the incubus that crushed the spirit of the black race at the close of the war. "The negro's burden was not all poverty and ignorance, for there was the red stain of bastardy, which two centuries of defilement of negro women had stamped upon his race." [5]

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[5] The Souls of Black Folk.

The negro standard of sexual morality may never be as high as that of the whites in general, but it is even now quite as high as that of the white who cohabits with negresses. Let the South begin the work of moral training of the blacks by setting the ban of disapproval upon whites who sustain sexual relations with them. Miscegenation is a crime in many States, in but one of which is fornication with negroes legislated against. What gross inconsistency! If moral sexual relations between white and black are stamped as a crime, what should be done with those who sustain immoral relations? If the States, both Northern and Southern, that legislate against miscegenation would be fair and consistent, they must place a heavy penalty upon illicit cohabitation between the races. This has not been done save in Alabama, so far as I am aware. The white father of an illegitimate mulatto child should be made to pay dearly for the luxury. The same law should be applied to whites and blacks. The white should bear the principal odium, and even greater penalties, because of the greater intelligence he is supposed to have and his more powerful influence upon society's morals. As for the white woman who voluntarily cohabits with a negro, she should be made an example of that would permanently lighten the complexion of her amorous inclinations.

The sexual education of youth is faulty everywhere, but in addition to faulty sexual education in general, the Southern white boy has a special danger confronting him,—the temptation afforded him by great facilities for association with negresses, and in some quarters an atmosphere of social tolerance of any indiscretions he may commit in that direction. Any system of moral training of the black that does not comprehend the correction of sexual depravity in the white must, of necessity, be a failure.

Right thinking and right acting revolve around self-respect. The negro should be taught self-respect. To deny him the quality of virtue, to refuse to acknowledge it as even a possible attribute of his race, is not the correct way to go about it.

CHAPTER XI

GENIUS AND DEGENERACY

General Considerations.—The relation of genius to degeneracy has been of late years the subject of considerable controversy. Believing, as I do, in the correctness of the view that genius is abnormal, and both a product and a cause of degeneracy, and, further, that it is correlated with other phenomena of degeneracy that are generally recognized as social diseases, its discussion is in place in this volume.

The impression has prevailed among the laity and the more narrow of the scientific opponents of the genius-degeneracy theory that it was primarily intended to discount and discredit genius. This idea is fallacious; the liberal scientific tendency is rather to discount the failings of genius and explain them on logical grounds. The man who says of the genius, "He is a great man, only he drinks;" or, "His morals are thus and so," simply demonstrates his own lack of reasoning faculty. It was said of Hartley Coleridge, "He writes like an angel, and drinks like a fish." Why the qualification?

The value of the genius to the world is not to be gauged by his moral irregularities or erratic qualities of mind, but by the worth of the products of his brain. The mental and moral defects and physical degeneracy of genius are the price the world must pay for its contributions. They are also the price that the genius himself must pay for that which does not always benefit its possessor. The world usually gets much the better of the bargain, and yet, even from this stand-point, the value of the genius has been overrated. The stability and prosperity of society is not dependent upon genius in the strict sense of the term, but upon the continuous operation of the normal, well-balanced, average intellect. Most of the important problems that have been solved by genius would eventually have been worked out by men of average brain-capacity under the whip

and spur of human necessities, without the intervention of meteoric geniuses.

The same thought is expressed by Alison:[1] "How much soever we may ascribe, and sometimes with justice, to the force and ascendancy of individual genius, nothing is more certain than that, in the general case, it is external events and circumstances which give a certain bent to human speculation, and that the most original thought is rarely able to do much more than anticipate by a few years the simultaneous efforts of inferior intellects."

Certain it is that, from whatever stand-point genius may be viewed, hard work combined with the average degree of intelligence outstrips it in the long-run—the old fable of the tortoise and the hare. If most of us waited for the inspiration of genius, our life's end night would overtake us ere our lifework had well begun. Genius oft consumes itself in its own fire, and, like fire, ends in mere smoke and ashes. Like the flash-light, the genius shows things clearly for a brief moment and then is gone. If a picture be taken on the sensitized plate of history, his memory may remain.

In letters and the arts especially, the value to humanity of the productions of genius has been overestimated. The dogma of infallibility that surrounds with a halo of exaggerated luminosity the heads of some of the geniuses of the world has well-nigh made them demigods. It has been the fashion to accept these men as intellectual meteors, without either precedent or successors. Granting this to be possibly true of some,—of whom Shakespeare is the type,—it is by no means true of all. The old masters are sometimes considered as without peers because of our inappreciation of men of the present. The centre of artistic perception of the latter-day public is dominated by a presbyopic vision of greatness—it cannot see the woods for the trees. Again, many of the worshipped productions of genius have counted for but little in human progress. Despite the beauty of his verse, the world might have struggled on without

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[1] Essay on Bossuet.

the neuropathic Byron and his peculiar moral bent, which inculcated the doctrine of hating your neighbor and loving your neighbor's wife. Other geniuses have been underrated. The same world that worships at the feet of professional slayers of men,—great military geniuses,—and has made demigods of lewd Boccaccio, vulgar old Rabelais, and obscene Dean Swift, has no tablets in the Hall of Fame for such great men as Crawford W. Long and Guthrie, the co-discoverers of anesthesia, or that obscure hero doctor of the American backwoods, Ephraim McDowell, whose pioneer operation of ovariotomy and the impetus it gave to abdominal surgery has saved more lives than Napoleon ever destroyed. Nelson, dying at Trafalgar, has been immortalized because he reduced killing on the high seas to a science and, when his end came, thanked God that he had done his duty. Mention in the medical press is all that will ever be meted out to brave Muëller, Sachs, and Barisch, who died of plague contracted in a Vienna laboratory whilst fighting for humanity, or that hero of Lisbon, Professor Pestana, who, as he lay dying of plague, with which he was infected while studying the disease post mortem, gave a lecture upon his own case—knowing full well that the end was near—and made provision for an autopsy on himself for the benefit of science.

It is possible that the rarity of genius and of intrinsic greatness is overestimated. Accident and opportunity have had much to do with bringing before the world the qualities of some of our greatest personages. An illustrated work on natural history fell into the hands of Cuvier, and one of the greatest of naturalists had his eyes opened to his own capacity and inclinations; the apple fell while Newton gazed and pondered, and the law of gravitation was established; the great cathedral lamp swung to and fro before Galileo, and a new system of cosmic truth was born; Schubert, when a child of six, was taken to a piano warehouse and a tone poet discovered; Burns was brought forth from obscurity by Dr. Blacklock, who chanced to see a copy of his first modest book of verse; Beethoven, the virtuoso, went deaf and became a great composer; Cromwell was prevented from leaving England by order of the Crown, and this made the

Commonwealth possible; Jenny Lind sang to her pet kitten, was overheard by an appreciative woman, who gave her the opportunity, and became a human nightingale; Christine Nilsson sang folk-songs at a rural fair, and, like Jenny Lind, was overheard by an appreciative one who made her glorious career possible; Robert Watt beguiled his time in watching a dizzy old teakettle, and lo! a Titan force sprang into being; the soulful philosophy and spiritual beauty of Omar Khayyam lay obscured by the dust and rust of ages, until a genius of modern days, Fitzgerald, brought it forth arrayed in new garb for the delight of thousands; Roosevelt had been given a political burial by being made Vice-President—he was resurrected by a lunatic's bullet; and there are other instances too numerous to mention. Who shall say that there are not hundreds of geniuses who await the coming of accident and opportunity to reveal themselves to themselves? Is it not possible that many a genius has lived his little life "unhonored and unsung"?

MacDonald has adopted the extreme view of the correlation of genius and degeneracy. He says,[2]—

"Human beings may be classified, in general, into normal and abnormal. While the term 'abnormal' often suggests unethical or unesthetic characteristics, it is not here so employed. Thus, a great reformer and a great criminal are both abnormal in the sense of diverging greatly from the average or normal man. The principal and extreme forms of human abnormality are insanity, genius, and crime."

Apropos of sentimental opposition to the view of genius as abnormality, MacDonald further remarks:

"From the natural history point of view, man should be studied as we study all species below him. In an investigation, therefore, of insanity and genius, we must, so far as possible, eliminate all those ethical and esthetic ideas that we have been accustomed to associate with these terms. An empirical study is concerned with facts rather than with sentiments, emotions, or ideals concerned with such facts."

It should be remembered that while genius has a material foundation, it is not an organic entity, but a quality of mind of

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[2] Abnormal Man, Arthur MacDonald.

very complex constitution. This fact is not seemingly always clear to writers who discuss it; thus the author of a recent popular novel says, "Genius is abnormal; therefore, I hold that it must act abnormally at some period of its career." [3] Obviously, if genius is a quality of mind, and is abnormal, all of its manifestations must be abnormal. The antisocial acts of the genius, however, are not due to the operations of genius, but to those of other mental qualities with which, if the neuropathic or degeneracy theory of genius be correct, genius must necessarily be often associated. The same conduct is observed in individuals who have no claim to genius.

It is held by many that genius is a mysterious and unaccountable property of mind, a sort of spiritual essence which, like the orthodox soul, is a phenomenon that stands alone. This view is a natural inheritance from the old-time school of psychologists, who regarded mind as a mysterious, ethereal entity. Genius is mysterious only to the extent that mind is mysterious. If mind has a physical basis, as is now generally believed, a physical basis must also be assigned to genius. This much must be granted, else there is no room for discussion of the question of the normality or abnormality of genius.

On the mystery side, Royse [4] says,—

> "Genius, like the air we breathe, like the water we drink, like the light that vivifies us, is a compound, not one of whose factors discloses the slightest hint of the glorious product, and whose laws of combination and evolution baffle, and must ever baffle, the keenest scientific inspection."

The acceptance of this view of genius should be impossible to the student of psychiatry, and, indeed, to any one familiar with cerebral localization and its relation to psychology. Taking Royse's own analogy as a basis for the consideration of genius, it must be confessed that, while the precise modus of the combination of elements necessary to the production of air, water, and light is unknown, the knowledge of these "compounds" and

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[3] The Circle, Katherine Cecil Thurston.
[4] Study of Genius, N. K. Royse.

their nature that we already possess is far too material to permit us to regard them and their properties as altogether mysterious. There is too much clinical evidence of the association of peculiarities of brain-structure with certain mental attributes that are assigned to genius, to admit of the relegation of genius to the limbo of mystery. Mystery is the burial-place of research, the charnel-house to which the dead hopes of scientific discovery are consigned. Were the basis of genius not a physical one, the genius would rarely rise superior to adverse environment and join the ranks of the unforgotten, even under the influence of favoring accidents. Rembrandt would have remained a miller, Cervantes a soldier, Faraday a blacksmith, and the great Darwin would have become a preacher, had their brains been differently constructed. We may not gather mental figs of cerebral thistles, even though figs and thistles may be gathered from the same brain.

In considering the attributes of genius, the mistake is often made of confounding with true genius not only manifestations of talent, but also the superior qualifications that may be developed in the average man by close application and industry. The talented man and the man of great industry may far outstrip his fellows in the battle of life, without presenting the slightest evidences of the possession of a creative intellectual faculty. In science and the arts, especially, men and women often elevate themselves far above the average of their fellows without the slightest legitimate claim to genius. A profound knowledge of pathology does not make a Virchow; a great painter is not necessarily to be classed, even in lesser degree, with Raphael or Michael Angelo, nor a highly accomplished musician with Mozart or Beethoven.

LOSS OF BRAIN BALANCE IN THE GENIUS

The view that genius is associated with degeneracy is founded upon sound physiologic and psychologic principles. Whether genius results from degeneracy or degeneracy from genius, or the two are merely coincidental, is another question. It would seem logical to infer that if the various faculties of the brain are

presided over by different areas of brain-cells, the capacities of the individual must vary according to the direction in which brain development preponderates. Gall and, many years later, Flechsig [5] claimed that genius was not due to degeneration, but to an abnormally great development of a circumscribed brain area. Granting this to be true, it must be shown that this is not associated with imperfect development of other areas. The evidence seems to show that genius is frequently associated with a defective development and aberrance of function of brain areas other than those involved in the particular manifestations of genius characterizing the given subject. Assuming that Gall and Flechsig were correct as to the condition of the brain at birth, the law of physiologic compensation must not be forgotten. The excessive use of one extraordinary brain faculty—which its mere possession begets—must, of necessity, cause a loss of nutritional and developmental activity of brain areas other than the one immediately concerned. The law of brain compensation should be especially effective, because genius usually shows itself in childhood or youth,—*i.e.*, during the period of brain growth, when the brain is plastic and impressionable.

It will be seen, then, that the correlation of genius, insanity, and criminality is explainable along physiologic lines. In the genius the brain-cell groups from which certain faculties emanate are refined and developed at the expense of other cell groups. The will and the sense of moral responsibility may, and often do, suffer. Apropos of this loss of balance, the born criminal may be the victim of an absolute degeneracy of the higher faculty centres, while in the occasional criminal the forebrain may be of exceptionally fine organization and yet his faculties be defective in the direction of the will, moral inhibitions, and conception of the rights of others,—*i.e.*, the altruistic perception. In many instances all of the other faculties are normal, but selfishness is so developed that the mind becomes completely subservient to it. This is the explanation of some cases of criminality in persons who, although they have led exemplary lives

[5] Gehirn und Seele, Leipsic, 1896.

and held positions of responsibility and trust, suddenly startle their friends and society by gigantic thefts, defalcations, or moral misconduct. Selfishness dominates all confirmed criminals. Overpowering selfishness may develop as a suddenly acquired appetite for drink, or an all-absorbing passion for some particular person of the opposite sex. Selfishness and egotism are characteristics common to the insane, the criminal and some types of genius. The complaint of a lack of appreciation and the peculiar habits of some geniuses are as truly manifestations of morbid self-consciousness as *folie de grandeur* and delusions of persecution in the insane, or a lack of altruistic sentiments in the criminal.

The "dead beatism" of some geniuses is on a par with the dishonesty of the thief. Each feels that the world owes him a living, and each has his own way of getting it. The jealousy of one genius of another's work is a primitive impulse that is distinctly atavistic, and suggestive of the dog that snarls whenever his master caresses another animal. In general, it may be accepted that the anatomic and physiologic degeneracy and attendant instability of nervous equilibrium that are such frequent concomitants of criminality are often found in the genius. The criminal may exhibit what may be termed a genius for crime. He may be a bright particular star among his fellows.

The diversion of the unstable nervous energy underlying what the world terms genius into channels altruistic in object, or, at least, in result, or into certain lines of art or literature, is perhaps the saving grace in many cases of degeneracy which, born under fortuitous circumstances, might have resulted in a criminal career. The diversion of the thoughts and actions of the genius into legitimate channels is an inhibitor of, and substitute for, impulses and actions adverse to the best interests of society. The genius is ever out of harmony with his environment, so far as social conventionalities are concerned. Like the criminal, he is often distinctly antisocial. What we condone in him as idiosyncrasies sometimes represent what would be considered typically criminal impulses and actions were not the product of his energies of value or interest to the race. The criminal steals;

the genius often borrows, when he knows full well he can never repay; although, on the other hand, he may starve in a garret rather than do either.

The abnormal emotional irritability of incipient insanity is precisely similar to the psychopathic state of many geniuses, and of many border-line cases of individuals who show oddities of thought, feeling, and conduct that are out of harmony with the carriage of the majority of men. These border-line cases are classed as of the insane temperament by Maudsley, and as mattoids by Lombroso. They show originality and eccentricity, but in useless and often merely offensive ways. A certain degree of genius may be evinced, but the critical spirit which, combined with originality, makes for genius is lacking. Where the insane temperament exists in one member of a family, other members may show true genius or true insanity.

It is a safe proposition that the nervous integrity of a given subject is often inversely to the degree of refinement of organization. If this be admitted, it is obvious that neuro-psychic degeneracy must be frequent in geniuses, whose nervous systems are, to say the least, highly and delicately organized. That their centres of ideation are in general hyperesthetic can hardly be disputed on rational grounds. Clouston holds that there are numerous examples of persons of insane temperament, whose qualities range from those of the inspired idiot to those of the inspired genius. He claims that Goldsmith, Shelley, Lamb, Cowper, De Quincey, Turner, and Tasso were of insane temperament.[6]

It is noticeable that psychic hyperesthesia not infrequently exists in geniuses whose general sensibility is relatively obtuse. This may manifest itself in extreme sensitiveness to criticism, favorable or otherwise. Lombroso[7] cites some curious facts bearing upon this point. Thus D'Alembert and Ménage were insensible to the pain of a surgical operation, but wept at censorious criticism. Luce de Lancival smiled while his legs were

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[6] Lectures on Insanity, T. S. Clouston.

[7] L'Homme de Génie.

being amputated, but could not endure Geoffrey's criticisms. The same author also notes the responsiveness of certain geniuses to psychic impressions when their various faculties are practically annulled. The great Linné, insensible from apoplexy, was aroused when placed near his herbarium. Lagny, the mathematician, while comatose, was asked the square of twelve, and made immediate answer. Psychic automatism at once suggests itself in connection with such phenomena.

Psychic hyperesthesia is an important factor in the alcoholic and narcotic inebriety and immorality so often observed in geniuses. Narcotic drugs are especially dangerous to such subjects, although under their influence many geniuses have evolved their best work. De Quincey, Poe, and the younger Coleridge are illustrious examples.

THE MODESTY OF GENIUS

The question of the relative modesty and self-assertiveness of genius has been a matter of some dispute. By some it is held that genius is always modest; by others that it is always self-appreciative. The latter seems much the more logical assumption. Hegel believed in his own divinity; his lectures were marvels of egotism. Heine wrote: "Man is the vainest of animals, and poets are the vainest of men." Malherbe thought his own verses "the most beautiful in the world." Balzac spoke for the vanity of genius when he said that there were only three writers of French,—Hugo, Gautier, and Balzac. And so did Michael Angelo, when at eighty he gazed upon the Coliseum and said, "I yet go to school that I may learn something." Mentally, this modest declaration was probably qualified by, "I, even I."

The alleged modesty of genius is frequently due to the morbid self-consciousness that follows an effort that is unfruitful of appreciation. Morbid self-depreciation is in itself a species of vanity, and often a sort of rebellion against a world that will not listen to the whisperings of the genius which the claimant to recognition feels that he possesses. The morbid sensibility of the genius impels him to say within himself, "Well, if you

don't see how great I am, I'll punish you by not calling your attention to it." In some instances the modesty of certain men recognized as geniuses is pure affectation; in others it is due to an inability to back up by vigorous "bluff" the recognition that the world often grants to counterfeit genius.

However conscious the genius may be of his rare qualities during his hours of production, a lack of appreciation of his work is likely to make him bitter, or moody, depressed, taciturn, and lacking in self-assertion. The higher his opinion of his own work, the more marked these symptoms of psychic hyperesthesia are likely to be.

Many of the neuropathic phenomena of the genius are produced, or at least exaggerated, by the enormous expenditure of nervous force incidental to his mental operations. Lombroso [8] says, "It is permitted to no one to expend more than a certain quantity of force without being severely punished from the other side. This is why men of genius are so unequal in their productions. Melancholy, depression, egotism, are the price of sublime gifts of intellect."

In general, it is safe to say that, during his periods of exaltation at least, a man of great creative intellectual power is reflexly fully conscious of its possession. This is probably as true as that a man of great physical vigor is reflexly conscious of his strength and agility. Egotism aside, contact with minds of inferior calibre makes the genius conscious of his own superiority of intellect. His critical faculty alone is sufficient to enable him to make more or less just and accurate comparisons.

In some instances the alleged modesty of genius is due to the unfavorable comparison by the genius of the work that he has accomplished with that which he is ambitious to accomplish, and of which he feels himself capable.

In much of the evidence that has been adduced in proof of the self-consciousness and modesty of genius, egotism is a dominant feature. In the journal of Ernest Renan,[9] for

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[8] Op. cit.

[9] Souvenirs de Jeunesse.

example, which is devoted to self-depreciation, the personal pronoun is used nineteen times in a single page. The mere writing of an autobiography puts the brand of egotism on genius.

In general, the value of genius is enhanced rather than the contrary by its egotism. The high estimate that the true genius puts upon himself insures a better quality of product than would a lack of confidence in his own powers. Nothing worthy of the name was ever accomplished by men who lacked confidence in their own strength, knowledge, or skill. However slow the genius may be in claiming recognition, his best work is not done in his moments of depression and self-depreciation. Faint heart in the garret never won fair lady Fame in the open day.

Dr. Samuel Johnson said,[10] "All the complaints made of the world are unjust. I never knew a man of merit neglected; it was generally his own fault if he failed of success." This is not wholly true, but in the main applies. It is noteworthy, however, that had Johnson died at middle age he would never have been heard of.

THE CRITICAL FACULTY OF GENIUS

Regarding the critical faculty of genius in general, and of Shakespeare in particular, Macaulay says,[11]—

> "It seems that the creative faculty and the critical faculty cannot exist together in their highest perfection. When Shakespeare abandons himself to the impulse of his imagination his compositions are not only the sweetest but also the most faultless that the world has even seen; but as soon as his critical powers come into play he sinks to the level of Cowley, or, rather, he does ill what Cowley does well. The only thing wanting to make his work perfect was that he should never have troubled himself whether it was good or not."

Macaulay evidently did not recognize the fact that Shakespeare's work was such as demanded the highest critical faculty. This faculty, primarily instinctive, had become almost as unerring as it was automatic. He fell down, if at all, only when

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[10] Hill's Boswell, Vol. iv.

[11] Essays.

he lost confidence in himself and began to quibble with that which was already well-nigh beyond criticism. Shakespeare's work had behind it not only genius, but education in the broadest sense of the term. With the acquirement of that education came perfect development of the critical faculty that was his birthright. So much of Shakespeare's wonderful work demands more than inspiration for its production that it would seem impossible that the man to whom the work is accredited could ever have evolved it. It is just this that gives color to Donnelly's Baconian theory of the authorship of the immortal plays and sonnets. Shakespeare, or whoever wrote the works accredited to him, had the largest vocabulary of any known writer. The genius behind the discriminating selection and intelligent use of a vocabulary of some fifteen thousand words was individual and wonderful. The knowledge of these words did not come by inspiration, however, but by long and arduous work. The same may be said of the profound knowledge of human nature, languages, politics, sociology, literature, and the sciences displayed in the plays and sonnets.

THE HEREDITY OF GENIUS

The question of the heredity of genius has attracted much attention. The consensus of opinion probably is that it is not hereditary, but an isolated phenomenon—a flash of intellectual lightning in the sombre sky of family mediocrity. Ribot is a champion of the heredity view of genius.[12] Galton also has undertaken to prove that genius is hereditary by citing a large number of instances in which illustrious men have had geniuses among their kin-folk.[13] Discounting his deductions by considering the obvious fallacy contained in his enumeration of some men whose eminence by no means proves their genius, there still remains much that is suggestive. It remains, however, to be proved that there is necessarily any hereditary relation between the genius and his genius-gifted ancestors and immediate rela-

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[12] Heredité Psychologique.
[13] Hereditary Genius, Francis Galton.

tives. This is obviously difficult of proof in the face of the fact that geniuses often adorn mediocre family trees. On the other hand, where the parents are mediocre, it is not always possible to show that remote heredity may not be potent. The given individual is the focal point of multitudinous blood-streams of varying quality. Either vice or virtue may influence one or more of these streams, and show at the point of confluence.

Whether or not genius *per se* is hereditary is of little moment if we accept the degeneracy view of genius and consider it an abnormality. This being established, it would only be necessary to say that the neuropathic constitution that underlies all intellectual aberrations—*i.e.*, losses of cerebral balance, such as insanity in its various phases, dipsomania, criminality, and genius —is hereditary. These aberrations of nervous constitution may appear in a given generation as any one or all of a number of abnormal phenomena, either in different individuals of the same family or in a single individual in a given family. These phenomena sometimes seem to act vicariously with each other. The genius may be descended from an epileptic, a drunkard, or an unequivocally insane parent; the family may present among the children a single genius with epileptic, insane, or dipsomaniacal brothers and sisters; the genius who has children may have a genius among them, although he is more likely to have progeny who present all of the degeneracy of the parent without his genius. The less intellectual the family stock, the more abnormal the genius,—*i.e.*, the farther removed he is from the family brain-type.

Were it possible to follow out the blood-lines of descent of any given individual, his personal attributes would quite likely be found to have a logical explanation somewhere in his heredity. The self-made man is an egotistic theory; as a condition I do not believe he exists. The so-called self-made man has perhaps made the best possible use of the materials heredity has given him, but he is in no wise to be accredited with those materials. That men are often the architects of their own fortunes does not discount biologic law. Accidents and adversities of environment may prevent the man of genius or of "hustling" ability

from accomplishing his aims in life without discredit to the materials with which nature endowed him at birth. The quality of mind, like that of plants, depends upon the quality of the seed, the soil in which it is sown, the character of the influences brought to bear upon it during growth, and the inherent resistancy with which it meets adverse conditions. Let not the self-made man arrogate unto himself much of credit for his success. Behind him stands some sturdy old ancestor, or perchance one who had just the peculiarity of mental constitution which, passed on to his descendants, should naturally be expected to crop out as genius or exceptional talent of one kind or another. Again, there may be only an hypertrophy of the centre of acquisitiveness, and its hereditary product only a successful financier. To lower his conceit still further, let him add to the accident of birth the possibility that many are called by heredity, although few are chosen by environment,—which means opportunity in its broadest sense.

Royse [14] denies the heredity of genius, and in the next breath claims that race dominates not only genius, but the quality of genius. If the sap of the larger family tree, race, has anything to do with the production and variation of genius, why may not that of the smaller tree, the family? It is certain that the effect of family blood in modifying the character of a given type is, on the average, proportionate to the nearness of the relation.

To claim that genius is not hereditary is to accept Huxley's "sport" theory *in toto*. If it be not a *lusus naturæ,* there is no reason why genius—or, rather, the peculiarity of nervous constitution upon which it depends; for genius, as already remarked, is not an organic entity—may not be hereditary. Whether genius be considered normal or abnormal, this is a logical assumption. Heredity is, of course, limited in its scope by the short lives and relative infertility of geniuses.

The difficulty of proving that genius is hereditary revolves largely around the fact that by far the great majority of geniuses

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[14] Op. cit.

have had an immediate parentage which has shown by its achievements no evidence of talent of any kind. Royse accepts this as disproving the hereditary view of genius. In addition to the fallacy of thus arbitrarily viewing the heredity of genius from a point too near the genius's own generation, there is here another source of error in the acceptance of the parents' station and occupation in life as evidence for or against the possession of genius by them. Among many other illustrations of the non-heredity of genius, Royse mentions Boccaccio, who was the son of a Florentine tradesman and was himself for a time a merchant's clerk. It needs little critical acumen to see the weakness of such evidence. Boccaccio's father's occupation proves nothing as to that worthy man's mentality, nor does it disprove the possibility that even he might have been a genius who had never been called to his true sphere. According to Royse's reasoning, Boccaccio's own early occupation of merchant's clerk should be taken as conclusive evidence that he himself was not a genius, despite his after-prowess in the field of quasi-genteel literary smut.

In deciding whether the genius of a given individual is directly hereditary, its quality and kind should be compared with that of the genius of his gifted progenitor. The artistic genius of the son of a musical genius can hardly be termed hereditary, in the sense in which the term is ordinarily used. The music-centres of the brain, and the centres of perception of form, color, and perspective are not the same. The musical and artistic faculties are, however, correlated by the emotion-centre. Without a highly developed faculty of emotion, art, poesy, and music are impossible, or at least largely mechanical and technical. When emotional hyperesthesia does not underlie their production, they are devoid of soul; the fire of true genius does not illumine them. Where the genius attributes of father and son are diverse, then the direct heredity of genius is not established. The most that can be said here is that the inequality and instability of nervous structure that underlie genius are transmitted from father to son. It may also be said that in transmission they are likely to be augmented, and the physique of the second genera-

tion become so degenerate that the family end is brought perilously near. Neither family nor talent extinction necessarily follows, however. Charles Dickens left a son who is a worthy and able member of the bar; a son of Tennyson is a colonial governor of some ability; Dumas, the younger, was worthy of his sire, as was Hartley Coleridge, inebriate though he was; a son of Oliver Wendell Holmes is a talented member of the Supreme Bench of the United States. None of these deserves to be called a genius save Coleridge, but they are all exceptions to the rule of accumulation of degeneracy in families. Coleridge was neither better nor worse than his sire.

There are several points that should be remembered in estimating the potency of the heredity of genius,—viz.:

1. The genius of the son is often obscured by his father's reputation.

2. The son may, on the other hand, shine by light reflected from his father's fame, the glamour of the name investing him with an unmerited halo of genius.

3. The genius of the father is sometimes of the "fake" variety, and his children simply breed true to the overrated inferior parent stock and encounter no opportunity for imposing on the credulity of the public.

Some of the evidence adduced in favor of the heredity of genius is as fallaciously weak as is much of that which has been arrayed against it; thus Royse,[15] a non-believer in genius heredity, says, in a spirit of fairness,—

"James Watt's early love for tools and his mechanical dexterity may be readily traced to his father, a carpenter and builder. The father of Palissy, a noted Huguenot potter and naturalist, was a tile-maker and worked in clay. Edmund Burke's father was an attorney of some prominence in Dublin. Alexander's father was Philip, inventor of the Macedonian phalanx. Both the father and brother of Hannibal were noted generals. Solon was descended from Codrus. The father of Pericles, Xanthippus, was a successful Greek general, and his mother was a niece of Clisthenes, an Athenian statesman. Charlemagne was grandson of the illustrious Charles Martel. Not only were Bach's father

[15] Op. cit.

and brothers musicians, but his ancestors for generations back were of the same turn of mind. Mozart's father was a professor of music. Weber's father was a man of musical taste and of some skill in that same direction. No little part of Mendelssohn's peculiar bent and all the merit of his earlier training must be accredited to his highly cultured mother. Raphael's father was a painter of considerable reputation in his day. John Wesley's ancestors for four generations back had been scholarly churchmen. Van Dyck, the master of portrait-painters, was particularly fortunate in his parents, his father being a painter on glass and his mother a painter of landscapes, from whom also he received instruction. The father of Bichat, the skilled anatomist and physician, was himself a physician of no mean repute."

Critical analysis of the foregoing illustrations reflects somewhat upon the judiciousness of their selection.

The fact that Watt's father was a carpenter and builder may have developed mechanical tastes in his son, but it is hardly probable that it had much to do with his genius.

It requires no genius to be a "tilemaker and a worker in clay." Palissy's father may not have ranked higher as an artist than does the modern moulder and baker of bricks and tile.

The fact that Burke's father was "an attorney of some prominence" does not prove that he had the slightest genius to transmit to the future great statesman. Galton, the most strenuous champion of the heredity of genius, ranks judges and advocates very low in the scale of genius.[16] Talford, the eminent British barrister and critic, says, "The majority of successful advocates are not men of genius."

That men of genius are found at the bar and on the bench cannot be denied, but the fact none the less remains that men of highly developed imaginative and creative faculty are not likely to be tempted to enter the profession of law, and, where they do enter it, it is not the profession itself that brings their genius to the fore, save in the cases of exceptionally brilliant orators, for whom the listening judge and, more especially, the representatives of the press, are an inspiration. Such genius as the profession of law itself develops is often the power behind the throne

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[16] Op. cit.

of the great jury lawyer. The court orator frequently expounds legal lore that has been formulated by the plodding office partner, who, while he may participate in the fees, never gets his share of the glory of a well-plead cause.

Philip of Macedon was, it is true, a successful general and ruler, but this does not necessarily imply that he was a genius. His force of character and quality of leadership and his reduction of the art of war to the Macedonian phalanx are by no means indubitable evidence of true genius. With Philip, war was a trade, and he reduced it to systematic business principles. His drunkenness lends more color to the heredity explanation of Alexander's genius than does his success as a general.

Granted that the father and brothers of Hannibal were noted generals, wherein is their genius proved? If success and fame in war are necessarily manifestations of genius, then genius is indeed a common attribute. Among our celebrated American generals, success has ever depended more upon luck and keeping on the right side of War Department politics than upon genius. The notable exceptions shine because they are exceptions. McClellan was a great soldier, but the jealousy of Rosecrans and the enmity of Stanton eclipsed his star. Custer was a successful general, yet he died as might a blundering fool who had never fought a battle. Roosevelt, talented though he is, has no military genius, and his Rough Riders narrowly escaped annihilation in one of his battles, yet he is called the " Hero of San Juan." Recent history in this country shows very plainly that the fame of some of our military and naval heroes depends upon a mixture of luck, politics, press popularity, and a grade of intelligence which can be distorted into genius only on the ground that a lack of common sense proves genius. It will be admitted that the genius often lacks common sense, but this does not prove that every pair of long ears that blotches the pages of history is attached to a wonderful cranium replete with gray matter and multitudinous convolutions, nor that the bray of the popular idol is always attuned to the whisperings of genius. The government of the United States has had considerable trouble with some of the heroes who have been created by political preference

and stamped upon their brows with "genius"—in their own handwriting—and endorsed by their party. They have brayed raucously, long and loudly, in sundry inappropriate places and at moments the most inopportune.

It may be true that Bach's father and brothers were musicians, and that his ancestors for many generations were of the same turn of mind, but what claims had they to genius? A hundred generations of musicians might not produce a single musical genius, although, it must be confessed, he would be more likely to crop out in such a family, sooner or later, than in a non-musical family. Mozart's father, who was a "professor of music;" Weber's father, who had "musical tastes," and Mendelssohn's "highly cultivated" mother may or may not have had something to do with the genius of their progeny. There are thousands of families equally gifted in which no geniuses arise.

Van Dyck's parents may possibly have had genius, which was transmitted to him, but, on the other hand, they may have transmitted to and cultivated in him merely an esthetic sense, which even though they had never possessed the slightest claim to genius, would naturally have resulted in the acquirement of artistic taste and technique in their son.

Bichat's father might have been a physician of great celebrity without possessing a spark of genius. The popular medical idol is sometimes an arrant humbug. As the world progresses, and specialism grows more and more rampant, celebrity and genius in medicine will diverge farther and farther.

Lombroso[17] cites, among others, as illustrations of the direct heredity of genius, Bach and Adams among musicians; Van der Welde, Van Eyck, Murillo, Correggio, and Tintoretto among painters; Tasso, Ariosto, Aristophanes, Corneille, Racine, Sophocles, and Coleridge among poets; Dumas, the Cheniers, and the Daudets among prose writers; the Plinies, Darwin, De Candolle, Hooker, Herschel, and St. Hilaire among natural scientists; the Scaligers, Humboldt, Schlegel, and Grimm among

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[17] Op. cit.

philosophers; and the Pitts, Walpoles, Peels, and Disraelis among statesmen.

THE PRECOCITY OF GENIUS

The typic criminal and the genius are alike in that they are born, not made. Like genius, an incapacity for appreciating the rights of others, or even absolute moral obliquity, often appears in the victim of criminality at a very early age. Exceptions there are in plenty, but these instances are sometimes more apparent than real. A careful study of their childhood will either reveal criminal tendencies, or else the case resolves itself into a lack of exposure to influences tending towards crime until later in life. Necessity and temptation may not enter into the life of the individual until he is well along in adult years. The sporadic or occasional criminal is, therefore, not always really "sporadic."

That any loss of mental balance distinguishing the subject from the normal average—whether creditably or the opposite—is likely to show itself precociously is shown not only in the histories of geniuses and the insane, but also by the records of our police courts and reformatories and the histories of a large proportion of women who enter upon lives of shame.

Precocity has often been noted as suggestive of both insanity and genius. Royse [18] and Lombroso,[19] in particular, have called attention to the precocity of genius. This precocity is sufficient alone to suggest a primary structural brain difference from the normal average of humanity, and indicates abnormality if it indicates anything whatever. The old adage, "A genius at five, a lunatic at fifteen," has had only too much clinical support.

Some of the greatest characters of history showed their genius phenomenally early. Thus the immortal Dante wrote wonderful verses at the age of nine; Torquato Tasso and the famous Mirabeau were versifying at ten; before the average age of puberty, Voltaire and the great Auguste Comte were already philosophers, and Pope, Fénélon, Goethe, Victor Hugo, Handel, Beethoven, Mozart, and Raphael had shown evidences

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[18] Op. cit.

[19] L'Homme de Génie.

of the genius that was to give them undying fame. This list might be enlarged to the inclusion of the majority of geniuses.

As establishing the precocity of genius, Sully's [20] tables are conclusive. They show that of three hundred geniuses, five-sixths showed extraordinary promise before twenty years of age, three-fourths of them produced characteristic work before thirty, and eight-tenths had achieved distinction before forty. Obscurity, poverty, and lack of opportunity probably explain the tardy manifestations of genius in most of the remainder. As already indicated, where the greatest work of the genius is done comparatively late in life, a late development of genius should not be inferred. Late manifestation by no means implies late development.

The assertion often made that "genius is the capacity for hard work" is fallacious, if there is anything in the theory that genius is correlated with and oftentimes dependent upon degeneracy. The attribute of genius without ambition and a certain degree of industry is, however, almost worthless. Fortunately, genius usually impels ambition. Genius that feeds upon itself in a garret is rarely recognized. But while genius may not assert itself, it usually does so, and at least tries to compel recognition. The individual who is best capacitated for hard work often has not the ambition to impel him to it, nor any brain qualities meriting distinction. There must be some brain quality that raises the individual out of the ruts, else he can neither possess nor demonstrate genius.

It is admitted that the methods of genius vary from slow, laborious work to a rapidity of expression and action which is truly phenomenal. The creative faculty is, however, the same in both—the difference lies in the facility of thought expression and objective demonstration. The primary concept may come like a flash of lightning, although its formulation for the understanding of others is slow and difficult.

The instances of great men who were considered slow of wit in childhood are probably explicable on the ground that the

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[20] James Sully, Nineteenth Century, quoted by Royse.

influences which were eventually to show their abnormal development in one or the other direction had not yet been brought to bear upon them. Whatever the explanation, a number of men and women of genius have demonstrated their claim to distinction comparatively late in life. Cervantes was nearly sixty years of age before he knocked at the door of immortality with Don Quixote in his hand. Bunyan was forty and Virgil thirty before producing anything of value. Æschylus, Euripides, Chaucer, Wordsworth, Cooper, Fielding, Sterne, and Charlotte Brontë were well along towards middle life before producing anything of lasting worth. As Royse [21] says,—

"Had Shakespeare died at thirty, Addison, Dryden, and Gibbon at forty, Hallam at forty-one, Scott and Hume at forty-three, Butler, Richardson, and Cowper at fifty, Grote at fifty-two, Locke and Defoe at fifty-eight, and Milton at sixty, it is doubtful if English literature would have favored them with even the briefest mention. Bach did not compose until after forty; Haydn did not develop his peculiar merits as a composer until near sixty; Sir Christopher Wren did not display his qualities as an architect until about thirty; Gutenberg was forty when he invented printing; Columbus was fifty-six when he planted the Spanish flag on San Salvador; Franklin was forty when he began his investigations in electricity, and Stephenson was thirty-two when he constructed the first steam engine; Harvey published his great discovery at fifty, and Darwin his 'Descent of Man' at the same age."

The mistake is often made of designating the first work of genius that attracts attention as its first manifestation, or even as the birth of genius in a given individual. It often happens that the work that appeals to the public is really inferior to earlier productions that have been allowed to pass unnoticed. Public recognition marks the most important historic epoch in the life of the genius, and the work that wins it often unjustly overshadows all that has gone before. This is an all-important source of error in the chronology of the lives of great men and women.

EDUCATION AND GENIUS

The relation of education to genius is peculiar. The old-fashioned methods of education had much to do with keeping

[21] Op. cit.

the peculiar bent of some geniuses in the background, and modern methods are even worse, for their application is more general and the genius has less chance of escaping the schoolmen's toils than of old. One may imagine the result of attempting to teach the dead languages or mathematics to embryo Raphaels, Linnés, or Scotts. Nothing could be more fatal in its effects upon some imaginative or creative minds. A slight acquaintance with brain physiology should be sufficient to teach this point to our educators, but they seem to learn slowly, and discriminative selection and election in education is as yet a *terra incognita* to the pedagogue. The average man may be taught to think in conventional channels without lessening, but rather increasing, his value to the world, but the ordinary methods of pedagogy are a ball and chain for true genius. The pedagogic ignorance which was responsible for the early dulness of Newton, Balzac,—who was expelled from school for stupidity,—Verdi, Rossini, Wagner, Pestalozzi, and John Howard differed from that of to-day only in that they were able to break away from it. The system is so perfect nowadays that escape is well-nigh impossible. The genius stands a better chance than ever of having his brain crammed and stiffened with dead lumber from other men's garrets.

It has been said that the greatest works of imagination have been the creations of uneducated men. This is true or untrue, according to the kind of product and the standard that is adopted as the test of education. If so-called "mental discipline" along conventional lines is accepted as the standard, the assertion is true; the beaten path is vicious training for original minds; the college is the grave of genius. In most instances, however, the imaginative genius has had an education of a certain kind—he has grasped eagerly those things that satisfied his hunger for knowledge, and his education has been a matter of intellectual selection and discrimination. Without education of any kind many geniuses would never have been discovered. Shakespeare's genius without his broad and liberal education would have availed him but little, and the world less. Many of the ignorant inspired lunatics of the world might have been intellectual wonders under

proper training. Mental training of the proper, not too conventional, kind is more necessary to the literary genius than to the musical or artistic phenomenon. The genius of the latter-day scientist and mechanician must also be discounted, because in his work he, of necessity, takes advantage of whatever has gone before. As society advances and knowledge accumulates, the various fields are covered more and more thoroughly, and the incentives and opportunities for the display of genius grow more and more limited. There is also less encouragement for genius than in former days—although it has ever battled against odds,—because there are now so many competitors who are regarded as beacon-lights in the various fields of human progress, who jealously mould public opinion to suit their own selfish ends.

Experimentation alone has sometimes demonstrated the aptitude of genius for certain life-work. Euripides, the athlete, became a painter, and afterwards studied rhetoric and philosophy before he discovered—Euripides. Had it not been for Professor Henslow, of Cambridge, who took the youth with him on his natural history jaunts into the woods and fields, Darwin, the prospective student of theology, might never have discovered Darwin, the great naturalist—despite an heredity and conditions the most favorable, for the boy was born of scientific and artistic stock, that was wealthy enough to afford its progeny opportunities. Beaumarchais, the maker of watches, became a great dramatist; Hans Christian Anderson spun and wove the warp and woof of his wondrous fairy-tales whilst cobbling his neighbors' shoes; Molière, "King of the Comedy Drama," waded through law and theology, but was a quantity too uncertain for either, and, joining a band of vagabondish players, brushed the scales from his eyes, peered into his mental futurity and saw—Molière. Alas! how many geniuses cease experimenting before the final stage, and remain for life enveloped in the cocoon of unfavorable environment.

The bent of genius is controlled to a degree by the age in which he lives. Macaulay says:[22]

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[22] Essay on Dryden.

"In fact, it is the age that forms the man, not the man that forms the age. Great minds do, indeed, react upon the society which has made them what they are; but they only pay with interest what they have received. We extol Bacon and sneer at St. Thomas Aquinas; but if their situations had been changed, Bacon might have been the Angelical Doctor, the most subtle Aristotelian of the schools, while the Dominican might have led out the sciences from their house of bondage. If Luther had been born in the tenth century, he would have effected no reformation."

Briefly, genius and society act and react upon each other. The seed of genius unacted upon by the other atoms of the social fabric to which its possessor belongs would lie dormant. It is the law of supply and demand, the exigencies of society, that furnishes nutrition for the genius plant and shapes, and moulds, and colors its flower. The genius, solitary and alone in the desert from birth, would build no locomotives, paint no grand pictures, write no poems, nor construct systems of philosophy.

GENIUS IN MILITARISM AND CRIME

The criminal tendencies of some geniuses have found a vent in certain directions that have given them undying fame. The genius of murder and the genius of militarism are often the same,—a homicidal mania. The glory of war has often been a vicarious outlet for the degeneracy of the man whose innate tendencies were murder and robbery. Some of the world's greatest heroes were built upon this plan. The all-conquering Cæsar was an epileptic, of feeble constitution, and suffered from migraine. Alexander the Great was the victim of some neurosis that caused wry-neck. He died young, at thirty-two, with some disease resembling delirium tremens. Tiberius was a typic degenerate.[23] Cromwell was a sickly neuropath who was a confirmed hypochondriac, his morbidity often approximating melancholia. All his life he was dominated by a vision in which a spectral woman of gigantic stature foretold his coming greatness,—a phantasmic reflection of his own hypertrophic ego. The great Duke of Marlborough was of a distinctly degenerate constitution. Na-

[23] Plutarch's Lives.

poleon, the greatest assassin and marauder of the recent past, was an epileptic who suffered from hallucinations that he saw on all great occasions, urging him on to certain success. Fortunate, indeed, was it for the world that Napoleon finally paid the penalty of his epilepsy, and ran his head into a trap. There was more than fate in the spectacle of the lonely exile of Elba; there was more than accident in the cancer that gnawed its way into his vitals and cut him down in his prime. Had Napoleon not been a physical degenerate, there would have been no "Little Corporal." Had there been a healthy Little Corporal, who shall say to what extremes his murderous career would have gone? It was not the minions of the Czar, nor yet the Russian winter, that caused the flight from Moscow; it was not Wellington that made Waterloo possible; it was remorseless, ever-present, ever-pursuing disease.

Some of the greatest crimes of history were the products of indubitable genius. The genius of finance has ever acted vicariously with the genius of robbery. The South Sea Bubble and the Panama Canal scheme, that well-nigh ruined France, have their counterparts in the nefarious operations of financial geniuses whose focal point is Wall Street or the wheat pit, and whose chief victims are average men, or men whose intellectual qualifications are not tinged with conservatism. It requires genius to carry on dishonest gigantic stock-jobbing and mine-selling operations, or a corner in wheat that shall rob the public of millions.

Great crimes demand mental activity, fertility of resource, intrepidity, cleverness of conception, fixity of purpose, and perhaps great mechanical skill, associated with a profound knowledge of human nature. That eminent Parisienne, Madame Humbert, who conducted the most colossal and intricate swindling scheme that Europe has ever experienced since the Panama Canal was exploited, is a genius, the apotheosis of cleverness, and a marvel of industry. The history of her crime reads like a fairy-tale. One feels almost inclined to the view that the genius she exhibited deserved the compensation it received. Certain it is that had it been diverted into legitimate channels the reward

might have been equally great. The fact that her victims were professionals in law and finance is in itself suggestive that she had a master intellect.

The great De Lesseps was a genius; was he or was he not a criminal? Is it possible that this man, whose intellect dominated the engineering world, was not in touch with the nefarious operations of the men who manipulated the Canal scheme? The stealing was carried on so openly at the Panama end of their operations that no one of intelligence who was on the ground should have been deceived. And yet De Lesseps may have been merely a dupe.

Some of the greatest criminals of latter-day civilization occupy very exalted positions. The laws sometimes appear to have been made for the government of the masses, not for the plutocracy. Corporations may swindle and browbeat the public at will. Individuals must pay the penalty of stealing. At the head of some mighty corporations stands the genius of finance and organization, who may, with impunity, filch from the public purse if he so elects.

From whatever stand-point genius may be viewed, its correlation with crime is noticeable. Genius has been said to be the capacity for hard work; and even in the light of this interpretation the criminal genius is not always found wanting. The man who, with a pen, draws a fac-simile of a greenback of large denomination, which is worth its face value as a work of art and requires some weeks in its production, is not to be held lightly upon either the work or innate capacity standard of judgment, although from the stand-point of creative capacity he may be said to have talent rather than genius. So far as pride in his work is concerned, the high-grade counterfeiter need not blush before the world's artistic geniuses. That the counterfeiter has often an artistic temperament, or even a genius for art, diverted into wrong channels, is shown by the frequency with which men of the highest artistic ability, who, indeed, are often successful professionals in legitimate art, become counterfeiters.

Such geniuses as have been noted among criminals have exceptionally belonged to the typic criminal class, but rather to the

class of occasionals. In most instances where men of culture, refinement, and supreme intellect have committed infractions of the law and suffered the penalties therefor, the crime has been huge swindling schemes, embezzlement, or, more often still, murder. The original edition of "Biographia Brittanica" contained the names of such celebrities as Bonner, Cuff, and Aram, who, notwithstanding their having been selected as worthy of a position in Britain's galaxy of famous men, were each hanged for murder.

The most famous of all criminal geniuses, and the murderer to whom literature has devoted the most attention, was Eugene Aram. Bulwer Lytton immortalized him in prose, and Wordsworth in verse. Many writers have argued pro and con as to his guilt, which, however, was indubitably established. Despite neglect of his early education, Aram, when the world of letters was finally revealed to him, exhibited undoubted genius. He early mastered mathematics and acquired much learning in poetry, history, and antiquities. Noting his deficiency in the classic languages, he within one year acquired a phenomenal knowledge of Latin and Greek. He afterwards mastered Hebrew, Chaldaic, Ancient Celtic, Arabic, French and all there was to be known of heraldry. He taught at different times in these various fields of learning.[24]

THE NEURO-PSYCHIC DEFECTS OF GENIUS

The relation of genius to neuro-psychic degeneracy, and especially to insanity, was recognized by Shakespeare in the lines:

> "The lunatic, the lover, and the poet
> Are of imagination all compact."

Dryden wrote:

> "Great wit to madness is allied,
> And thin partitions do their bounds divide."

In more modern times we have the authority of Lord Beaconsfield, who described mental aberrations in his own person, and of Huxley, who says:

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[24] Book of Remarkable Trials, etc., Captain L. Benson, London.

"Genius is an innate capacity of any kind above the average mental level. From a biologic point of view, a genius among men is in the same position as a sport—or freak of nature—among animals and plants.

"Genius is the correlative of variation of physical type. On the same general grounds that a strongly abnormal variety is not in harmony with the average standard, a large proportion of geniuses are likely to come to grief, both physically and socially, and their intensity of feeling is likely to run into insanity."

The suspicion that genius is an expensive gift from nature to man is very ancient. Cicero described the *furor poeticus*. Dryden was but an imitator of Horace [25] and Democritus, who considered insanity necessary to the poetic fire. Aristotle [26] seemed to consider cerebral hyperemia a cause of poetic genius and of prophecy. Plato [27] said, "Delirium is by no means evil, but when it comes by the gift of the Gods, a very great benefit. When the Gods afflict men with epidemics, a sacred gift inspires some men with a remedy for these. The muse excites some souls to delirium, to glorify heroes with poetry or instruct future generations." Seneca believed that genius without a certain amount of insanity could not exist. Burton [28] expounds a similar doctrine. Diderot,[29] Pascal, Voltaire, and Lamartine believed genius to be a mental disease.

Plato may indeed be said to have reasoned well upon the subject of genius, for certain of its manifestations are incompatible with normal mind. Whatever the state of mind may be during the interim, it is doubtful if any poetry worthy of lasting fame, or any romance of high class, was ever written while the author was in a normal state of brain. There must, of necessity, exist a loss of balance in the direction of the emotional centres at the time of production. It is probable, also, that no really excellent emotional acting was ever the product of a normal mind. Witness what one of our greatest emotional actresses says of herself:

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[25] Ars Poetica. [26] De Pronost. [27] Phædo.
[28] Anatomy of Melancholy. [29] Dictionaire Encyclopedique.

"Analyze me, study me, when I'm up there on the stage. My nerves, my poor, tortured nerves, vibrate horribly, my blood boils, my heart palpitates quickly. Study me, analyze me, and you'll see that I'm unconscious of my presence on the stage; that I am not myself, but Magda or Cæsarine, Marguerite or Mirandolina, Cyprienne or Fedora. I laugh with them, weep with them, and rave, struggle, and betray with them. I give myself away; I refuse myself; I live, love, and die. It is the poison of Fedora that is mine, really in my body. It is genuine consumption, the ravaging, terrible consumption which chokes me in the arms of Armand."

I submit that this description is itself the product of psychic hyperesthesia, and also that, granting that the tragedienne was perfectly normal primarily, she could not long remain so in the face of the severe emotional strain to which by her own testimony, she is daily subjected.

The nervous breaking down of so many histrionic artists has frequently been attributed to dissipation, when neuro-psychic degeneracy was the cause of both dissipation and breakdown.

Moreau holds that genius is the highest expression of intellectual activity, and due to abnormal excitation of the nervous system, underlying which is hereditary defect of nervous structure.[30]

Men of science have been noted to be less frequently degenerate than other men who rise above their fellows. The true genius in science, however, has shown a fair proportion of degeneracy in himself or his family, as elsewhere remarked. Greatness in science does not necessarily mean genius. The true genius of science is like his brethren, even though his degeneracy shows in less degree. Inasmuch as science is not an imaginative field of human endeavor, it is obvious that the more degenerate types of genius are not likely to be attracted by it. While the great tragedians, poets, and romancists are much the same in their neuropathic constitution, most of the great scientists of the world—and even those who can be classed as possessing true genius—have differed from them in degree of neuropathy. That men of science have not been altogether free from

[30] Psychologie Morbide.

neuro-degenerative taint is evidenced to Nisbet [31] by the neuropathy in Darwin's ancestry, the melancholia of Galileo, and the stigmata of degeneracy found in the family of Robert Watt. To the imaginative faculty of Lombroso we are indebted for the description of Darwin's physiognomy as "cretin-like."

It must be remembered that neuropathy in the scientist is likely to be acquired by overwork, worry, and lack of compensation with its attendant privations, and hence have little bearing upon primary degeneracy. In the main, the statement that it is the genius of estheticism or emotion, especially, that is accompanied by unmistakable signs of degeneration is probably correct. Scientists and mechanicians, while often the victims of acquired nerve disorder, and occasionally the subjects of primary degeneracy, are relatively free from the latter.

By far the majority of the geniuses of the world, both past and present, all classes being considered, have shown a formidable train of physical and mental evils. Insanity, ne'er-do-well-ism, inebriety, deformities, and nervous diseases in himself, his ancestry, and posterity—when he has had any—have ever been the fate of the genius. How often our attention is called to the sad truth that genius perishes in its own day and generation. Posterity may dim, but rarely does it add to its lustre. The physical degeneracy of the family tree of the gifted one culminates in him as genius, and flares up with dazzling brilliancy. Fortunate is the genius who does not himself dim the lustre of his star before he dies; exceptional, indeed, is the genius who leaves descendants. It has been truly said that, "When genius comes in at the door, health flies out of the window." [32] The world's geniuses have, in the main, either died childless or have left a posterity of such degenerate physique that after a generation or two all recollection of the man and his family has been lost. Sex indifference, congenital or acquired, and procreative incapacity enter into consideration here. The slavery that genius imposes on its ambitious possessor leaves little time, nor develops much inclination, for wife, mistress, or

[31] Insanity of Genius.

[32] Nisbet, op. cit.

family ties. When time permits and inclination exists, the devotions of genius at the shrine of Venus are likely to be excessive and unproductive. The more fertile and the harder worked the mind, the less fertile the body. Sexuality in the genius presents irritability, rather than strength.

Nordau's views of degeneracy attracted wide-spread attention, and while his work expressed extreme views, and was received with hostility by hero-worshippers, it nevertheless emphasized the degeneracy side of genius in no uncertain tones.[33] His analysis of the work of various stars in the firmament of art and literature was merciless and exhaustive, and, overdrawn though it was, carried conviction with it. But stronger than the arguments of Nordau are the family and personal histories of geniuses. Stronger than all is the fundamental physiologic law of compensation in development.

The physical deterioration and infertility of geniuses are both incidental, the result of a loss of balance between the intellectual and lower centres of the brain,—*i.e.*, between the frontal lobes and those portions of the brain presiding over the moral faculties and the motor, sensory, sexual, and visceral functions. Granting that the latter centres may be degenerated in the genius, —whether primarily or secondarily,—his moral lapses, his obsessions, physical deterioration, and infertility are easily explained. In many instances the strong and ill-controlled passions emanating from the unsymmetric brain of the genius lead to habits that enhance the degeneracy already existing. In many geniuses, therefore, we are confronted by both primary and secondary degeneracy in varying degree and proportions.

Suffering has been well said to be " the toll that genius pays to pain." The list of geniuses who have suffered from nervous affections is a long one. Lombroso,[34] MacDonald,[35] and Nisbet,[36] in particular, have collected data that bear very pertinently upon the degeneracy side of genius.

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[33] Degeneration, Max Nordau.
[34] L. Homme de Génie.
[35] Abnormal Man.
[36] The Insanity of Genius.

Æsop, Virgil, Demosthenes, Cicero, and Cato were undoubtedly neuropaths. The stammering of Demosthenes is familiar to every school-boy. Socrates had a familiar genius or demon that dominated the hallucinations of which he was the victim. Pausanias, the Greek traveller and geographer, murdered a slave, and was ever after pursued and tormented by the spirit of the murdered youth. The immortal Lucretius suffered from intermittent mania, and suicided at forty-four. Peter the Great had epilepsy; one of his sons had convulsions, and the other hallucinations. Linné was a precocious genius who had a hydrocephalic cranium. Raphael was often tempted to suicide; his art depicted in never-fading colors some of his own mysticism. To him the characters he painted were real. His paints were mixed with a most vivid imagination, and tinged with morbidity and religious fervor. Pascal suffered from nervous troubles and paralysis all his life, and died in convulsions. Sir Walter Scott was a delicate, nervous child. He had paralysis of his right lower limb before he was two years of age. He was subject to apoplectic attacks, and had visions. Voltaire's genius was extremely precocious. His degeneracy, however, is not so evident as that of many other geniuses, although as a child he was very feeble. He lived to be eighty-three, and died of apoplexy.

Jean Jacques Rousseau was one of the most typic degenerates who ever entered the ranks of genius. He manifested many of the symptoms of circular insanity, and eventually died of apoplexy. That there was a special element of abnormal sexuality in him is generally accepted. Heinrich Heine died of chronic disease of the spine, presumably tuberculosis. This, of course, has some bearing upon his nervous integrity. If he suffered greatly from the spinal disease, it is hardly probable that he escaped all nervous injury, whether he was primarily a degenerate or not.

Molière was a sufferer from convulsions. The slightest excitement or opposition would suffice to precipitate an attack. Mozart was a musical prodigy. He composed at four years of age. He was affected by fainting fits, and was warned of

impending death by a vision. He died of brain disease at thirty-six. Cuvier, Victor Hugo, Chopin, Bruno, Comte, Madame de Staël, Swift, Johnson, Cowper, Southey, Shelley, Byron, Carlyle, Goldsmith, Lamb, Poe, Keats, Coleridge, De Quincey, Chatterton, George Eliot, George Sand, Alfred De Musset, Newton, Chateaubriand, De Balzac, Chatham, Burns, Dickens,—all these beacon-lights of the history of genius showed indubitable evidences of degeneracy. In some of them the evidences of mental alienation were very striking. Hugo was dominated by the egotistic idea of becoming the greatest man of all time. Giordano Bruno thought he contained the essence of God. De Staël was an opium-eater; she feared the sensation of cold after death, and stipulated in her will that she be buried in furs. Swift was of insane stock; he was naturally cruel and given to violent and aggressive outbursts of temper. He suffered from serious impairment of vision and audition, with muscular twitchings and facial paralysis. Shelley was called "mad;" he had hallucinations, and was the victim of the opium habit. Charles Lamb was confined in an asylum. A sister of his suffered a similar fate, and is said to have murdered her mother during one of her maniacal attacks. Johnson had convulsions and cramps, hallucinations, and at one time aphasia. Southey had a neurotic ancestry, and died an imbecile. Cowper was afflicted by melancholia. He attempted suicide on numerous occasions. His melancholia finally assumed the religious type, and he was confined in an asylum for a year and a half. Byron's ancestry was bad, and his brain was as clubbed as his foot. Thomas Chatterton was a weakling, called back to the bosom of nature before his time, through the agency of self-murder. Poe, the man who stands out in boldest relief in American literature, was a dipsomaniac and not unlikely a lunatic. Dark, indeed, was his Raven, but more sombre still the recesses of the mind from which it flew. A change of mood, and lo! his madman confesses a murder in prose that possibly only a madman could have written.

The list of geniuses who have been shown to be indubitably insane is a long one. Vico died demented; Haller was religiously

insane; Ampère believed himself possessed by the devil; Nathaniel Lee, the dramatist, did his best work while insane; Thomas Lloyd, Schumann, Gérard de Nerval, Baudelaire, Comte, Torquato Tasso, Dean Swift, Rousseau, and Schopenhauer are among the great men whose histories would adorn the pages of an alienist's records quite as well as they have the history of genius.

In reviewing the lives of the various geniuses herein enumerated, it is difficult to discriminate in selecting illustrations, the wealth of evidence is so great. The history of one is practically the history of all. Their neuropathy is the same, though its manifestations vary.

Some of the signs of degeneracy quoted by various authors as characteristic of certain geniuses are incompetent testimony, although in most instances the degeneracy is proved by other conditions. The paralysis of Linné and the senile dementia that preceded his death; the apoplexy of Voltaire, that destroyed him at eighty-three, and the slight thickening of the walls of his cranium; the injury to the leg of Michael Angelo and the mental symptoms that followed it; the "cerebral fever" that destroyed the children of Cuvier; the delirium of the mortal sickness that destroyed Madame de Staël, and the irritability of the dyspeptic Carlyle are, when taken alone, weak points in the degeneracy argument, although they form a part of the neuropathic ensemble that dominated the lives of these great personages. Care is not always taken to differentiate secondary acquired conditions from primary degeneracy. Acquired brain disease from alcohol, syphilis, various infections, and injury must be given due weight in the physical and psychic study of genius. These conditions are of no importance from the genius-degeneracy stand-point, save in so far as they enhance the primary neuropathy and their effects may be transmitted to succeeding generations. The acquired neuropathy of one generation may be the hereditary degeneracy of the next.

PHYSICAL ANOMALIES AND MORBID ANATOMY OF GENIUS

The actual physical anomalies of geniuses are many and suggestive; a few only will be quoted here. Acquired disease is,

of course, an important factor in many of them. The skull of Pascal, who had been a neuropath from birth, was abnormal, the principal sutures being fused and indistinguishable. His brain and meninges showed, on autopsy, extensive pathologic changes. Petrarch, Meckel, Donizetti, Byron, and Humboldt showed the same cranial characteristics as Pascal. Dean Swift's brain was the seat of softening, effusion, and arterial disease; his skull was thick and roughened, and his cerebellar region small. Kant, Bichat, and Dante had asymmetric and irregular skulls, Kant's skull being especially deformed. Vico, Clement VI., Mabillon, and Malebranche had their skulls fractured, and in the case of the two latter the injury coincided with the first appearance of their genius. Donizetti and Schumann had meningitis. Descartes, Schumann, Dante, and Gambretta had very small heads, —sub-microcephaly,—whilst Cuvier, Milton, Gibbon, and Linné had hydrocephaly. Liebig and Tiedemann had cerebral edema. Rousseau had ventricular effusion. There was a disparity in the development of the brain hemispheres in Gauss and Bichat, the preponderance in each case being upon the left side.

The studies of Bischoff and Rudinger are claimed to have shown cerebral anomalies in all of a series of eighteen brains of distinguished German savants.

Comparisons of the average brain-weights of normal subjects, insane, geniuses, and epileptics show that, while in certain individuals among both the insane and geniuses the brain is much above the normal, the average among the insane is below, and that of geniuses above, the normal.[37]

THE FEMALE GENIUSES

The female side of genius, albeit not prolific in numbers or accomplishments, has been especially characterized by degeneracy. Women who enter certain fields of competition with men are likely to be masculine in temperament and physique, which is in itself a sign of degeneracy. As Edmond de Goncourt expressed it, " There are no women geniuses; the women of genius

[37] Welcker, quoted by MacDonald, Abnormal Man.

are men." This is as characteristic of the female genius as it is of the true criminal among women.

Fewer women than men have distinguished themselves in the sciences, in letters, and the arts,—they rarely reach the heights,—and these few have had their full share of psychopathic defects. Ancient writers, among whom were Euripides, Juvenal, and Aretino, asserted the licentiousness of women of letters. The immorality of many of them is historic. History has little that is flattering to say of the morals, whatever it may grant the intellect, of Sappho; of Sheba's great and glorious queen; of the high priestess of Venus, Cleopatra; of Catherine the Great, Catherine de Médicis, Marguerite of Navarre, Madame de Staël, George Sand, and George Eliot. In more recent times literature, art, and the stage have been graced by women geniuses whose qualities of intellect do them and the race credit, but whose regard for the proprieties is not such as would tend to make them safe guides and mentors for womanhood in general. The salons of some women geniuses have not been a suitable training-ground for youth, and have had little of virtue, if much of art and letters, to inculcate. That the world is prepared to discount the moral lapses of certain female geniuses is just, but in nowise controverts their degeneracy.

GENIUS IN THE INSANE

Despite the evidence showing that extraordinary intellectual capacity is often associated with various forms of nervous or mental derangement, it cannot be argued that madness and genius are identical, "any more than," as Royse [38] remarks, "it can be claimed that the worm in the heart of the *sequoia gigantea* of the Californian forests proves that the monarch tree and its parasite are the same thing." Insanity and neuropathy in general are the "worm i' the bud" of genius, the "fly in the 'pothecary's ointment"—nothing more. Genius and insanity are coequivalents and interchangeable, but not identical. The condition of the brain of the genius often carries him to the border-line of

[38] Op. cit.

insanity, or even beyond it; the condition of the brain of the insane often evolves psychic phenomena that are either to be classed as genius or something so nearly akin to it that the difference is one of degree, rather than kind, but this does not prove that genius is insanity, nor insanity genius. It must be admitted, however, that the mental operations of some of the indubitably insane are a fair criterion of those of genius. Shakespeare recognized the attributes of genius in the insane in the lines of Hamlet:

> "How pregnant sometimes his replies are,
> A happiness that often madness hits on,
> Which sanity and reason could not be
> So prosperously delivered of."

That there is a quite harmonious relation between certain phases of recognized insanity and the psychology of genius is familiar to alienists. The mind in each instance abounds with ideas and imagery,—whether fantastic or no,—peculiar associations of ideas, and à faculty of observation that are not observed in the normal individual. All impressions and perceptions are more vivid than those of the average man. Mediocrity of ideation is not likely to be observed. The mind is disposed to alternate between ecstatic excitement and profound melancholy. The fact that these psychic phenomena depend upon changes in the brain, ranging from morbid activity to extreme depression, and affecting the intellectual and emotion centres in varying ways, would seem to be a logical explanation of the similarity of mentality existing between some geniuses and insane, which again suggests that the healthy brain is that of the average man, the dominant characteristic of a healthy brain being stability of equilibrium; this in deference to the law that exaltation or depression of one area of brain-cells and its faculty or faculties must result in a compensatory exaltation or depression of other areas.

Lombroso has advanced the view that the condition of some geniuses during their moments of idea creation is distinctively epileptoid in nature,—a psychic epilepsy. He lays great stress

upon this feature of the genius of Mahomet, St. Paul, Napoleon, Molière, De Goncourt, and Destoïeffsky.[39] He attributes the psychic exaltation of the moment of the creation of ideas of genius to an irritation of the cerebral cortex similar to that which affects the motor areas in true epilepsy. Obviously, this is rational enough if we consider the possibility of a localization of irritation in the frontal cerebral cortex.

Morbid conditions of the brain are not necessarily associated with insanity. Thus is has been shown that all hallucinations are by no means proof of insanity, provided the victim recognizes them as hallucinations. On the other hand, the individual who has visions, and distorts them into angels or devils, and accepts them as realities, is decidedly open to suspicion.

A case is related by Nisbet of an intelligent man who saw human figures, birds, and horses floating about him in the air for some months, but he knew them to be hallucinations, and wrote a detailed description of his case for a scientific society. He finally applied a few leeches to his neck, with the result that his visions disappeared. If this individual had been of a sufficiently emotional and imaginative turn of mind, he might possibly have taken his position in the ranks of the geniuses and evolved a romance or poem, or a new system of theology.

It is a matter of common observation that the senses of idiots are not uniformly blunted, one or more senses being sometimes brilliantly acute. Blind Tom may be quoted as an example of the great development of the musical faculty in a semi-idiot. Turner, who has been described as one of the seven supreme colorists of the world, and one of England's masters in landscape painting,—by grace of Ruskin's patronage,—was little better than an idiot, as shown by his literary compositions.

A case is related of a brilliant Russian who lost his mind at the age of twenty-seven but retained a wonderful memory. He could solve the most difficult mathematical problems, and, by a single hearing, could memorize the longest poem or prose composition.

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[39] L'Homme de Génie.

There are many peculiar examples of the possession of extraordinary faculties by subjects of low mental development. A case in point is that of a man who could remember the names, ages, and dates of deaths, with the names of the mourners and pall-bearers, of every person who had died in his town for thirty-five years. Aside from this peculiar faculty, he was a perfect idiot, and could not answer the simplest questions intelligently. The compensatory acuteness of certain senses in the blind is well understood. Cases have been known in which a blind patient acquired so unerring a sense of smell as to be able to distinguish friends by smelling their hands, or the glove or handkerchief belonging to them.

Maudsley relates the case of an imbecile who could repeat *verbatim et literatim* entire pages of books he had read many years before, even though he did not understand the meaning of the words. Another case, an epileptic, would read a long newspaper article once, and then, shutting his eyes, would repeat it word for word. In this case the visual memory was extraordinarily developed. It is well known that some healthy persons can remember what they have seen very well, but promptly forget what they have heard. This is a point that some educators do not seem to understand. Some students I have known could never learn from lectures, but were very quick to learn by reading. This observation is trite, perhaps, but it is not often utilized practically in pedagogics.

Epilepsy sometimes produces very peculiar alterations in the mental faculties. Instances have been known where an epileptic has oscillated between periods of vicious depravity and the most ascetic piety. During the stage of excitement through which the brain of the epileptic passes, brilliant conceptions and lofty flights of poetic or romantic imagery are not unusual. Previous to an epileptic fit, the special senses may become very acute. Winslow relates the case of an epileptic who, while confined in a room at the top of the house, could hear all the details of a conversation carried on in low tones in the kitchen. Insane patients sometimes surprise one with the depth of their reflections upon subjects that are entirely foreign to their station in life, and far

beyond their intellectual capacity when in a healthy condition of mind.

Lombroso relates the case of an ignorant Italian journeyman tailor, confined for the murder of a little girl, who wrote a very eloquent, graphic, and grammatical account of his crime. His memoir shows the association of hallucination with a perfect clearness of perception and an apparent consciousness of right and wrong.

Winslow relates the case of an insane man, who wrote an able, philosophic, and erudite essay on "Original Sin." At the time he wrote this essay he labored under the delusion that his own family had conspired to poison him.

Another case is related, of a young man who was quite stupid in mathematics, and, indeed, everything else, while at school, but becoming insane, he developed most extraordinary mathematical ability. He finally recovered his health and sank back to the level of a dunce. Many writers relate cases of insanity in which a rare talent for versification developed, only to disappear when the mind cleared up.

In my own experience I have seen some very striking examples of talent in the insane. One of my patients at Blackwell's Island, New York, who had been sent to the penitentiary for theft and afterwards became violently insane, developed a most extraordinary talent for embroidery. She was coarse and uncouth, had no artistic tendencies, and was as repulsive a creature as could well be imagined, yet she produced some of the most artistic and beautiful creations in embroidery that I have ever seen.

A half-witted convict under my charge suddenly took the notion of making artificial flowers, and in a few weeks could rival the most expert professional in that line. Another insane criminal made beautiful carvings in wood and ivory. He had never, so far as could be learned, had any instruction in the art. Another insane patient, who had at one time been a sailor, built most beautiful models of ships.

A very striking illustration of the development of genius in an insane patient came under my observation at the New York Immigrant Hospital. A coarse, illiterate, and vulgar man, forty

years of age, developed, while in the asylum, great architectural talent. His forte was apparently the drawing of plans of military structures, such as fortifications, barracks, military schools, and hospitals. Military men to whom I showed some of his work were astounded by its accuracy and originality. He also drew up structural specifications which were but little short of marvellous. I remember one of his productions that created great amusement. He drew up an elaborate plan for a great military garrison and head-quarters at West Point, the object of which was to rid the country of "West Point dudes," for whom he had a bitter antipathy. He wrote a very clear, logical, and eloquent argument in favor of his plan to President Garfield, and gave it to me to mail.

Another patient in the same institution presented an illustration of the religious frenzy of the insane. He was a low ruffian from the "Five Points" district, where the toughest of the tough are bred, and to which he had recently been imported from London. Morals and religion were to him an unknown quantity; he knew them only as a barbed-wire fence set up by society—his mortal enemy—to prevent him from getting an honest living by garroting belated pedestrians and attending to superfluous silverware in the houses of the plutocracy. Shortly after entering the asylum he began to write hymns and hold impromptu revivals for the edification of the other patients. He finally made a specialty of writing hymns and singing them directly to Heaven. He would stand through all the hours of daylight and far into the night, gazing upward through the bars of his window and warbling hymns of his own composition—and beautiful hymns they were, too. So persistently did this man sing his hymns in this position, that the muscles of his neck became permanently contracted, and he was compelled to gaze heavenward whether he would or no.

To an augmentation of mental activity due to brain disease or injury, the genius of some great men has been attributed. Lombroso [40] cites, among others, Clement VI. and Vico, who had

[40] L'Homme de Génie.

their skulls fractured in childhood, and Gratry, Malebranche, and Mabillon, who rose from mediocrity to greatness after similar accidents. He also mentions the development of genius during febrile cerebral excitation. The same author lays stress upon the frequent development of art in the insane. He reports one hundred and eight cases of this kind.

During their lucid intervals some insane patients remember the clearness of mental perception which characterizes their paroxysms of insanity. An insane patient once said to a celebrated physician, "I always await with great impatience the accession of my periods of insanity. During their presence—a period of some ten or twelve hours—I enjoy great pleasure. Everything appears easy to me—there are no obstacles to any intellectual effort I may attempt. I remember long passages of Latin authors. I never could versify, yet when the spell is on I compose rhymes as easily as prose. But I am cunning, malicious, and fertile in all kinds of expedients."

The celebrated Dr. Benjamin Rush long ago said:

"The records of the wit and cunning of madmen are numerous in every country. Talents for eloquence, poetry, painting, music, and uncommon ingenuity in the mechanical arts are often evolved in a state of madness. A gentleman whom I attended in a hospital often delighted as well as astonished the patients and officers by his display of oratory in preaching from a table in the hospital yard every Sunday. A female patient of mine, who became insane, sang songs and hymns of her own composition with a tone and voice so soft that I lingered and listened with delight every time I visited her. She had never displayed either poetical or musical talent prior to her illness."

The brilliancy of the intellect in incipient insanity has been noted by many observers. In the preliminary stages of insanity the patient sometimes shows unusual vivacity of attention and a remarkable power of memory. He has a highly developed faculty of observation and illustration, and possibly an acute artistic sensibility, with great exaltation of the higher emotions. His mind, for the nonce, is an inexhaustible storehouse of brilliant thoughts, and the extent of his information may be astounding, if the paucity of his intellectual resources when in a normal

condition be taken into consideration. Long-forgotten impressions are revived,—indeed, associations of ideas come up which his brain hardly conceived at the time the original impressions were made.

History is not without examples of individuals who were sheer lunatics, yet have come to be classed as geniuses. Jeanne D'Arc is one of these. Her intrepidity of will was based upon an insane confidence in her own infallibility. She believed in her visions and hallucinations; her faith rested upon them as upon a rock. This being the case, her so-called heroism was a combination of sheer fanaticism and insanity, quite as much so as that of the Dervish who dies striking bravely at odds which make his bravery suicidal. The heroism of Jeanne D'Arc and the spirit of the latter-day "bottle-smasher" were of the same kidney. One of these women was born too late and the other too early, else they might have met upon common ground.

One of the most noted of insane geniuses was the celebrated Englishman, William Blake, artist, engraver, and poet. Ruskin, who had a peculiar bent for the admiration of genius in defectives, said:

> "The book of Job engraved by Blake is of the highest rank in certain characters of imagination and expression. In expressing conditions of glaring and flickering light, Blake is greater than Rembrandt. Blake held familiar converse with spirits, and found spectres so accommodating that they posed to him for their portraits."

The history of theology is illumined with visionary geniuses endowed with the gift of prophecy and facilities for close communion with God. These prophets and seers have left an impression that shall last so long as theology itself endures, yet the visions of epileptic Mahomet, of Bunyan, and Martin Luther were the flickerings of insanity, albeit called the sacred fire of holy inspiration. In this respect they resembled their forebears of more ancient times.

Nowhere in the range of psychology can the egotism, self-sufficiency, and exaltation of the imaginative faculties characteristic of mental disease be better studied than in the life and works

of Emanuel Swedenborg. This man's claim to theologic authority rests entirely upon his arrogant and egotistic assumption of supernatural knowledge and communion with the illustrious dead. Strange to say, his career was contemporaneous with that of the great apostle of intellectual freedom, the immortal Voltaire. There was no literary balderdash or evasion of the issue in Swedenborg's career. He was plain in expression, matter-of-fact, and very circumstantial in his accounts of his marvellous experiences. Unlike some expounders of a creed, he believed implicitly in his own fantastic doctrines. It is but human to believe the evidence of the senses. Swedenborg saw, felt, and heard all that he claims, but, unlike the intelligent victim of hallucinations who wrote his own history for a scientific society, he did not recognize the phenomena his senses brought before him as illusions and hallucinations. To him they were the very embodiment and soul of realism.

Swedenborg's father was a noted bishop, of some literary pretensions, the author of a Swedish grammar and dictionary. Strange as it may seem, old Jesper Swedenborg alternated between his dry compilation of grammar and lexicon and communion with spirits. The old bishop had a guardian angel, who used to guide him in his studies. While he was studying theology, this angel appeared and asked him what he had read. The student enumerated some religious works, including the Bible. His angelic monitor then suggested other works pertaining to theology as likely to be valuable in his education. Bishop Swedenborg also claimed to cure the sick after the manner of Christ.

With such a paternity, Emanuel Swedenborg was certainly entitled to all the attributes of prophets and seers. He received a good education, with quite a smattering of science, but this did not save him from the workings of a diseased imagination. His mental make-up was a queer one. He was profoundly versed in mathematics and astronomy, and even studied anatomy. He wrote several books on the latter subject by way of diversion. It is certainly peculiar that on such a foundation he eventually built a superstructure of superstition and visionary theology which

has been handed down to the present generation as the product of Divine inspiration. Insanity is the only explanation.

We can imagine the modern anatomist dissecting away the corporeal parts of the body in the endeavor to isolate the soul, which, according to Swedenborg, would retain the shape of the body, but was composed of what he termed "finer and more subtle elements."

Swedenborg believed in dreams, as many another has done. Some are not so sceptical as was Virgil, who, in his description of the gates of Tartarus, said:

> "Full in the midst of the infernal road,
> An elm displays her dusky arms abroad;
> The god of sleep there hides his heavy head;
> And empty dreams on every leaf are spread."

The following extract from Swedenborg's diary effectually demonstrates his mental condition:

> "During the whole time I slept extremely well at night, which is more than favorable to my ecstacies, both before and after sleep. My thoughts about matters and things were very clear. I resisted the power of the Holy Spirit, and I saw hideous spectres, but without life. They were terrible, and, though bound, they kept moving their hands. They were in company with an animal, by which I was attacked. It seemed as if I were on a mountain, below which there was an abyss with knots in it. I was trying to help myself by clinging to a knot. I was standing in my dream by a machine moved by a wheel. I was caught in its spokes and carried up."

And this from the founder of a creed!

Madness assumes different phases, according to the age in which it occurs. The crank of to-day is the inspired prophet or genius of yesterday. Peter the Hermit would now be imprisoned as a dangerous lunatic; Johann Most would have been the idol of the Parisian populace in the days of the Reign of Terror. The knife wielded by crack-brained Charlotte Corday was the magic wand of the liberator; the poniard that Cesario drove into the vitals of poor Carnot was the weapon of the vulgar assassin. Wilkes Booth should have been a regicide, but he was born too

late, yet in his disordered mind he was true to the old principle of destroying oppressors of human liberty. The assassination of a Garfield is not to be mentioned in the same category with the dynamiting of a Czar, but the impulses and reasoning of the diseased minds that conceive such murders are the same. Around the heads of Abraham Lincoln, James A. Garfield, and William McKinley we hold the halo of martyrdom. The perverted minds of Booth, Guiteau, and Czolgosz beheld in them tyrants of more than ordinarily vicious mould. In Carnot we see an advanced statesman and apostle of liberty. To Cesario he was the mortal enemy of society, a serpent in the pathway of progress that was to be crushed like any other reptile. Civilization, seeing these things, increases taxes and builds more jails and fewer schools.

It is to be remembered that the mind is built up by external impressions, our ideas being largely reactions from these impressions. The genius, the theologic reformer, the political revolutionist, the criminal, and the healthy man see according to their lights, and all see differently. The difference in intellectual perception depends largely upon the varying character of the impressions that have been made upon the brain while in its plastic state. As in sleep the automatic action of the brain gives vivid, beautiful dreams to some, and to others nightmares, so it brings delightful day-dreams to the waking hours of some, and stern, unhappy realities to others. As was exquisitely sung by Homer, the ivory gate to the brain admits manifold impressions:

> "Immured within the silent bower of sleep,
> Two portals firm the various phantoms keep.
> Of ivory one, whence flit to mock the brain,
> Of winged lies, a light phantastic train;
> The gate opposed, pellucid valves adorn,
> And columns fair incase with polished horn,
> Where images of truth for passage wait,
> With visions manifest of future fate." [41]

Whatever the morbid state of the brain underlying intellectual brilliancy may be, it must be remembered that individual equation

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[41] The inspiration of the charming title of Dr. W. W. Ireland's book, Through the Ivory Gate.

controls the product of the mind. To the madness of certain of the great geniuses of the world some of their most wonderful productions are perhaps due, but it was the hyperesthesia of the unstable particular brain that produced the result. The cerebral excitement that in one person results in the production of a beautiful poem or romance produces in individuals of coarser mould intellectual phenomena which, although they may not be entirely devoid of the fire of genius in some cases, rarely produce anything of real worth, and, as a rule, produce less than nothing. The varying results of the cerebral excitement produced by alcohol and other drugs demonstrate this point very clearly. In one individual the inspiration of genius develops, and the excited brain produces a poem or a drama; in another, acts of brutality, or even the impulse to rob and kill, may develop. Alcohol develops only brutality in brutes, although it may evolve manifestations of that highest attribute of the mind, genius, in subjects of suitable organization. Hasheesh crazes the Malay, and he runs amok; the same drug painted beautiful word pictures upon the brain of Coleridge. Laudanum was responsible for De Quincey's "Confessions of an English Opium-Eater," one of the gems of English literature, yet it must not be forgotten that it was not to opium alone, but to a combination of laudanum and De Quincey's brain, that thanks are due.

CHAPTER XII

PHYSICAL AND PSYCHIC CHARACTERISTICS OF THE CRIMINAL

General Considerations.—The physical and psychologic study of the crime class has been of recent years pursued with the greatest enthusiasm, particularly by the European school of criminal anthropologists. A mass of very interesting and, it must be confessed, somewhat conflicting data has been accumulated by various observers. Whether accurate or inaccurate, the results of these investigations must be discounted, so far as their application to conditions in America is concerned. As elsewhere stated in this volume, conditions in Europe are not fair criteria of those prevailing in this country, as is obvious to any one familiar with the principles of evolution in their relation to moral, social, and intellectual development. This point has not received the attention it deserves, yet around it revolves the only possible chance of reconciling apparent discrepancies in observations, and of explaining deductions which at present must seem absurd to those who are not actively working in the field of criminal anthropology.

Aside from the influence of environment upon the results obtained in various researches in criminal anthropology, we must take into account various inaccuracies and extravagances of statement, due to a lack of breadth on the part of certain investigators. When so great an authority as Moritz Benedikt can justly be accused of narrowness in his studies of the brains of criminals, and of neglecting to study a sufficient number of normal brains for purposes of comparison, it may easily be seen that some of the lesser lights who are quoted as authorities are quite likely to be open to impeachment on similar grounds.

Some of the observations on the crime class partake of the nature of farce comedy. I recall a discussion of the physical anomalies of the criminal by a certain scientific society, which

strikingly illustrated the point I desire to make. The two principal papers of the evening were read respectively by the head of a well-known detective bureau and a reformatory physician who is justly celebrated as an authority. Among other stigmata of degeneracy, anomalous shapes of the ear were thoroughly discussed. The amusing feature of the discussion was the fact that the ears of the celebrated detective were small and closely set, to the point of imperfect development and deformity, while those of the distinguished medical gentleman went to the opposite extreme, and, if there is anything in the view that the criminal ear is prominent, large, and obtrusive, were suggestive, to say the least. It is needless to say that the comparison of the ears of the two essayists by the observing ones did not add any special weight to the various arguments that were adduced regarding the stigmata of degeneracy.

Some of the amusing features of the scientific study of criminal anthropology appear to suggest themselves to the subject of study himself. A notorious murderer, who was by no means a bad-looking specimen of humanity, and was certainly something of a physiognomist, protested against an anthropometric examination because he had been seriously affronted by a gentleman who had examined him the previous day. Quoth the murderer: "There was a fellow here yesterday that monkeyed with my head and wrote down some figures, and said he was a criminal ant'ropologist. I asked him what he made out of me, and he said I was a degenerate. You'd ought 'a seen that fellow. He had a head like a pumpkin. If I had a mug like his, I'd want to hang."

The comparative study of the criminal and normal man is one of the most difficult problems in science. So difficult is it that it is almost impossible to do the subject justice, and fallacies and inaccuracies of observations are not to be wondered at. The studies of the criminal class are made almost entirely upon inmates of correctional institutions. These are the dregs of the crime class. They are the individuals who have chanced to be caught. They are but a small proportion of the total number of criminals. The proportion of individuals who are detected in

crime is extremely small, as compared with the sum total of the criminal acts committed. The number of arrests for crime is also small compared with the number of crimes that are actually known to be committed, to say nothing of the crimes which are not detected, or, if detected, not reported. The proportion of arrested individuals who are tried and sentenced is small, as compared with the total number arrested, leaving out of consideration the sum total of crimes committed.

The foregoing statements are easily verified statistically. It has been estimated that the proportion of commitments to arrests is, in general, about one per cent. It will thus be seen that the number of persons available for study is very small, compared with the total number of criminals.

Comparison of the criminal with normal man is a very difficult matter. The criminal type is paralleled by non-criminal degenerates. Physical and psychic anomalies of varying degrees are found in individuals who, for courtesy's sake, are styled normal. Further, there is no arbitrary standard for the normal man. A comparison of a thousand convicts with a thousand individuals from the ordinary walks of life, who are supposed to be non-criminal, would be more or less unfair, although such comparison is the best that can be done in obtaining data. The thousand convicts would comprise individuals whose moral status has been established arbitrarily by law. The thousand alleged normal individuals would comprise a certain number of persons who, although degenerates, are non-criminal, either because their degeneracy is not sufficiently marked to impel them to crime, or because their environments have been such that they have never been exposed to necessity or temptation to crime. Among them would also be a large number of individuals who habitually or occasionally commit crimes, which, if detected, would lay them liable to arrest and punishment. The so-called normal group would also comprise individuals who, although not yet criminals, will become so sooner or later.

As an illustration of the fallacy of some of the observations upon the relation of degeneracy to social disease, I will allude to the work of Pauline Tarnowsky and others in the study of the

social evil. These writers have compared a limited number of prostitutes with supposedly normal women, and have concluded that degeneracy is the prime factor in prostitution. The accuracy of these observations must be discounted, from the fact that a large majority of European prostitutes enter the life at a very early age; so early, in fact, that degeneracy *per se* can have very little to do with the selection of their occupation. Under the same conditions it would make very little difference whether the child were degenerate or not, it would succumb to its environments. Ignorance and want, combined with the immoral atmosphere surrounding such children, would be effective even in the absence of degeneracy. It must be remembered that, while in a good environment the degenerate child, other things being equal, is liable to take to prostitution and crime, and the normal child escape, the child who is born normal and placed in a vicious environment, and kept there until adult age is attained, is quite as likely to adopt a life of crime or prostitution as degenerate children subjected to the same environment. The return of women to a life of shame after other avenues of sustenance have been offered them has been quoted as an evidence of degeneracy and their natural tendency to prostitution. We must necessarily allow some weight to this argument, but it must be remembered that an acquired taste for such a life in an individual who primarily was not a degenerate may be quite as effective in dragging her back to her former life as would primary degeneracy. There is too great a tendency to leave secondary degeneracy out of consideration.

In the study of the criminal class from the degeneracy standpoint, the factor of secondary degeneracy demands especial consideration. Many of the physical peculiarities of the criminal are incident to the life he leads, and many of the neuropathic phenomena that he presents are, so to speak, occupation neuroses. These conditions are a very formidable source of fallacy in criminal anthropology.

After making due allowance for insufficient data, superficial observations, and over-enthusiasm, the fact still remains that the born criminal is always, and the occasional criminal usually

a defective, and, like all other defectives, presents mental and physical aberrations that stamp him as abnormal. Criminal anthropology has not yet arrived at the point where arbitrary diagnoses or classifications of criminal types can be justified by the psychic and physical peculiarities of the criminal. In brief, the most that we have been able to do thus far is to stamp criminals as the van-guard of our vast army of degenerates, and to show that they are characterized by the psychic and physical anomalies of their congeners. The cranial and cerebral characteristics of the criminal, and some of the results of atavism, have been expatiated upon in previous chapters.

PHYSICAL CHARACTERISTICS OF THE CRIMINAL

The muscular system of criminals is, upon the average, marked by a lack of tone, as might be expected from the indolent and debauched lives they lead outside of prison and the unhygienic conditions of prison life.

Disproportionate length of arms—an anthropoidic peculiarity—has been alleged to characterize criminals. The data upon this point are, however, insufficient. Defective chest development and stooped shoulders are frequent. At Elmira Reformatory the greatest deficiency has been found to be in the respiratory apparatus. This is also true in my experience among penitentiary convicts, who have a peculiar tendency to pulmonary difficulties, due to faulty development and bad surroundings in prison.

Vascular and cardiac disease are frequent among criminals. Penta [1] found endarteritis and atheroma in nearly half of a series of one hundred and eighty-four convicts. In twenty of them there was aortic insufficiency. The intimate association of cardiac disease and mental derangement is well known. Cardiac disease occurs with especial frequency in the insane.

Penta has also studied the fingers and toes of five hundred criminals, and finds a deficiency in the size and number of toes quite frequent among them, while very rare among ordinary

[1] Nuove Richerche sui rei contro il buon costume, Arch. di Psichiatria, 1888.

men. He has also observed that prehensile toes, marked by a wide space between the great toe and the second toe, is a condition quite common among criminals; also a webbed condition of the toes; an approximation to the toeless feet of some savages. He found the little toe rudimentary in many cases, showing a tendency towards the four-toed animal foot. The most common of all aberrations was the webbed toes. The ambidexterity frequently noted in criminals is additional evidence along the same line. Where relative obtundity of general and special sensibility is not, so to speak, an occupation neurosis in criminals and other degenerates, atavism may serve to explain it.

Ellis claims that sexual anomalies are frequent in both male and female prisoners. This accords with my experience, and harmonizes with the degeneracy view of crime. Undescended testis and disproportionate size of the penis have been found to be very frequent both in idiots and criminals. I have noted hypospadias among criminals very frequently. True sexual perversion and inversion, with attendant femininity of type in the male and masculinity in the female, is frequent among them, as prison reports show. I have seen several cases of mammary enlargement and milk secretion in male criminals.

Ottolenghi claims that sexual offenders present frequent genital anomalies, a preponderance of blonde hair, malformed ears, bichromatism of the iris, blue eyes, twisted noses, facial asymmetry, large lower jaws, and neuroses, especially epilepsy.

So far as my observations go, the various American State prisons present little difference in the percentage of physical defects among their inmates. In the Wisconsin State Prison the record is as follows:

	Per cent.
Percentage of chronic diseases of all kinds.....	33⅓
Impaired hearing	27.2
Impaired vision	11.3
Loss of hands or feet	1.0
Hernia	2.0

In the Ohio State Prison, seventy per cent. of the convicts have had syphilis.

The criminal ear has been accorded special prominence in the list of physical anomalies of criminals. That the conformation of the ear is, to a certain degree, a criterion of character is an old lay belief which modern criminal anthropology has tended to confirm. Small and close-set ears are popularly believed to be indicative of miserliness and a lack of generous impulses, whilst large, symmetrically formed ears indicate generosity. This popular notion is, to a certain extent, well founded. The undeveloped ear is often associated with a generally defective physique, and a mentality that does not usually harbor a humane and generous spirit, but is more likely to be associated with a mean and selfish disposition.

Both extremes in the size of the ear have been noted to be prevalent in criminals and in defectives in general. Inordinately long and wide ears and the "handle-shaped" ear described by Lombroso are dwelt upon by various writers as frequent and characteristic in criminals. Over forty years ago, Laycock[2] pointed out the importance of aural anomalies as a criterion of degeneracy.

Frigerio has devoted a monograph to the description of the ears of the criminal and insane.[3] He notes certain atavistic phenomena and variations in the circulation of the ear as of especial importance. Thus the Darwinian tubercle—a pointed prominence on the external margin of the ear—is often found in criminals and the insane. A generally pointed ear—the "Satanic ear"—is also frequent. A doubling or forking of the root of the helix is frequent in children, apes, criminals, and the insane. The fork of the helix, the entire helix, lobule, and antitragus are often absent.

Frère and Séglas examined twelve hundred subjects,—insane, epileptic, idiotic, and healthy,—and found aural anomalies with especial frequency among epileptics and idiots, and much more frequent among the insane than in normal subjects.[4]

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[2] Lectures on Physiognomical Diagnosis, Medical Times, 1862.

[3] L'Oreille Externe. Étude D'Anthropologie Criminelle. Paris, 1888.

[4] Contrib. à l'Étude de quelques Variétés Morphologiques de l'Oreille Humaine, Revue d'Anthropologie, Avril, 1886.

The British Commission for the investigation of the development and condition of brain-function in school-children found aural development defective in most cases of nerve-defect and mental weakness.[5]

The power of movement of the ear is said to be frequent in criminals, and a sign of atavism. It occurs not infrequently, however, in otherwise normal persons, usually, however, in those of more or less neurotic temperament. It is sometimes indicative of excellent muscle command, and in persons whose volitional muscle control is good the power of movement of the muscles of the ear and of the platysma myoides may be successfully cultivated. Those who possess this power are inherently endowed with great athletic possibilities. Atavistic though the phenomenon may be, it shows a general approximation to the superior type of muscle possessed by the savage, which civilization has all but destroyed. The savage has not, it is true, great muscular strength, on the average, but he has muscular endurance, cat-like agility, and better muscle control than the average civilized man who is not specially trained in athletics.

The form of the nose, color of the skin, and peculiarities of the hair of criminals have received considerable attention, the labors of some scientists in these directions suggesting that the mountain of science sometimes labors and brings forth a mouse. Possibly future parturitions may develop more of importance, but it is well to remember that even scientists are not immune from monomania.

The pallor of the skin of criminals is in keeping with their defective physique and unhygienic lives, both in and out of prison.

Extremes of hairy development should naturally be expected among degenerates. Sexual criminals among males are often effeminate and present a sparsity of beard and body hair. Female criminals are, on the average, of a masculine type, and excessive hairy development is frequent among them. It is noticeable that many cases of extreme sexuality among both

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[5] *Vide* The Criminal, Havelock Ellis.

male and female criminals and among the insane are frequently associated with great development of the hair.

The brunette and medium types of complexion are most often observed in American prisons, but it would hardly be safe to say that the paucity of blondes is greater than among a similar number of non-criminal individuals. The statistics of London criminals show red hair to be rare among them. The same is true of any promiscuous gathering of people.

Anomalies of the palate, teeth, and jaws are found with great frequency among defectives, and are among the most valuable of the many evidences adduced as to the degeneracy of the insane, idiot, criminal, and pauper classes. Havelock Ellis[6] suggests that, inasmuch as atavistic dental anomalies—such as the fourth molar, characteristic of the platyrhine apes—are occasionally found in man, it would be interesting to know in what proportion such anomalies occur among criminals. Deformities of the teeth and palate in the defective classes have received much attention of late, and have been shown to occur with extraordinary frequency.[7]

Prognathism and heaviness of the jaws has been noted as a criminal characteristic. As Ellis remarks, however, this point demands further and more careful study, giving due weight to racial characteristics, to the extent of prognathism among the general population and to uniformity of mensuration methods. That the lower jaw is disproportionately developed in persons guilty of crimes of violence is a common observation, and is a natural result of the association of a well-developed, massive, square jaw, with self-assertiveness, combativeness, and determination,—qualities by no means necessarily criminal, and often admirable. The Celtic type is an illustration. When these qualities exist in moral and mental defects, they are likely to determine the character of the crimes committed. It has been shown that, while the average weight of the Parisian criminal skull, taken as a whole, is less than that of the average citizen,

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[6] The Criminal.

[7] *Vide* E. S. Talbot, Degeneracy of the Jaws.

the weight of the murderer's jaw as compared with that of the average man's is as 90 to 84.

A number of cranial stigmata of degeneracy are likely to be found in the same criminal subject. A retreating frontal bone, huge supra-orbital bosses, defective occipital development, a relatively large inferior occipital plane, and enormous occipital ridges and tuberosities are often associated.

Roussel Marro has laid some stress upon the relative prominence of the zygoma in criminals. The association of high cheek bones with a passionate temperament has been noted by others. It is a common observation that women with high cheek bones and pointed chins are often sexually inordinately passionate, and, in addition, likely to be viragos,

The retreating chin has been observed to indicate weakness and vacillation of character, and is often noted in criminals, especially in petty criminals and sexual criminals. The cleft chin is usually associated with powerful sexual proclivities.

It will be noticed that, in general, the form of the jaw of the criminal is suggestive of the same qualities as in non-criminals. Crime is an occupation, the various branches of which require different attributes. In one, determination is demanded, in another, a weakling may succeed. Just as in every-day life the man with the resolute jaw commands, so in the Under World we find the same type of man king among outcasts, and perpetrating crimes requiring boldness and desperate nerve. The Celtic type of jaw is obtrusive, bold in outline, and massive. Wherever we find the Irishman, we find him ruling, or trying to rule. He is as positive for good as he is for bad, but, strange to say, Ireland is the least criminal country of Europe, and the determination of the Celtic race has made for progress the world over. The Irish in America furnish a much larger proportion of criminals than they do in their own country.

Pauline Tarnowsky has made a very thorough study of the physical defects of the degenerate classes. Her most important series of observations was based upon a comparative study of one hundred and fifty prostitutes, one hundred female thieves,

one hundred illiterate peasant women, and fifty women from the higher schools of St. Petersburg.[8]

The parentage of the degenerates showed 82.66 per cent. of alcoholism, forty-four per cent. of phthisis, six per cent. of epilepsy, three per cent. of insanity, ten per cent. of apoplexy, and four per cent. of syphilis.

It is to be noted that the degenerates were selected in such a manner as to make the comparison somewhat fallacious; this aside from the fact that the series was too limited to admit of arbitrary conclusions. The prostitutes were of the registered class and found in public hospitals. They were consequently not necessarily a criterion of prostitutes in general, even in Russia. The female thieves were *récidivistes*. It will be seen, therefore, that Dr. Tarnowsky dealt with the very dregs of both the prostitute and female thief class. Her work is, nevertheless, an important addition to the study of degeneracy.

PHYSIOGNOMY

Is the appearance of the criminal different from that of other individuals? This question has been the subject of much discussion. Without claiming that the criminal presents characteristics that are pathognomonic of his profession, or which would enable even the expert to pick him out on sight, I do not hesitate to express my belief that he presents, in general, characteristics of expression that distinguish him from the average of men. His heredity in many cases, his environment, both in confinement and out of it, in all cases, and the exigencies of his occupation are such as must necessarily leave their impress upon him.

Vocational influences distinguish men in other walks of life, and should operate with especial force upon the criminal. The lawyer, the doctor, the clergyman, the race-horse man, the gambler, the man of affairs, and the farmer, all present characteristics that often enable the discerning one to pick them out of a crowd, notwithstanding that their respective environments have

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[8] Étude Anthropométrique sur les Prostitutes et les Voleuses.

much more in common than have those of the criminal and of the normal man.

At least a suggestion of this view underlies the opinion of Tarde,[9] who believes that all of the psychic and physical characteristics of the criminal may be explained by his profession. He claims that if lawyers, doctors, priests, and merchants were examined anthropometrically, each class would be found to present a special preponderance of certain peculiarities, mental or physical, which would distinguish them from other classes and professions.

The experienced "thief-catcher" knows the ear-marks of criminality fairly well, and, while the thief presents no characteristics which, taken alone, would enable one to make a positive diagnosis, the habitué of prisons nevertheless has a physiognomy and air that are very embarrassing to him, and very useful to the minions of the law who seek him. The conditions to which the confirmed "jail-bird" is exposed are such as tend to stamp him with the brand of Ishmael's own. Primarily, he is a hunted animal; secondarily, as a prisoner, he is, on the average, a hapless being, who is removed from the ordinary influences of society. Unconscious imitation of those about him, dogged submission to authority, suppressed resentment against society, contact with minds as brutish or more brutish than his own, rigid discipline, and a dead monotony of stone walls and whitewash tend to reduce criminals to a common level that makes an impression upon their physiognomy which is easier to recognize than to describe. Experienced wardens have claimed to be able to pick out the various kinds of malefactors from their appearance alone.

Unconscious imitation and thought habit—or the lack of it—are more powerful factors in moulding criminal physiognomy than is ordinarily believed. It is a matter of common observation that husband and wife grow to resemble each other. The same is true of many persons who are habitually and intimately associated, irrespective of the sexual element. Why should we

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[9] La Criminologie, G. Tarde, Revue D'Anthropologie, September, 1888.

not expect criminals who are herded together for a long period to acquire features of resemblance, especially when we consider the primary similarity of typic criminals?

It has been said that a clipped head, a clean shave, and prison garb level distinctions between convicts. "They all look alike," said one skeptic as to criminal anthropology, as he observed a chain gang. To be sure, they do look alike to the casual observer, but it must be remembered that the majority of them were of the same class before they entered the chain gang. Close inspection of the sporadic criminal when he first enters the prison shows a physiognomy different from the hardened old-timer. In time the novice may become like those about him; the weaker vessels among "occasionals" succumb to contagion sooner or later.

The murderer, as a rule, presents a different appearance from other criminals. This does not, of course, apply to the "criminal murderer," who belongs primarily to the crime class. In time, however, the murderer may become as those about him, especially if young when committed.

Much of the work of the old physiognomists was labor thrown away, but not a little of it was valuable and worthy of more attention than it has ever received at the hands of scientists. That conformation and expression of face are moulded by, and often an index of, mental operations is beyond dispute. It is singular that those who scout at physiognomic study should forget the various expressions characteristic of joy, grief, pain, anger, fright, amusement, ridicule, scorn, attention, indifference, contempt, horror, amazement, and curiosity, so familiar to every one and so easily recognizable by the least-trained observer. That the character of the emotions to which one is habitually subjected permanently modifies facial expression to a certain degree is in no wise surprising. While no special, nor even general, rules could be formulated upon this point, individuals are frequently met with in whom the stamp of inanity, craftiness, insincerity, ferocity, sensuality, cowardice, determination, or vanity is indelibly impressed upon the countenance. Why should the habitual criminal be an exception to the general rule as

regards physiognomy, and how could he fail to present especially striking features because of the peculiar conditions to which he is subjected?

If the study of physiognomy is considered in certain quarters as so much rubbish, it is because so little attention has been directed to it and familiar facts are ignored. The relation of the large nose to determination of character; of closely set eyes to craftiness; of deeply set eyes to viciousness; of thin lips to frigidity, selfishness, and illiberality; of thick lips and a cleft chin to sensuality, and of strong facial lines to thought concentration, are almost too familiar to require mention. The smooth face of youth and beauty yields to care and study; then come the lines.

The hardened criminal shows the pallor due to prison life, and to debauchery outside of prison. His eyes are restless, and he rarely looks at one squarely. He has a brutish, sullen, tough, hang-dog expression that is his most important physiognomic characteristic. He has, in general, the air of a hunted animal. His ears are usually large and prominent, and often misshapen. His jaw varies in form from the extreme of atavism—presenting the heavy carnivorous type—to the degenerate receding form. His face is much more asymmetric than that of the normal man. The sexual criminal may present hermaphroditic characters, with femininity of physique and carriage. The typic female criminal is usually masculine of feature.

The celebrated Vidocq was wont to say, "I do not need to see the whole of a criminal's face in order to recognize him as such. It is enough for me to catch his eye."

In murderers who are not adjudged insane there is often a wild, staring, or glittering expression of the eyes, that suggests their kinship with the unequivocally insane.

Lombroso [10] says that the eyes of assassins are suggestive of those of the *felidæ* when about to spring. The assassin as he describes him, however, is a European product, and not a fair criterion of murderers in general.

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[10] L'Homme Criminel.

The criminal in general is unhandsome, but, again, conditions in America differ from those prevailing in Europe. A comparison of Lombroso's types with those presented in this volume illustrates this point. Physical beauty is not infrequent among American criminals. As I have elsewhere stated, the criminal class of this country is not yet crystallized into an entity so definite as that of Europe.

It is my belief that a more careful study of physiognomy might prove of great value in criminology and criminal anthropology. It is possible that my friend, Captain Evans, of the Chicago Bureau of Identification, has just grounds for his statement that he takes "little stock in faces." Much depends upon whether his attitude is the result of careful physiognomic study and comparison, or simply an off-hand conclusion incidentally arrived at in the course of his daily work.

MOTOR ACTIVITY AND POWER

Many writers have laid especial stress upon the extraordinary, ape-like agility of criminals. This is an atavistic phenomenon which, in the habitual criminal, reaches a high state of cultivation by virtue of the exigencies of his occupation and the necessity of escaping from dangerous situations. This agility is all the more striking from the fact that it is held in reserve to meet emergencies. The criminal is, under ordinary conditions, relatively sluggish and indolent. The expression "cat-like" fits him exceedingly well. The feline species is not given to exertion save as necessity demands. The extraordinary agility of the criminal exhibited on occasion is closely associated with his emotional instability. Ellis [11] has called especial attention to the fact that the criminal lacks vigor. He says, "He is incapable of prolonged or sustained exertion, and is exhausted by an amount of work which would be easily accomplished by an ordinary workman. He is essentially idle. The whole art of crime lies in the endeavor to avoid the necessity of labor. This

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[11] Op. cit.

lack of vigor of the criminal is chiefly exhibited in his incapacity for physical toil."

The agility of the criminal has been by some attributed to his disproportionate length of arm. The observations upon this point having been made in Europe only, their bearing upon the physique of the American criminal is unknown.

Left-handedness has been found to be very frequent among criminals. The same is true of ambidexterity. A tendency to left-handedness is also extremely prevalent among children, savages, and idiots. The connection is obvious.

Experiments with the dynamometer appear to show a relatively greater strength in the left hands of criminals as compared with normal individuals.

Ottolenghi [12] has measured, according to the Bertillon system, the hands, middle fingers, and feet of a series of criminals and normal persons. He found that the left hand was the longer in a much larger proportion of criminals than in normal individuals. A similar disparity was found in the foot. These observations are open to impeachment, as the series comprised only one hundred and fifty examinations, and among them were twice as many criminals as normal individuals.

Anomalies of the tendon reflex of the knee are claimed by Lombroso to be very frequent in criminals. He claims that feeble tendon reflexes are very common among thieves, and that the reflex is exaggerated in a large proportion of sexual offenders.

PHYSICAL SENSIBILITY

That the typic criminal, as found in our prisons, is relatively insensitive to pain is a matter of common observation. This insensibility is a distinctly atavistic phenomenon, and is normal in savages and the lower animals, although it is not so marked in primitive races as some suppose. The reasons for this statement will appear later.

Benedikt pointed out some years ago the "disvulnerability"

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[12] Il Mancinismo Anatomico nei Criminali, Arch. di Psichiatria, 1889, No. 6.

or rapid recovery from wounds of criminals. Ellis has verified this by a series of inquiries of prison officials. The rapid healing of wounds in most primitive races is well known. A case is related of a Maori who had been speared completely through the upper part of the chest and lung with an ironshod pole, thicker than the wrist, walking fifteen miles across the mountains a week later, the wound being healed. Among the Samoan Islanders, whose kinship with the Maoris is well-recognized, this rapid healing of wounds does not occur. It is a common experience that slight lesions of the skin are likely to form chronic ulcers, and that pus is a frequent result of clean operating wounds. An able surgeon of large experience among the Samoans informed me that, in spite of rigid asepsis and antisepsis, more or less suppuration usually occurs among them from wounds and injuries. I noted also that elephantiasis develops in a large proportion of wounds upon these islanders.

The prompt manner in which wounds heal in some primitive peoples is especially striking to the experienced surgeon. I recall a case that I saw in Central America, of a half-breed Indian and Mexican, who was cut by a *machete* in the hands of one of his compatriots. The blow severed the overlying muscles of the back, the scapula, and several ribs, opening the pleural cavity. The wound was not sutured, but the man's shoulders were drawn back and held by a bandage, and the terrible wound kept wet with sea water. Within ten days the man was going about as though nothing had happened.

The relatively prompt healing of wounds in criminals is not so noticeable in American institutions as in Europe, for reasons already sufficiently expatiated upon.

The most minute investigations have been made by various observers in the general and special sensibility of the criminal. The eyesight of criminals is claimed to be superior to the normal. This is not borne out by observations in American prisons. Color-blindness has been said by some to be rare, and by others frequent, among them. The hearing of the criminal is claimed to be less acute than that of the normal man, and he is also said to be prone to disease of the ear. The olfactory and taste senses

of the criminal are alleged to be less developed than in normal persons.

The vasomotor reactions of the criminal to various thoughts and emotions have been carefully studied by Lombroso, who concludes that they are relatively sluggish. The fact that criminals rarely blush at the mention of their crimes is not of any great practical value, nor is it difficult to explain. Professors of crime see no immorality nor cause for shame in their occupation. They have long since lost all sensitiveness to criticism.

The various observations upon the special sensibility of the criminal are inconclusive and not sufficiently extensive to warrant the deduction of even generalizations, although, as Ellis [13] says, "the researches thus far made tend to show physical insensibility and psychic analgesia as the criminal's fundamental characteristics."

PRECOCITY

The imperfect moral and intellectual development of the criminal is often merely a perpetuation of juvenile qualities; it is practically always so in the born criminal. Even normal children are often wantonly cruel. Their indifference to the sufferings of dumb animals is proverbial. In most instances this cruelty is only seeming, and is due to an incapacity of appreciation of the wrongfulness of such acts, combined with curiosity. In others the cruelty of the child foreshadows the future criminal. Many instances of fiendish murder will be found, on inquiry, to be consistent with the child-life characteristics of the murderer.

The apparently unfeeling curiosity of the child sometimes foreshadows a scientific bent. A well-known surgeon of my acquaintance was the horror of his neighbors as a boy, because of his *penchant* for dismembering and dissecting insects and various other animals. That innate cruelty was not his inspiration is shown by the aversion he now exhibits towards crushing insects, or in any way wantonly injuring helpless animals. He

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[13] Op. cit.

is not an anti-vivisection crank, but believes in vivisection only under proper restrictions.

As the normal child grows older and his moral and intellectual faculties develop, he acquires a proper appreciation of the sensibility and rights of the lower animals, and becomes dominated by humane impulses. Obviously, the capacity for such development of a humane spirit varying, the result must vary. In some instances the brain of the subject is absolutely incapable of originating a humane impulse. From this class of moral imbeciles the wantonly cruel murderer is evolved.

The moral insensibility of some juvenile criminals is only too familiar. The police of every large city are familiar with the *personnel* and haunts of gangs of boy thieves, who are often so young as to make their criminality astonishing. In a recent coterie of juvenile criminals arrested in Chicago were four boys whose ages ranged from eight to thirteen years. The so-called captain of the gang was only eight years of age. This gang of boy thieves perpetrated a large number of burglaries that had been attributed by the police to old and experienced hands. Not content with burglarizing a dozen or more houses and stores, their ambitions soared higher, and they stole a horse. They had in their possession a large and varied assortment of keys, which they used in their burglarizing operations. It so happened that each of these boys belonged to a respectable family. Yellow-backed literature was probably responsible for the evolution of this gang of juvenile criminals.

One of the most remarkable cases of juvenile criminality on record was that of Marie Schneider, quoted by Havelock Ellis.[14] Marie was a school-girl, twelve years of age, who was brought before the Berlin Criminal Court in 1886 for the murder of a little child three and a half years old. She threw the child out of a window upon the pavement and killed her, for the purpose of robbing her of a pair of ear-rings. She was absolutely without remorse or sense of the seriousness of her crime, save that

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[14] The Criminal.

she knew it was called murder, and that the ordinary punishment was hanging, which she would escape because of her youth. She was intelligent beyond her years, but was morally an idiot.

A case recently occurred in New York in which a thirteen-year-old girl was detected in an attempt to poison her parents for the purpose of obtaining their property. She confessed the crime.

Numerous instances are on record of the murder of children by young playmates, both male and female. Jesse Pomeroy is the most notorious American example.

A murderer who was hanged some years ago in the Indian Territory was a typic example of the born criminal. He was born of honest farming parents. He showed viciousness of temper and lack of control at a very early age. His dominant trait was a spirit of bravado and braggadocio. He was cowardly, but intensely cruel and fond of inflicting pain on dumb animals. When about ten years of age he wrote doggerel, boasting of his wickedness. He seemed to think that crime was a short cut to fame. Here is a sample of his verse:

"I'll kill, I'll rob, and I'll plunder,
And come out the best way I can;
Should I have to go on the gallows,
I will die like the bravest of men."

In how far pernicious literature was responsible for this boy's grandiloquent ideas of crime would be difficult to say; it certainly was not responsible for his natural cruelty and viciousness. When less than twelve years of age he tried to burn alive a boy companion in the woods. For this he was reprimanded, not punished. A few weeks later he stabbed his best friend and playmate, nearly killing him. He was arrested and fined. A short time after he was whipped by another boy smaller than himself. He waylaid his vanquisher, and knocked him senseless with a stone. He became more and more vicious as he grew older, and finally took to horse-stealing. His crowning achieve-

ment was the murder and robbery of two travellers. For this he was hanged.

INTELLIGENCE

In estimating the intelligence of the criminal, as found in our penal institutions, it is necessary to take into consideration the variations in type. This is especially necessary in America, where the elements that make up our criminal population are more diverse than in any country in the world. Deductions drawn from observations in European prisons as to the intelligence of their inmates would scarcely fit conditions in this country.

Crime has been said to be "ignorance in action." In view of the fact that a defective moral sense is most likely to be associated with defective development of the brain in general, it is not surprising that the typic or born criminal should lack intelligence. The same conditions that mould him to a life of criminality curtail his capacity for mental development, upon the one hand, and, upon the other, limit his opportunities for such development. But by no means all criminals belong to this class. We have in this country especially, a type of criminal whose opportunities during youth are favorable to a certain degree of intellectual development and the acquirement of more than the ordinary amount of intelligence. Even among the waifs of our streets, who have had no opportunity for education save by contact with the world in the battle for existence, criminals develop who are possessed of extraordinary intelligence. The more refined types of criminal, represented by the counterfeiter, the forger, and the confidence man, depend for their very existence upon a superior grade of intelligence. In their struggle for existence it is a case of diamond cut diamond, or, rather, it is often the case of the diamond of criminality cutting the glass of average respectable intelligence. The greatest criminals in America to-day are men whose colossal schemes bear the stamp of respectability, yet whose moral attitude is as low as that of the pickpocket. No great crime was ever conceived and carried to a conclusion by an unintelligent mind.

In the matter of self-preservation the widest variation is noticed in the intelligence of criminals. It has been noted in very many instances that the cleverest of crimes has either been frustrated, or its perpetrator brought to book, by some foolish slip or inadvertence which, in view of the intelligence demanded by the successful perpetration of crime, seems ridiculous. This, however, does not necessarily argue a lack of intelligence. The intelligence of the high-grade criminal has already been proved by the conception and performance of the given criminal act. He falls down much as persons of extraordinary intelligence frequently do in the ordinary business affairs of life. Even among the lower class of criminals a high order of animal intelligence is often noted. This is a necessary consequence of the exigencies of the criminal's occupation. He lives by his wits and cunning, and, like every hunted animal, these qualities, so far as his means of getting a livelihood and of escaping detection and punishment are concerned, develop more fully year by year. Those who arbitrarily place the intelligence of the criminal upon a low plane, base their opinions entirely upon the study of the criminal as he is found in penal institutions. They forget, first, the enormous disproportion between those who commit crimes and those who are punished; second, that the more intelligent of the criminals escape, and the less intelligent are caught and punished. There are exceptions, it is true, but, on the average, this statement will hold.

Roussel Marro,[15] a most careful observer, was only able to detect marked deficiency of intelligence in twenty-one in five hundred criminals. He has attempted to classify these twenty-one cases as to the proportion of individuals with a defective intelligence. He states that murderers yield a large proportion of defectives. The fraudulent class showed no instances of defective intelligence. So far as the American murderer is concerned, his average of intelligence is high, as might be expected from the fact that he is a criminal by impulse, and very often represents the type of sporadic criminality.

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[15] I carrateri dei delinquenti, Turin, 1887.

Dr. Hamilton D. Wey, of the Elmira Reformatory, is a pessimist regarding the intelligence of the criminal, as might be expected from the character of the individuals who come under his observation.

MORAL SENSIBILITY

That the born criminal and the subject who, beginning by occasional criminality, ends by becoming a confirmed criminal are moral paretics is beyond controversy. The morality of a criminal act is never questioned by the true criminal. His moral centres have either never developed or have ceased to functionate, leaving him in a condition of moral atrophy,—or better, perhaps, moral anesthesia. The true criminal is a supreme egotist, whose standard of social conditions is based upon his own desires. Crime is his profession; the social conditions that favor the accomplishment of his ends are to him the right of life; all those conditions which serve as impedimenta in the way of his criminal career are wrong. Life is with him a battle, in which he, the under dog, is bound to do the best he can against terrific odds. His antisocial instincts revolve around, and are enhanced by, his consciousness of the social odds that are opposed to him. He has no conscience, either because it has never been developed, or because his criminal career has obliterated it. He does not possess even that fear of disgrace which passes for conscience with so many law-abiding people. The criminal fears the law, but he does not fear criticism. He is already *déclassé,* and has neither the pride nor the sense of shame which are such powerful factors in controlling the conduct of the average man. He has neither self-respect nor the capacity of appreciating the respect of normal men. The respect of his honest fellow-men is of no use to him in his profession, and consequently not yearned for. In his own class he may be respected, and is often admired, and this is all-sufficient for him.

Remorse or repentance among confirmed criminals is not only rare, but when it is expressed, should be regarded with suspicion. The habitual criminal who expresses contrition is generally either a hypocrite with an axe to grind, or a sick criminal "out of commission." He knows nothing of the sweets

of social respect nor of honest labor, but he knows that an expression of appreciation of these things sometimes appeals to the sympathies of those about him. Genuine reform, in the case of hardened subjects, is rare, and when it does occur is usually the result of the tardy discovery that crime does not pay, or of religious influences which have surprised his unstable emotional equilibrium into conversion to the tenets of religion.

The foregoing does not argue for pessimism in the attitude of society towards the criminal. It simply points the moral that if we would reform the criminal we must usually catch him young. Whether young or old, he is not likely to respond to measures that do not tend to improve his physical condition and develop his brain.

Prosper Despine's experience was that of most students of the subject. He said, "Those who premeditate and commit crime in cold blood never experience remorse. Those who manifest sorrow and genuine remorse after criminal acts have committed the act under the influence of passion that has momentarily stifled the moral sense, or by accident." [16]

It will be seen, then, that moral self-recrimination is largely confined to the criminal by impulse. Other things being equal, the remorse of the murderer is likely to be real, while that of the confirmed thief is counterfeit.

The greatest criminals of the world have been absolute moral paretics. Lacenaire, glorying in his horrible crimes, and Wainwright, whose explanation for killing a woman was that "she had such thick legs," are fair samples of this type of criminal. Many juvenile criminals show complete moral imbecility.

An alleged humorous story is related of a man who murdered and robbed a shop-keeper early one morning. The murderer had gotten away safely with his booty, when he bethought him of a duty not yet performed. He retraced his steps, put up the shutters of his victim's shop, locked the door, and pinned upon it a placard with the legend, "Notice. This place is closed on account of the death of the proprietor."

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[16] Psychologie Morbide.

Discounting the shrewdness of the assassin in thus delaying the discovery of his crime, his moral attitude was suggestive and typic.

The nonchalance with which the hardened criminal will submit to being photographed is indicative of moral anesthesia. Occasionally a struggle is necessary to compel submission, but this is generally from "business" motives, rather than shame. The criminal portrait rarely shows any emotion, least of all that of shame.

It is noticeable that among prostitutes there are many moral paretics who regard their occupation as a business, which is to be considered in the same light as any other means of gaining subsistence, and to be followed so long as it pays or is practicable. This is perhaps the prevalent psychic attitude of the confirmed harlot.

COURAGE

The quality of physical courage in human beings is not only very difficult to define, but a very uncertain quantity. I do not believe that the average civilized man is, in the strict sense of the term, brave. In his perfectly lucid moments the normal human being in advanced social systems has a due and proper respect for his own physical welfare. The fear of physical injury may be inhibited by various emotional influences; it is variously inhibited in the savage, but I believe it nevertheless exists in the average civilized man in his normal condition. The courage of the soldier is often fictitious and psychopathic, and due to the influence of the mass of men about him, that gives him a courage which he, as an individual, does not possess,—for fear, like misery, loves company,—associated with that natural ferocity of the human being which comes to the fore as soon as his inhibitions are removed. When this element of ferocity is once developed, the quality of true courage can hardly be said to dominate the individual, no matter how heroic his actions may seem to be.

In a general way, it may be stated that the degenerate flotsam and jetsam of humanity has less true courage than the average of normal individuals. Among habitual criminals it is a rare

quality. Insane criminals, and criminals caught red-handed in crime, may make a desperate battle, but in the one case it is absolute unconsciousness of possible results, and in the other the desperation of the cornered rat, that accounts for the actions of the subject. Cowardice is usually the foundation of desperate resistance to capture. The fear of consequences inhibits the fear of immediate personal injury.

Apathy and indifference sometimes pass for courage on the part of the criminal. A lack of emotionalism is, however, a rather poor imitation of heroism.

The occasional criminal is not, as a rule, so courageous as the average man, because there is in the former some neuropathic defect, hitherto latent, which not only explains the crime, but causes a weakness of character that is incompatible with true courage.

Some of our famous criminals are fallaciously given credit for a great deal of courage. The press and the stage alike lionize the bravery of the train-robber and the border outlaw. The foundation of the vaunted courage of this class of men is, however, egotism and cowardice. The bravery of such men is, as a rule, purely artificial, and is manufactured on occasion to enable its possessor to accomplish a specific criminal deed. If such men are courageous, then desperation and courage are the same. This, however, I do not believe. Where the exigencies of life outside of criminality demand true courage on the part of such individuals, they usually show the white feather. Such men are bravest, and indulge in the loudest rhodomontade, in the presence of helpless victims and in situations where there is no possible danger to themselves. When the circumstances are reversed, the desperado is usually an arrant coward, while, as for calmly facing danger, he has been rarely known to do it. Now and again coolly courageous men are found among them, but it not infrequently happens that those who are alleged to be the bravest of the brave become panic-stricken the moment the odds seem to be against them. The undrugged murderer who is courageous upon the scaffold is, in my experience, exceptional, save in the case of unequivocal lunatics. The bravery of

Guiteau upon the scaffold was merely the reflex of his insane delusion.

A well-known police official informs me that the favorite resort of the ordinary criminal whom the police is in search of is the opium-joint. This man claims that thieves frequent these places and smoke opium, solely to enable them to control the fear of arrest and punishment which dominates them, by blunting their perceptions with the narcotic.

EMOTIONAL INSTABILITY

Ellis [17] has called especial attention to the emotional instability of the criminal. He says, "He is capable of moments of violent activity. He cannot live without them. They are the chief events of his spiritual life. He loves excitement and will resort to anything to relieve the monotony of his existence. This is one of the reasons why alcoholism and crime go hand in hand." It must be remembered in this connection, however, that alcoholism is often the cause of crime, and when once begun is likely to be continued.

The criminal is a natural gambler. I have known of numerous instances in which his chief ambition in life was to steal, in order that he might play. The higher class of criminals in particular have a *penchant* for gambling. The spectacle of the confidence man in the act of being plucked of the spoils that he has taken from some pigeon in the ordinary walks of life is somewhat amusing. I know of one case, a professional card-sharper, a past master in the art of "cold decking," who had such a passion for faro that, knowing that he was being robbed, he would play his money away as fast as he despoiled others of it at poker.

I will allude later to the abnormal craving for excitement and diversion that impels convicts to malingering.

The criminal who has made a successful haul is rarely content until he has spent the proceeds in debauchery. The opium habit is extremely prevalent among the criminal class, who con-

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[17] Op. cit.

stitute the bulk of the patronage of many of the opium-joints in our large cities.

Periodic emotional explosions among criminals have been described by Debrück, Krafft-Ebing, and Lombroso. These outbursts or nerve-storms are akin to epilepsy in some ways, and are attended by great violence of conduct. They are often the epileptic equivalent. While the fit is on, the criminal is liable to attack anybody who happens to be at hand, particularly if provoked by them, and to break and tear everything he can lay his hands upon. Criminals under twenty years of age seem to be especially prone to these emotional attacks. It is claimed that such attacks are more liable to occur in the spring and summer. They often represent a reaction from the dull monotony of prison life. Not infrequently they are an expression of suppressed sexuality.

ETHICS AND SENTIMENT

I have noted with considerable interest that the criminal has a more or less definite, even if peculiar, idea of ethics. His conception of ethics is founded primarily upon the belief that criminality is a profession,—the profession of those who have not, by which they wage relentless war upon those who have. The morality of the acts of the typic criminal does not concern him. He is occupied chiefly in estimating the dangers of his occupation and the liability of getting caught, and, if caught, his chances of punishment. The percentage of chances of rendering an account to society enter into his computations of the vicissitudes and profits of his profession. He operates upon the theory that the world owes him a living, and that the laws are simply impedimenta thrown in his way by the Upper World to prevent him from getting what is justly his due. He often has the highest possible respect for his own branch of the profession of crime. He looks admiringly upon the feats of those who are cleverer, or more successful, than himself, and who perpetrate crimes of greater magnitude than those which are possible in his own branch of the profession. He regards with contempt, however, certain other criminals. The existence of caste among criminals is thus readily explained. Its existence may be demon-

strated by any one who will take the trouble to study the types found in any of our large penal institutions. At Blackwell's Island I noted that the assault and battery man looked with supreme contempt upon the petty thief; the footpad despised the sneak thief, and the burglar the pickpocket. The criminal aristocrats were the forgers, murderers, and counterfeiters. Among the women prisoners, the female abortionist was a sort of social pariah. The most despised individual in the institution was a clergyman, under sentence for starving children. I remember a conversation that occurred between the reverend gentleman and a young footpad, which was very edifying. The former undertook to discipline the youth for the error of his ways, and alluded to him as a felon. The contemptuous epithets applied to the convict preacher, not only by the young footpad himself, but by every other convict within hearing, were highly edifying, even though unprintable. This same clergyman was the "best hated" man in the prison.

It is only fair to state that caste distinctions among criminals are not so finely drawn as formerly. Specialism in crime is less popular than it once was. The latter-day criminal often turns his hand to whatever branch of crime seems most alluring for the time being. The pickpocket of to-day is sometimes the safe-blower of to-morrow.

A celebrated American bank robber, recently convicted, takes great pride in asserting that he has never wronged another man. When interrogated as to his meaning, he said that the victims of his robberies were strangers to him, and therefore fair game, but that he had never betrayed a man who trusted him, and was never faithless with a friend. Such a betrayal of trust, he said, he would consider a sin. His ethical attitude was suggestive of that of the Maori chief, who said that when he met a man in his daily walks and stabbed him to death with his spear, he called it a "killing," but that if he should inveigle him into his tent as a guest, and slay him while he was asleep, he would call that "murder."

The old adage of honor among thieves is an integral part of criminal ethics. It is true that criminals do betray and defraud

one another, but this very rarely occurs, and where it does, the individual who is sacrificed is often the victim of professional expediency. It is necessary for thieves at times to sacrifice one or more of their number upon the altar of justice, in order to secure immunity from police interference with the Under World in general. At such times as the police systems of large cities find it necessary to make a bluff of activity, for the benefit of inquiring tax-payers, victims from the Under World must be offered up to satisfy the cravings of the public maw.

Family affection and domestic attachment are foreign to the majority of criminals, but where they exist they may be developed to an extraordinary degree. Among the higher class of criminals, particularly, the occupation of the father may be sedulously hidden from his family. Instances have been known in which notorious criminals have not only guarded in every way possible against the discovery of their occupation by their wives and children, but have also taken extreme pains to subject them to only impeccable moral and intellectual influences. Inspector Byrnes, of the New York police force, has described a number of interesting cases of this kind.[18]

The spirit of Robin Hood is still to be found among social pariahs. The successful thief is often free-handed with his money and ready to succor the distress. That wholesale murderer and thief, Billy the Kid, was long protected by the ranchmen, not only because they feared him, but also because he was a good fellow. Criminals often stand by each other through thick and thin. One celebrated gang of swindlers in America sacrifices most of its ill-gotten gains in the defence and relief of the less fortunate of its members. Prostitutes and professional gamblers stand by each other in adversity in a manner that rather puts respectables to the blush.

One of the most honorable men I ever knew, so far as his dealings in money matters were concerned, was a man who did not hesitate to swindle the public by all sorts of nefarious schemes. The kindliest, most humane, and liberal man I ever

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[18] Noted Criminals of America.

met was a California "short-card" player, who would "cold deck" an opponent with never a twinge of conscience. As a boy, I chanced to know the famous outlaw, Three-Fingered Jack, of Calaveras, who was noted for his affection for children and his humane liberality. When his various crimes had been brought home to him and, with others of his gang, he suffered the penalty of the law on the scaffold, it was with great difficulty that those who knew him could be either brought to believe in his guilt or reconciled to his death.

Sentimentality, in the true sense of the term, is certainly rare in the born criminal. He appreciates kind treatment, it is true, but mainly after the fashion of the lower animals, whose sentimentality is obviously quite limited. That criminals are frequently kind to their wounded or sick comrades is also true, but it is rare that one will hazard his own physical safety to save a comrade. Crime is a lottery in which each player must take his chances.

RELIGION

The great majority of convicts found in our prisons testify to religious training of some kind or other. It is not an uncommon experience that criminals are extraordinarily "religious." They sometimes pray for the success of their criminal operations, as one might for the success of a worthy action. The dominance of religious sentiment is chiefly noticeable among Catholics. I have interviewed many criminals of this creed who seem to consider themselves religious in spite of their criminal record. In many instances the confessional is a psychic panacea for any crime the individual may have committed. The spectacle of a clergyman, sentenced for what was in effect child murder, preaching to the other convicts at Blackwell's Island was highly edifying.

Quite as absurd in many ways as the profession of religion by the criminal is the endeavor to cram religion down his throat by prison authorities. I once witnessed the Sunday services in a certain State reformatory. The convicts were gathered in a large hall. In one corner of this hall, suspended near the ceiling, was an iron cage, in which sat a keeper armed with a Winchester rifle. Before the services began he climbed into this

cage through a sort of trap-door, and closed the door after him, so that he was inaccessible to the convicts. He then proceeded to keep watch and ward over the helpless victims of the preacher's oratory, which, be it remarked, was of a quality that made the necessity of preventing by force of arms the escape of his auditors easily understood.

The assertion is made that atheists and free-thinkers are rare in European prisons. This is not true of American penal institutions, in which such individuals are frequently to be met with. I recall that at the time the clergyman convict, already mentioned, was whiling away the hours of his confinement by preaching to his fellow-prisoners at Blackwell's Island he had a formidable rival in the person of a free-thinker, whose arguments were confessedly very masterly, and with whom the clerical rascal was unable to successfully compete. The auditors of their frequent debates were usually about evenly divided in their sympathies. The opportunity for the discussion of their views was afforded by the circumstance that both were inmates of the hospital, and the other patients were privileged to listen or participate if they saw fit.

VANITY

That vanity is a prominent feature of the psychology of the criminal has been noted by numerous observers. Ellis [19] remarks, "Their vanity witnesses at once to their false estimate of living and of themselves, and to their egotistic delight in admiration." In this respect, the criminal is in nowise different from the degenerate in general. Vanity is one of the weak points of the mental organization of some individuals whose intellect is highly developed. An extreme degree of vanity characterizes the criminal, certain insane, and many geniuses alike.

Many of the illustrations given by various writers of the vanity of the criminal simply prove the insanity of the subject. Ellis cites a case of a Russian youth of nineteen who killed an entire family. When he heard that all St. Petersburg was talking of him, he said, "Now my school-fellows will see how unfair

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[19] Op. cit.

it was of them to say that I should never be heard of." The desire for notoriety pervading certain unbalanced minds was well illustrated in the case of Guiteau, in whom it was one of the chief incentives to the perpetration of the terrible crime for which he was hanged.

Many interesting cases of a similar character are recorded. The diaries kept by the Marquise de Brinvillers, Thomas Wainwright, the celebrated English essayist, forger, and murderer, and John Wilkes Booth, in which they gloried in the details of their crimes, plainly exhibited the egotism of the mentally deranged.

The vanity of the criminal aristocracy—*i.e.*, those who commit the more daring and profitable crimes—is easily understood. As already remarked, crime is regarded by its perpetrators of the habitual class as a profession, and those who exhibit the greatest prowess are the subjects of the adulation of their coworkers in crime. The great criminal is the genius of the crime class, and he has all of the defects of the true genius without any of his admirable qualities. One of these defects, as already observed, is a morbid degree of self-appreciation.

CRIMINAL LITERATURE AND ART

The history of crime shows a few criminal geniuses, among whom Wainwright, Eugene Aram, Oscar Wilde, Villon, Casanova, Cellini, and Paul Verlaine are prominent. It is probable that geniuses would be more frequently met with among our prison population were it not for the vicarious outlet of criminality in directions which do not compromise the legal status of the individual. Gigantic financial enterprises and militarism are an illustration of the vicarious outlets for criminal tendencies. Such individuals as those enumerated are, however, not to be taken as a criterion of the literary or artistic bent of the true criminal.

Clever men and women are more often found among American criminals than in Europe, where the criminal class is so distinctive in type that occasional criminals are fewer, and habitual criminals more numerous, than in America.

In general, the literary and artistic talent and inclination of the habitual criminal is about what might be expected from a person of a relatively inferior grade of intelligence.

Granting that the rare qualities of the greatest geniuses may, without opportunity, lie dormant, what can be expected of the typically criminal class, which is composed of the very dregs of society and has no opportunity for development? There are, it is true, exceptional cases, even among the lower class of criminals, in which the individual presents a high degree of artistic ability. So long as he is sane, however, the habitual criminal is not given to literary productions worthy of attention. His poetry is usually vulgar or even obscene doggerel, and his prose compositions incoherent and crude.

In the main, the art of the criminal is comparable to that of the untrained child or savage. The criminal's taste for literature is also of the primitive or juvenile type. He likes the yellow-backed variety of novel, and stories in which desperadoes and criminals are the heroes, rather than the sort that point a moral to adorn a tale.

It must be acknowledged, however, that some of the publications emanating from criminals in our penal institutions contain evidences of considerable talent. One of the most noteworthy of these productions is a newspaper published at the Cook County jail, contributions to which are almost altogether furnished by prisoners.

The *Summary,* a newspaper edited and published by the inmates of the New York Reformatory at Elmira, compares very favorably with other papers in the character of its contributions and editorials.

MALINGERING

One of the most peculiar phases of the psychology of the criminal is his tendency to malingering. Physicians who deal with large bodies of men find that their labors are greatly enhanced by cases of pretended illness of various kinds. Nowhere is the burden of differential diagnosis between real and assumed illness so great as it is within the walls of prisons. The inexperienced physician who takes charge of a penal institution finds

it impossible at first to do the work that devolves upon him, on account of the large number of inmates who pretend illness. It requires considerable knowledge of human nature, and somewhat prolonged experience in institutional work, to enable one to avoid, on the one hand, the impositions placed upon him by malingerers, and, on the other, the danger of injustice to those who are really ill. The prison physician who assumes that all convicts who report to him for treatment are really ill will be overburdened with care. He who goes to the opposite extreme will work great cruelty and injustice to those who are really ailing.

The prison physician, even when he has had considerable experience, is quite as likely to make mistakes in diagnosis as physicians outside of prisons, whom no one claims to be infallible. As a matter of principle, it is better to be deceived by a dozen malingerers than to allow a single *bona fide* invalid to go without proper care. The prison physician is a powerful factor for good or evil. He exerts a humanizing influence upon his charges such as no one else possibly can. The milk of human kindness is not always thrown away upon the convict, and nothing makes him more rebellious than to feel that common humanity is denied him.

Malingering on the part of criminals is usually attributed to a desire to escape work. This may be the explanation of many cases, but certainly is not a sufficient explanation for all. Work within reasonable limits is desirable to perhaps the majority of American prison inmates, who welcome it as a relief from the deadly monotony and stagnation of prison life which, in the absence of systematic occupation, would necessarily prevail. There are few convicts, indeed, who do not realize that suitable occupation is better for them physically than is cell confinement. The records of prison management have shown the necessity of engaging convicts in employment of various kinds. Prior to the introduction of labor in prisons a very large proportion of convicts went insane within a comparatively short period.

Criminality is by no means always an evidence of a desire to

shirk industry in the battle of life, nor is it necessarily an evidence of incapacity to obtain success by honest means. Many a criminal by profession expends talent and energy, and exhibits a faculty of application in his chosen field of labor which, if diverted into proper channels, might make him phenomenally successful. His moral perception is blunted by his innate response to the law of self-preservation along what he considers the line of least resistance. Counterfeiters sometimes display talent and industry which should find a ready and much more remunerative market than in defrauding the government. Bills of large denomination, produced entirely by pen-work, and which were well worth their face-value as works of art, have been captured at various times, and must have cost more in labor, to say nothing of the skill involved, than could have been earned in legitimate work of the same kind during the same period. The counterfeit in some instances has been detected by the superior excellence of the work.

My experience leads me to believe that the malingering of convicts is in itself a manifestation of degeneracy. The unstable nervous equilibrium of the criminal evolves a craving for sympathy, and a craving more particularly for diversion from the monotony of prison life. The sick-call is an event in his existence, and to secure and profit by it he will swallow the most nauseous doses with gusto. No treatment is severe enough to dissuade him from malingering.

The intensification of the ego on the part of the criminal is a further explanation of malingering, in that it leads him to believe himself an object of solicitude, or at least interest, on the part of others. He has also the idea that the rough places in his prison career will be smoother in proportion as he excites the sympathy of those about him.

Criminals who are denied stimulants and tobacco sometimes find in drugs a gastronomic novelty that seems to them greatly to be desired. In many instances malingering is due to hypochondriasis pure and simple, the patient being in nowise different from the hypochondriac seen in private practice who suffers from imaginary ailments and has acquired a taste for drugs.

Dr. Druet, of the Animosa Penitentiary, believes that many malingerers in prisons are simply individuals with the patent-medicine habit, who have fallen in the toils of the law, and desire to continue titillating their palates with drugs.

There is a class of convicts who are desirous of having surgical operations of various kinds performed for the relief of deformities, unsightly scars, etc. In some instances the patient is merely responding to his desire for sympathy and an opportunity to loaf in the hospital, where he will be well taken care of. In others,—and this class comprises perhaps the majority of cases,—he merely wishes to rid himself of marks of identification. Through this desire I obtained considerable experience in correcting nasal deformities during my prison service.

The relatively luxurious diet and ease of hospital life impel some convicts to feign illness.

One of the prime factors in the encouragement of malingering is the custom that prevails in prisons of dispensing "soft" positions to favorites among the convicts. Without any difficulty whatever, the warden can usually secure the assignment of a convict, to whom, for reasons best known to himself, he desires to be especially kind, to the hospital, where he is often kept during the entire term of his sentence.

Convicts who are not used to hard labor are sometimes assigned work which is little less than slow death for them. I have known men who were at work in the stone-yard to deliberately smash their fingers and toes with a setting maul, for the purpose of being sent to the hospital. One man sacrificed his fingers in this way so frequently that I finally, through sheer pity, allowed him to remain permanently in the hospital.

Malingering is a very difficult thing to cure. I finally succeeded, in my own prison service, in a way that may suggest itself as practical to other prison physicians. For months I had vainly tried indescribably nauseous doses and the dark cell. I finally hit upon the expedient of having the sick-call sounded at dinner-time. The success of the experiment is evidenced by the fact that, whereas one hundred and eighty men appeared in the sick-line the previous day, there were only twelve in line on

the first day of the new arrangement. The latter number is about the average that presented themselves at the daily sick-call during the remainder of my term of service.

TATTOOING

The practice of tattooing is very prevalent among criminals of the habitual variety. It is especially frequent among European criminals. So far as my own observations enable me to form an opinion, criminals who submit to tattooing are actuated by various and complex motives. The psychology of habitual criminals is, in general, very primitive, being akin in many respects to that of the child or savage. Novelties attract them, and the suggestion of the *bizarre* offered by tattooing has a very powerful influence upon them. There is also the element of an aristocratic tendency among criminals, which, in effect, is not very different from that shown by respectable men and women who wear distinctive emblems of one kind or another.

There is an inherent mysticism in a large proportion of the human race. This, in combination with a desire for class and individual distinction, is the fountain-head of Masonry and its congeners. There is a Masonry among criminals as well as in the Upper World. This has come to be well recognized among criminologists. The distinctive tattoo marks found especially among European criminals are indicative of an *esprit de corps* that is psychically the same as that which actuates the wearer of a Grand Army badge or Masonic emblem. So far as the pride of exhibition of the insignia is concerned, the criminal, with his emblematic tattoo marks, is on a par with the respectable gentleman who displays the mysterious cross or double eagle of the higher orders of Freemasonry.

The intense ego of the criminal and his primitive ideas of personal adornment have much to do with his custom of tattooing. The various emblems with which he adorns his skin stamp him as of the criminal aristocracy, and give him inflated ideas of his own importance, which ideas are with little difficulty imparted to his criminal brethren. The ideas of personal adornment prevalent among criminals are distinctly atavistic in character,

and, so far as tattooing is concerned, place them on a common plane with the American Indian or the South Sea Islander.

A point worthy of attention is the fact that the resources of the criminal for amusement are very limited while in prison, and moderately so outside of it. Tattooing affords an opportunity for diversion to both artist and subject, and gratification of the egotism of both, and especially of the former. The custom of tattooing his own initials or name upon his skin is rarely actuated by a desire for identification in any individual, least of all in the criminal. It is inspired by egotism, pure and simple, and is based upon the same principle as the cutting of their initials in all sorts of places by respectable individuals. From the stand-point of egotism, the sailor who tattoos his own initials upon his breast is on a par with the criminal who adorns himself in a similar manner. In the case of the criminal, only overpowering egotism could so far overcome his abhorrence of establishing permanent means of identification as to cause him to deliberately submit to the tattooing of his own initials upon his person. The tattooing by male criminals of female figures and names on their bodies is, in many instances, mere sexual symbolism, and is rarely actuated by a refined quality of sentiment. The same holds true of non-criminal individuals who decorate themselves in like manner. Not infrequently it is a manifestation of true perversion.

In a certain sense, the same primitiveness of psychology that is responsible for the tattooing prevalent among criminals is explanatory of their *penchant* for writing vulgar and obscene inscriptions upon the walls of their cells and on the margins of books. This has been quoted as characteristic of the criminal class. It is, however, the correlative of the same sort of inscriptions and the vulgar and obscene pictures that are to be found in various places of sanitary convenience and physiologic necessity, which are not supposed to be frequented by criminals alone. The latter class of inscriptions is mainly the work of juveniles. The analogy between the immature minds of boys, which lean towards depravity of expression in the manner described, and those of criminals at once suggests itself. The

class of drawings and inscriptions alluded to are evidence of perverted or suppressed sexuality.

Ellis [20] noted the writing of inscriptions, verses, sentiments, etc., on the walls of cells and in other places by criminals as an expression of their desire to assert their individuality, and to relieve loneliness by self-communion that shall present some objective evidence of their existence.

Lombroso has laid especial stress upon tattooing as an evidence of atavism in the criminal.

Ellis says that tattooing is an evidence of the sensory obtundity of the criminal. While the relative insensibility of the criminal to pain is admitted, I doubt whether it is responsible for tattooing. The desire for decoration of the skin with tattooing existing, the trifling amount of pain produced by the process would not be likely to be taken into consideration. The relative insensibility of the criminal to pain is a point where atavism and degeneracy are so closely blended that their differentiation would savor of splitting hairs. I believe, moreover, that the relative insensibility of the savage to pain, which is the foundation of the atavistic theory of the relative insensibility of the criminal, has been somewhat exaggerated. In the case of our American Indian, particularly, the stoicism exhibited under torture is largely a matter of cultivation. The Indian, from babyhood up, is subjected to various sources of physical torment, to which he eventually becomes inured, largely through that familiarity which breeds contempt, and a species of auto-suggestion. If the savage knew aught of the theories of degeneracy, he doubtless would classify as degenerates those whose stoicism gave way under physical pain.

Relative anesthesia is normal in the female, even among civilized women. Neuro-degeneracy, in general, does not always increase this relative insensibility, as shown by certain hysterics and hysteroids who are extremely sensitive to pain. Hysterical anesthesia has its counterpart in hysterical hyperesthesia.

Admitting, as we perforce must, the relative insensibility of

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[20] Op. cit.

the savage, we are by no means justified in assigning a lack of sensibility to degeneracy. On the contrary, I believe that the savage standard is the normal; that of civilized man the artificial. An approximation of civilized man to the savage, as regards relative insensibility to pain, should logically be termed atavistic, rather than degenerative, unless neuropathic disorder can be shown.

CHAPTER XIII

ILLUSTRATIVE CRANIA AND PHYSIOGNOMIES OF DEGENERATES—TYPES OF CRIMINALS

WHATEVER views may be held regarding the relation of physical degeneracy to crime and other social diseases, and however much of exaggeration of minor details of cranial contour and development may appear in the observations of the European school of criminal anthropologists, many suggestive facts are developed by the study of the skulls and physiognomies of social offenders and degenerates in general.

The illustrative types shown herewith are not presented for the purpose of proving the correlation of a given type of skull or physiognomy with social offences in general; least of all are they intended to show the correlation of a certain type of skull with a given kind of antisocial tendency. I desire merely to show the strikingly degenerate type presented by antisocial beings in general, and the following illustrative series in particular. The marked aberrance of type and asymmetry of the series of skulls and heads presented herewith are especially suggestive and striking, in view of the fact that they were not selected from a large number of skulls and subjects because of their deformity, but comprise the total number of a series of skulls placed in my hands, chiefly by non-scientists, who collected them solely because of the morbidly curious or historic interest attached to them by virtue of the crimes committed by their owners *in vivo*. The living subjects in the series also came under my observation incidentally. It is worthy of comment that even the remarkable series depicted in Lombroso's atlas does not present such remarkably aberrant types as does this series of studies. Indeed, a search among several thousand skulls and subjects taken at random might not bring to light so many cases

of similarly pronounced aberrations of contour and development. The descriptions of these skulls and subjects will be largely general. Details of measurements and comparison in particular will be omitted. The illustrations are from photographs and therefore accurate.

The first specimen (Figs. 23 and 24) is not of great interest from the degeneracy stand-point, although deviating somewhat from the normal racial type. It is presented chiefly because of its perfect development, peculiar history, and for purposes of comparison with the rest of the series. It is a fine illustration of the brachycephalic Mongolian type of skull.

FIG. 23.

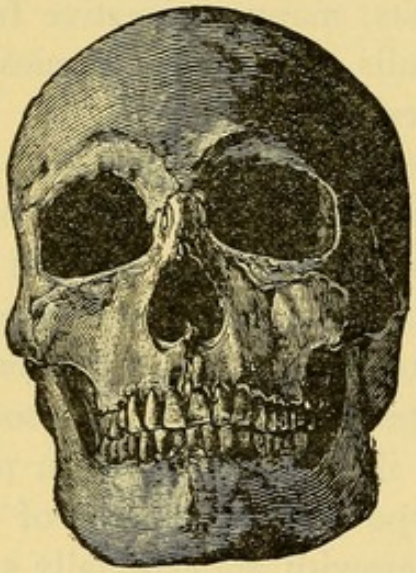
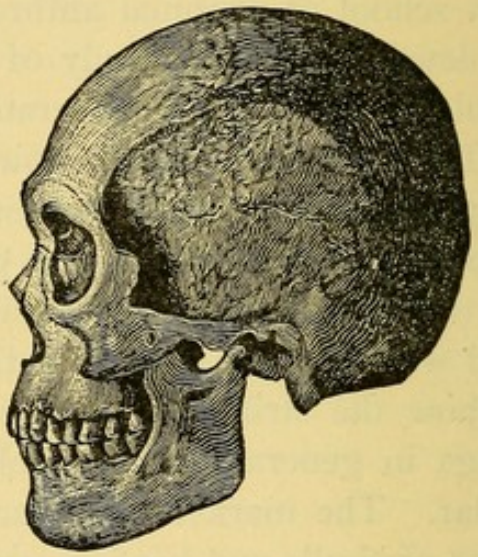


FIG. 24.



The subject was a Chinese cigar-maker, who was thoroughly civilized and quite prosperous. Physically, he was a well-developed, handsome fellow. He became engaged to a white girl, whose Mongolian affinity weakened at the last moment, and this, preying upon his mind, impelled him to shoot himself. This was noteworthy, as he was the first Chinaman to commit suicide in America, and there has been but one since, so far as I know.

The contrast between this skull and the negro skull, shown in Figs. 25, 26, and 27, is very striking. This specimen shows a splendid development of the jaws and teeth, the latter being complete in number and perfectly regular. Like the negro, the

Chinese is characterized by well-formed and strong jaws and teeth.

The characteristic, relatively marked development of the facial and jaw bones among the Chinese is well shown by a lateral view of this skull. The disproportionate development of the face and jaws in this instance is, however, much above the average Mongolian skull. By comparing the two views, the brachycephalic type of the cranium is readily observed. By comparing this cranium with that of the negro shown in Figs. 25, 26, and 27, one is struck with the wide difference between the extreme types of high and low cranial indices. This is nowhere better shown than by a comparison of marked Ethiopian and Mongolian types.

On examination of the crania of the more degenerate types among the Chinese, it will be found that the tendency is towards a high cranial index. The tendency of the degenerate types of a brachycephalic race to become more brachycephalic and that of a dolichocephalic race to become more dolichocephalic is peculiar, but is borne out, so far as my own opportunities for study have permitted me to observe.

Aside from a change in the cranial index, there are seen, among negroes particularly, many peculiar aberrations of form, one of which is shown in Figs. 30 and 31. The palatal arch in this Mongolian specimen is high, and the alveolar processes excessively developed. The cephalic index of this skull is 83.9.

The next specimen (Figs. 25, 26, and 27) is the most interesting illustration of the pure negro skull it has ever been my privilege to study.

The subject was a negro criminal of the petty class, who spent most of his time in correctionary institutions. As might be inferred from the extremely degenerate type of cranial development shown, he was of a very low grade of intelligence. After a very precarious existence he committed suicide.

In viewing this skull anteriorly, one is at once struck by the immensely powerful maxillary and malar development, as contrasted with the remainder of the cranium. The orbits proportionately very capacious. The superior maxilla is relatively

poorly developed, at least as compared with the lower. This inferior frontal development, associated with the pronounced facial development, is distinctly atavistic.

FIG. 25.

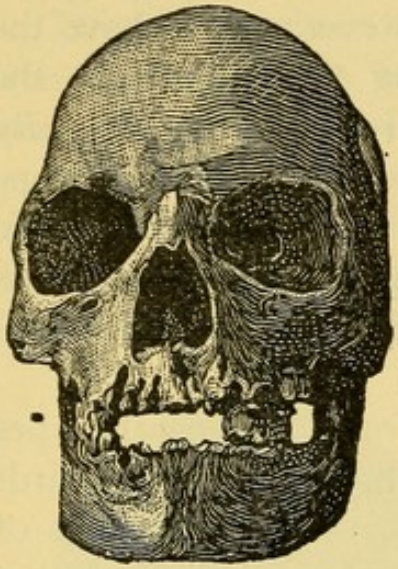


FIG. 26.

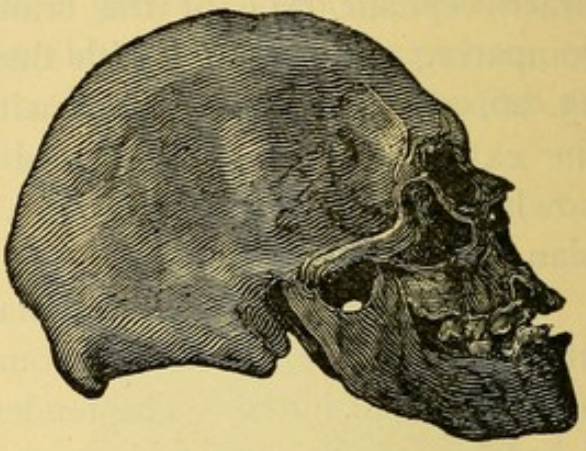
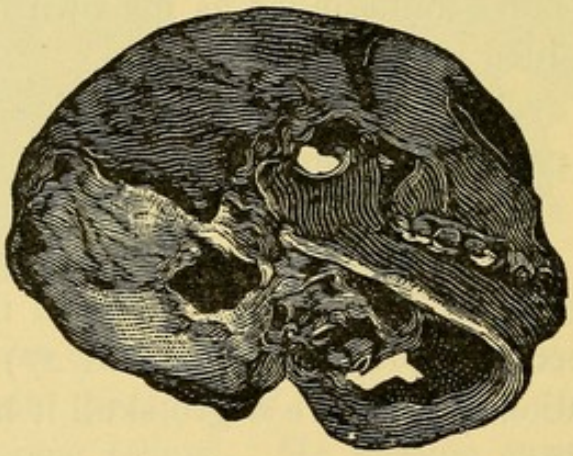


FIG. 27.



This skull is the most marked specimen of the dolichocephalic cranium I have ever seen. The cephalic index is 59.9, the extreme variation, according to Isaac Taylor and others, being from 58 to 98.

On viewing this cranium laterally, its resemblance to the anthropoid skull is very striking. This is especially marked with respect to the development of the mastoids, styloid apophyses, and occipital protuberance. The position of the latter is

quite anomalous, and the occipital bone is almost horizontal. Despite its extraordinary development, the occipital bone is relatively small, both transversely and in its vertical measurements. The distance from the posterior border of the foramen magnum to the superior occipital angle is only 103 mm.

On contrasting this with any other of the crania of this series, the relative shortness of the occiput is very noticeable. For example, Fig. 53, which is a very small specimen, distinguished rather by its symmetry than the extent of its development, shows an occiput measuring 116 mm. from the foramen magnum to the superior angle of the occipital bone. Fig. 27 shows the inferior surface of this dolichocephalic specimen, and brings out the massive development of the processes and muscular attachments at the base of the skull. It is evident that the muscles of the neck in this case were immensely powerful, a *sine qua non* where the leverage for muscular action is so short as in this particular occiput, and a distinctly atavistic phenomenon. The facial type in this specimen is markedly prognathous as regards both upper and lower jaws.

The *tout ensemble* in this case is strongly suggestive of a reversion to the anthropoid type, which is often the distinguishing characteristic of the degenerate Ethiopian skull, criminal or otherwise.

The next specimen (Figs. 28 and 29) presents some extraordinary features. It is the skull of a celebrated negro panel-worker, confidence operator, and desperado, who at the time of his death was the consort of a notorious Chicago courtesan, whose skull is shown in Figs. 52 and 53.

This individual, after some years' dalliance with the law, was finally knifed to death in a brawl. A front view of the cranium shows the ordinary characteristic negro facial type, with the exception, perhaps, that the bones are exceptionally massive and well developed. The inferior maxilla is absent, a fact which I greatly deplore, as the general cranial development suggests the probability that the missing part presented some very interesting features for consideration. A lateral view of this cranium shows the usual dolichocephalic negro type. The

cranial index is low, being 71.1. A comparison with Figs. 25, 26, and 27, however, shows the extreme degeneracy of type in the latter to great advantage.

A view of this skull (Fig. 29), after a section of the calvarium has been removed, shows its most interesting features.

FIG. 29.

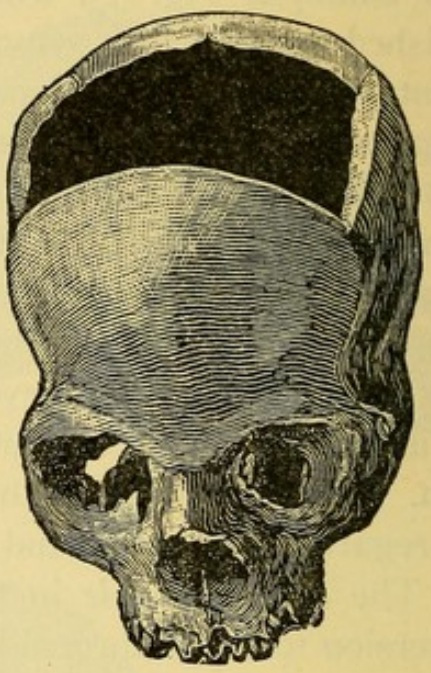
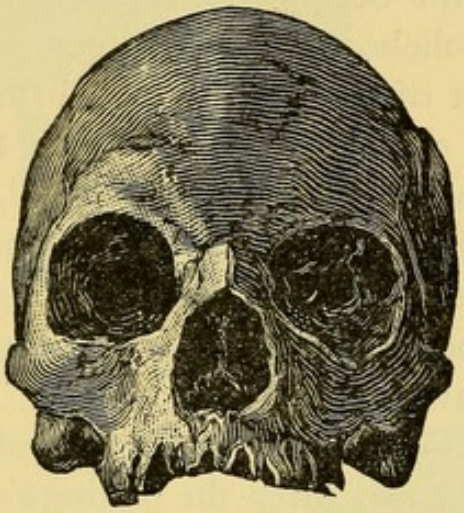


FIG. 28.



Skulls of such extreme thickness, even among negroes, are rare. The consistency of the bone is very dense and hard, and traditionally this negro was noted for his butting propensities. It is said that he rather enjoyed the impact of a policeman's club.

The massiveness of the bony development in this case is not due to disease. The general character of the overgrowth and the consistency of the bone would seem to support this view. Syphilis sometimes produces thickening of the cranial bones, as some of Virchow's and my own (Figs. 63 and 64) specimens show, but syphilitic bone does not present the characters and uniformity present in this case. The normal relatively great thickness of the negro skull is a primitive racial type. When it is excessive, it is atavistic.

At the densest part of the calvarium this specimen measured 13 mm. in thickness, its average thickness being 11 mm. A

comparison with Fig. 53 readily shows how phenomenal the osseous development in this case is.

The upper jaw and alveolar process in this skull are well developed, the only peculiarity being a low palatal vault.

The next specimen (Figs. 30, 31, and 32) is the skull of a negro who was lynched for rape. The distortion, asymmetry,

FIG. 30.

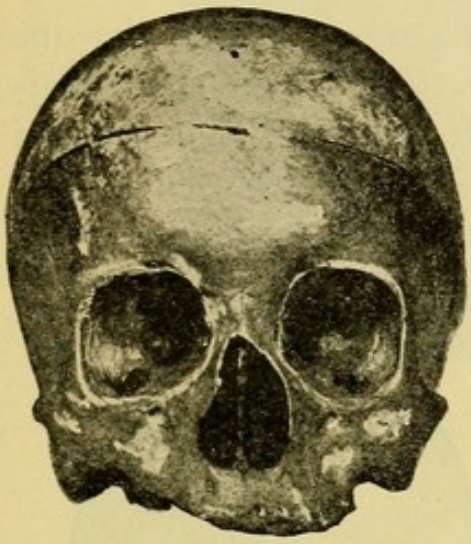


FIG. 31.

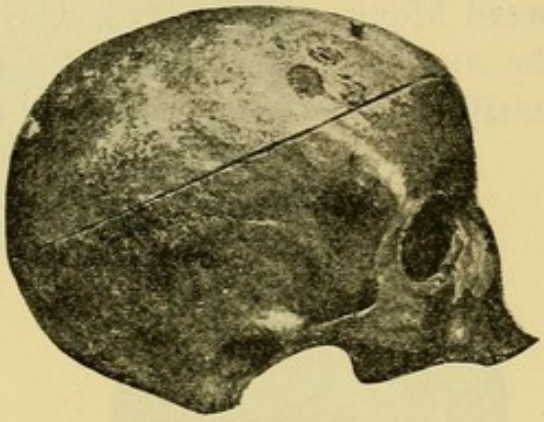
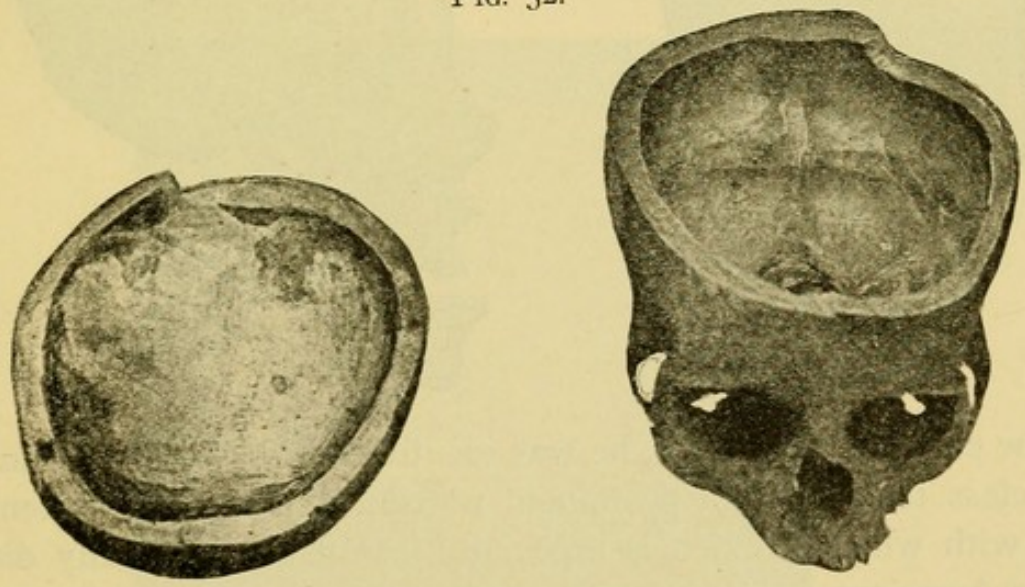


FIG. 32.



prognathism, marked dolichocephaly, extreme smallness of frontal development, and enormous orbits are very noticeable. These peculiarities are such as cannot be fairly accounted for on the basis of accentuation of racial type. They are in the main

atavistic, but to a certain degree degenerative aberrations. Like the preceding specimen, this skull is characterized by immense thickness of the bones, unaccountable by disease. In the frontispiece of this work is shown a still more marked example of osseous overgrowth in the skull of a negro who was executed for a double murder. The entire series of illustrations of criminal negro skulls show unmistakably their similarity to the anthropoid type.

The next specimen (Figs. 33, 34, and 37) is by far the most remarkable skull I have ever seen. The subject was a half-breed Mexican and negro, who had left Mexico for the good of the country. While he had never distinguished himself by any startling act of criminality and had managed to keep himself out

FIG. 33.

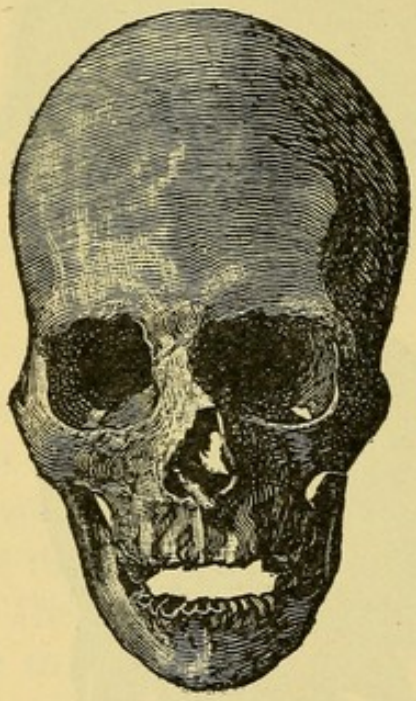
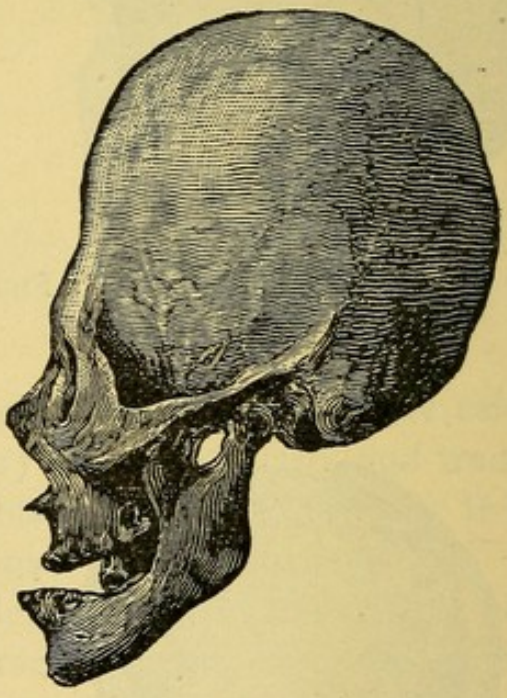


FIG. 34.



of the clutches of the law, he was identified with the petty criminal class that forms a prominent portion of all social systems, and with which Mexico is especially infested. He finally died in an American public hospital, as a result of some acute disease with cerebral complications. The general physique of this man was fair, although he presented a generally overgrown and loose-jointed appearance. When alive he was a very peculiar-looking individual indeed, the dome-shaped appearance of his cranium

Fig. 35.

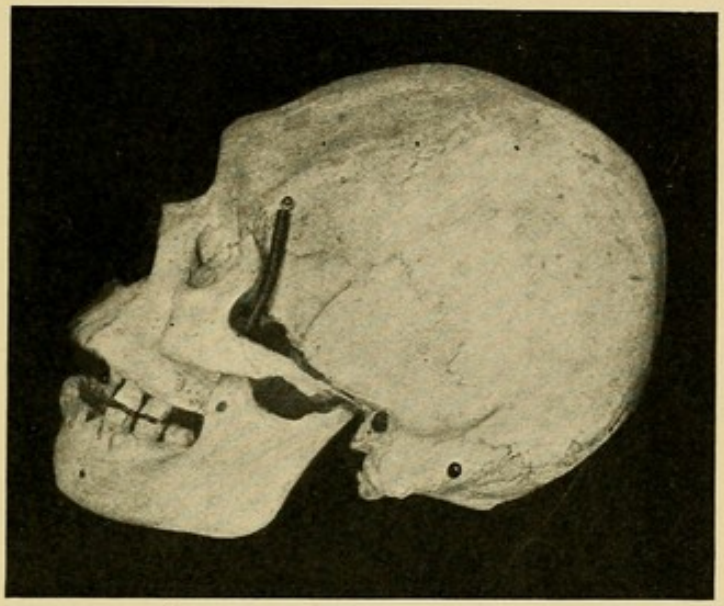
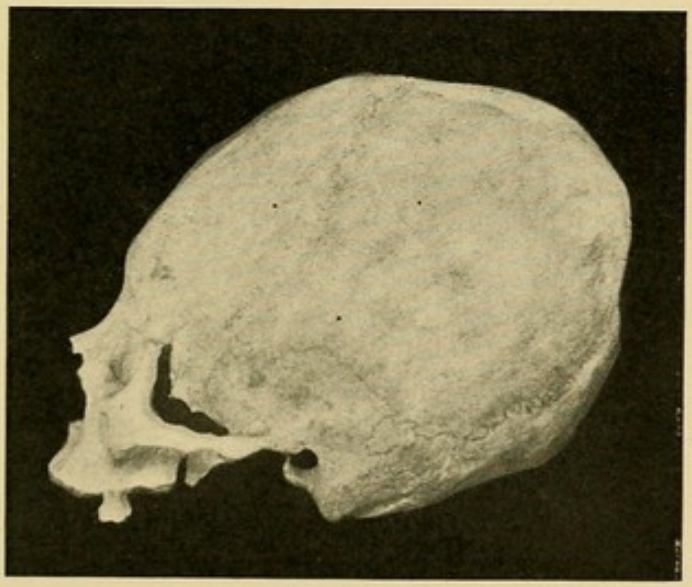


Fig. 36.



being exaggerated by a luxuriant crop of kinky wool, several inches in length, that stood straight out from his head. Intellectually he was apparently up to the average of the negro race, but morally he was decidedly degenerate. One of his prominent characteristics was a very irascible temper, which led him on numerous occasions to commit assaults.

This cranium, as is well shown in the appended illustrations, is extremely brachycephalic; indeed, its circumferential outline is almost perfectly round, its longitudinal and transverse diameters being nearly equal, and its index (98.1) a fraction above Taylor's maximum of 98. The term dome-shaped is as nearly accurate as possible from a descriptive stand-point. It is a singular fact that the degenerative type of the African skull often presents the oxycephalic or rafter-headed type, even when the dolichocephalous index is pronounced. The skull at present under consideration is distinctly dome-shaped, which corresponds not at all with oxycephaly.

The peculiar conformation in this case is evidently not the result of pathologic conditions or mechanical pressure. The vault of the cranium is quite symmetrically developed, although the base of the skull is decidedly asymmetric, as will shortly be shown. I know of no mechanical means which might have caused the peculiar dome-like form of this specimen, nor have I been able to find mechanically deformed crania of a similar type. Such deformities as those presented by ancient European skulls, certain South Sea Islanders, and the Chinook or Flathead Indians, are quite familiar types of mechanically deformed skulls. Certain specimens found in ancient Peruvian graves are almost precisely identical with the characteristic Chinook type, and suggest the possibility of a common origin of the two races. The flattened type is fairly well shown by Figs. 35 and 36.

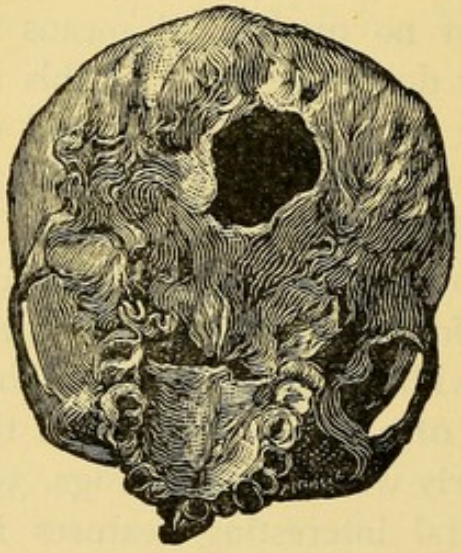
There are several interesting features in connection with the skull under consideration. One of the most striking is the extreme shallowness of the orbits. This is evident on comparison with some of the other types described in this series, the measurements being 46 mm. from the upper margin of the orbit to the optic foramen, while in the Indian and negro skulls in this

series the orbits measure 52 and 55 mm. in depth. The outer walls of the orbits encroach upon the cavities, giving them a still more marked appearance of shallowness.

The inferior maxilla also presents some peculiarities. The coronoid processes are very small and short, the body long, and the angles very oblique. The inferior alveolar process is excessively developed. The same is true of the alveolar process of the superior maxilla, it being so situated on the outer surface of the jaw that the teeth were necessarily tipped in to facilitate occlusion with the lower teeth. The central incisors were evidently lost in early life, the alveolus being absorbed and the border of the jaw being only one-eighth of an inch thick at this point. The palatal vault is very low, and the general development of the jaws imperfect.

There is a marked deflection of the vomer and ossæ nasi, evidently of non-traumatic origin, and due to excessive development of the osseous and cartilaginous structures of the septum nasi. The nasal spine is enormously developed. As already noted, the cranial index in this case is extraordinarily high,

FIG. 37.



being slightly above the maximum given by most anthropologists; the type is as marked in the direction of a brachycephalic index as is the specimen shown in Figs. 25, 26, and 27 in the direction of a low or dolichocephalic index.

Fig. 37 shows the inferior surface of the skull. A glance suffices to show its remarkable asymmetry. The foramen magnum is almost entirely to the left of the median line. A line drawn through the centre of the foramen traverses the median line of this surface at an angle of about forty-five degrees. The centre of the anterior border of the foramen is situated at 76.5 mm. from the left, and 58 mm. from the right, mastoid. The centre of the posterior border of the foramen is 64 mm. and 61 mm. from the left and right mastoids respectively. The margin of the foramen is extremely thin, and the occipital ridges very prominent.

Figs. 38 and 39 show another illustration of the dome-shaped brachycephalic cranium occasionally met with in the negro degenerate of mixed blood.

Fig. 38.

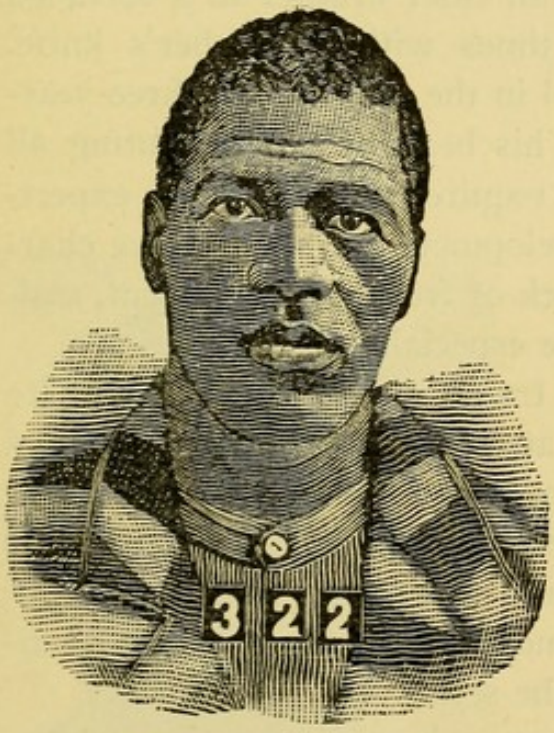
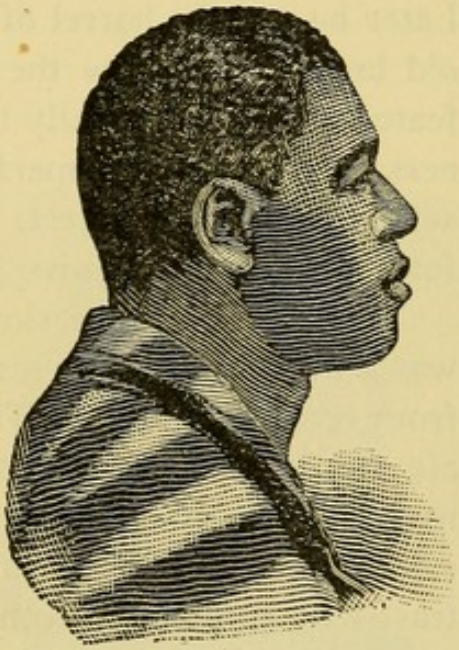


Fig. 39.



The subject is a mulatto, about twenty-three years of age, who is doing time at Joliet for attempted murder. He is a surly, truculent fellow, of a low grade of intelligence, and inclined to be unruly. He is at present suffering from a mild attack of syphilis. The general form of the cranium resembles the type shown in Figs. 33 and 34.

The facial bones, jaws, and teeth in this case were extremely well developed, and the palatal vault normal. There was no history of mechanical compression, and as the subject was a native of Tennessee such a cause is improbable. The cephalic index was 76.7.

The dome-like form of this cranium will be more evident on comparison of its principal measurements with those of a skull of average development. A comparison was made with that of one of the white orderlies in the prison hospital, a man of fine physique and good cranial development. It was found that, while the measurement over the vertex was the same as that of the negro, 39.5 c., the circumferential measurement was 58.5 c.

Fig. 40 is a five-year-old negro boy, who is a duplicate in black of Jesse Pomeroy, a name that is a synonym for cruelty. This boy set fire to his little sister's dress, and danced in glee at her dying agonies. He decoyed an elder brother to a secluded place and stabbed him several times with a butcher's knife. Later he put the barrel of a pistol in the mouth of a three-year-old brother and blew the top of his head off. Discounting all features that are racially typic, it requires no craniologic expertness to observe the imperfect development and animal-like characteristics of this subject. The lack of frontal development, malformed ears and massive jaws are especially in evidence.

Fig. 41 shows the skull of a tramp and petty thief. There was a history also of assault and attempt to kill. Death resulted from cerebral gumma. The defective frontal and disproportionate temporal development are very noticeable. The enormous malar development is an especially interesting point for consideration. The orbits are enormous and show a marked contrast with some of the others of the series.

The subject shown in Figs. 42 and 43 is very interesting. He is about twenty-one years of age, a seaman by profession, and a criminal of the petty sort by occupation. He was born in the Island of Martinique, his father being a half-breed Portuguese and negro, and his mother a full-blood black. The father was a drunken loafer and the mother a thief and prostitute. No history of brothers or sisters is obtainable. He thinks he had

Fig. 40.

Fig. 41.

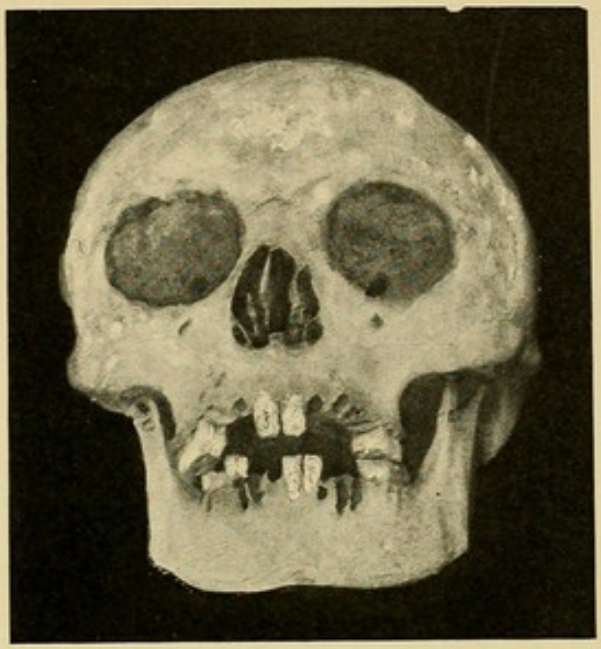


Fig. 42.

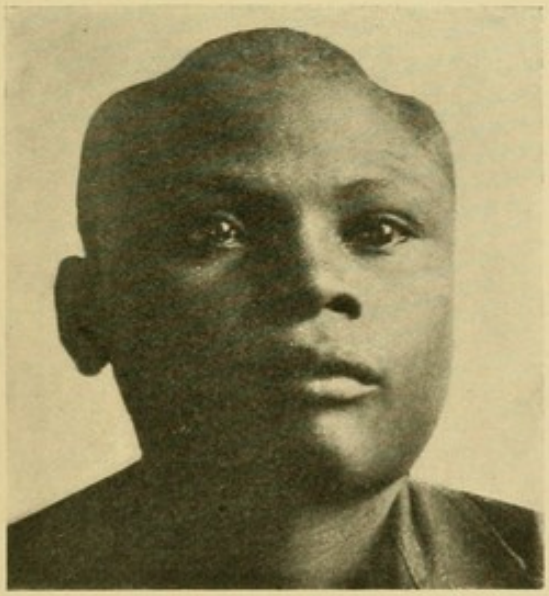
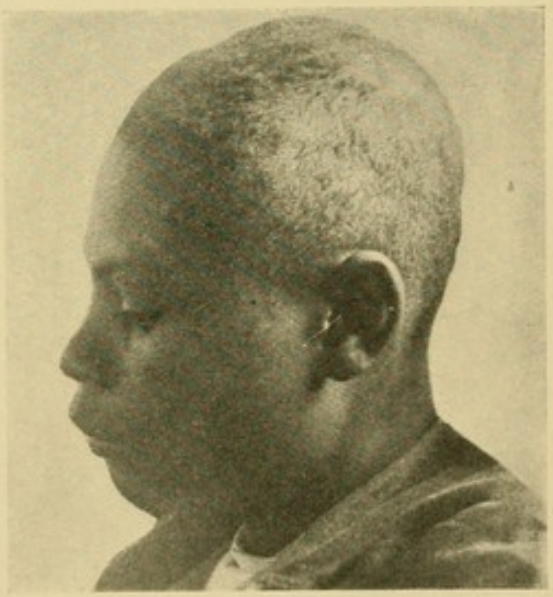


Fig. 43.



some "head trouble" as a child, but there is no recollection of any head injury. Has frequent headaches. Never has had "fits."

The subject himself is dull of wit, but possessed of a certain degree of native cunning. Ordinarily stupid in his mental attitude, he is given to attacks of uncontrollable and vicious rage, during which he is dangerous to those about him. His family said he was "mad." He is undersized and suffers from tuberculosis of the spine. He says that his back has always been crooked.

The cranial conformation is most peculiar. Brachycephaly is marked, and a lateral view is suggestive of the dome-like crania of Figs. 33, 34, and 38. The anterior view gives a very different impression, however, and shows with especial emphasis the lack of frontal development. The term scaphocephalous would perhaps fit the cranial conformation better than it does most cases to which it is applied. There is distinct flattening of the occiput and depression of the vertex. The ears are very unequally placed. The temporal prominences are mainly due to an immense hypertrophy of the temporal muscles, although there is a corresponding prominence of the skull. The movement of these muscles during mastication is phenomenally active. The measurements of this subject's cranium were not taken.

The next specimen (Figs. 44, 45, and 46) is the skull of a noted Western criminal and desperado, who was lynched for train-wrecking and murder in Wyoming a number of years ago. The conduct of this man during the lynching stamped him as a bravo of the most hardened type. An attempt was made to induce him to relate the particulars of a murder in which he had participated, the wife of the murdered man being present at the hanging and anxious to learn the details of her husband's death. To the persuasive efforts of the "regulators," and the tears and entreaties of the widow of his victim, he replied, "D—n it, you'll hang me if I tell, and you'll hang me if I don't. So here goes," saying which, he deliberately kicked the barrel upon which he was standing from under himself, and thus saved his executioners all further trouble.

The occipital region in this cranium is excessively developed, prominent and bulging, especially on the left of the median line. The occipital protuberance is situated about 8 mm. to the left. The parietal eminences are very asymmetric, the right being

Fig. 44.

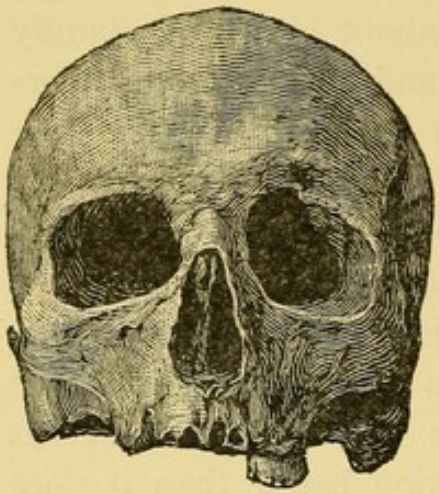


Fig. 45.

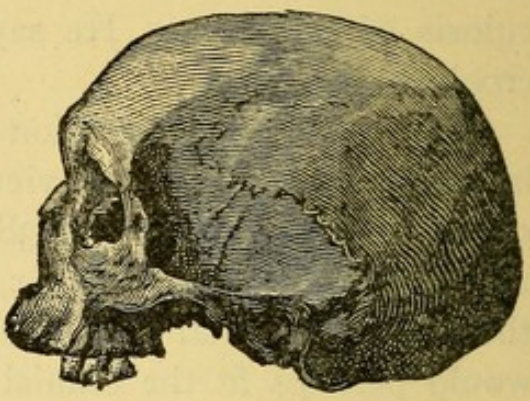
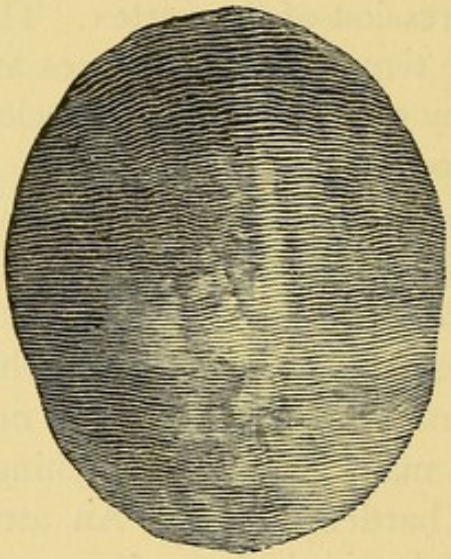


Fig. 46.



very prominent and of irregular contour. The palatal vault is of medium height, the teeth regular, and the maxillæ well developed. The cephalic index is 77.8.

Viewed from above (Fig. 46), this cranium shows an unsymmetric outline, but on comparing it with Fig. 51, one would be impressed with its comparative symmetry.

Figs. 47 and 48 show the skull of a burglar and desperado, who was shot while resisting arrest. The subject was Irish, and

FIG. 47.

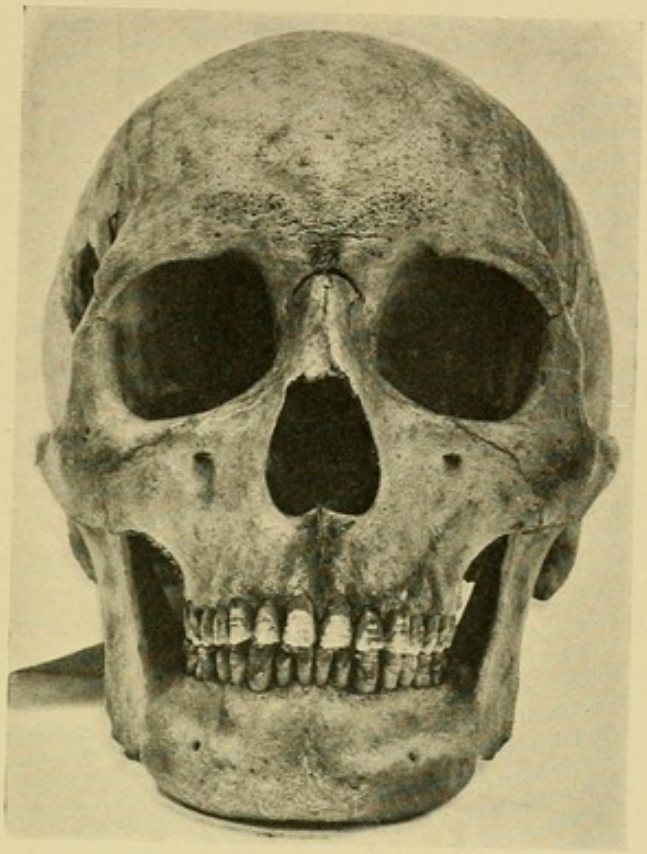


FIG. 48.

about forty years of age. Frontal development is very defective and the cranium sub-microcephalic. The massive prognathous jaws, prominent malar prominences, huge supra-orbital ridges, large mastoid prominences, the short, horizontal, inferior occipital plane, and the extremely marked occipital ridges give a distinctively anthropoidal aspect to this specimen.

The next specimen (Figs. 49, 50, and 51) is one of the most interesting of the series from the stand-point of degeneracy, and is certainly the least symmetric. If it were possible to conceive of a special criminal type of cranium, this would be in many respects an ideal illustration. The subject was lynched at Carbon, Wyoming, early in the seventies, for an attempt to wreck a train at Medicine Bow. In this attempt he was assisted by the individual represented in Figs. 44, 45, and 46.

FIG. 49.

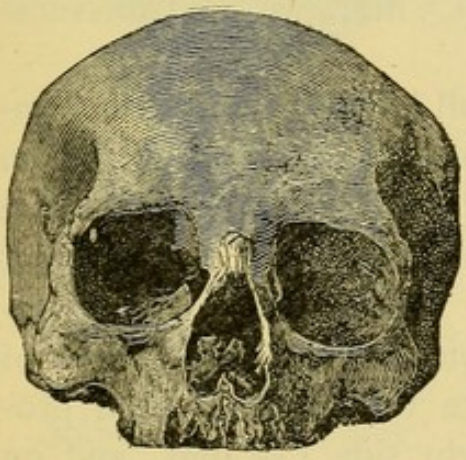
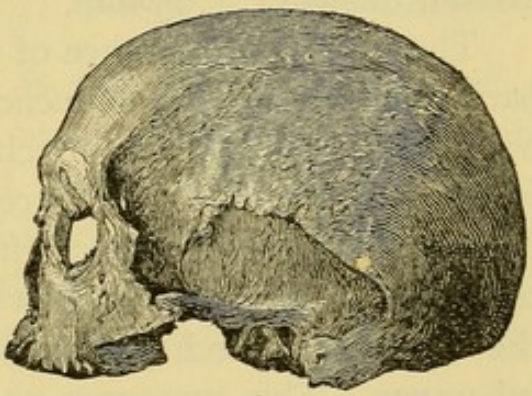


FIG. 50.



The extremely disproportionate breadth of this cranium is well shown by the illustrations. The meagre development of the frontal region is very noticeable. On viewing the skull from above, the peculiar twisted appearance, which may be observed in the cranial type of the degenerate in general, will be observed. The orbits are relatively large, and the face, as a whole, of a decidedly "squatty" appearance. The absence of the inferior maxilla is to be regretted, although, considering the vicissitudes which the skull has experienced, its otherwise perfect state of preservation is remarkable. After the lynching the body was buried in a hastily improvised and shallow grave, from which it was very promptly resurrected by those scavengers of the

prairie, the coyotes. The skull was finally found by a railroad employee, and subsequently used as a paper weight for some years. Judging from the conformation of the cranial and facial bones, the lower maxilla was probably well developed but asymmetrical.

The relatively defective frontal development of this skull is its most striking feature when viewed anteriorly, and is best shown by comparison with Figs. 25, 26, and 28. In Fig. 25 the extreme breadth is 122 mm., and the extreme length 195.5 mm., while the frontal breadth is 95 mm. In the skull under consideration, however, although the extreme breadth is 149 mm. and the extreme length but 171 mm., the frontal breadth is only 90 mm. The great disproportion in the measurements is at once obvious. It is not compensated for by increased longitudinal development of the frontal bone. In Fig. 28, the greatest breadth is 131 mm., and the greatest length 181.5 mm., yet the transverse frontal diameter is 95 mm.

The twisted appearance of this skull is most evident on comparison of the parietal eminences. These are very prominent on both sides, the left being much the larger. The occipital region is greatly deformed and exceptionally prominent, the bulging being most marked at the left of the median line. The asymmetry of development is shown by comparative measurement of the distance of each parietal eminence from the occipital protuberance. This measures on the right side 132 mm., and on the left only 119 mm. The squatty, animal-like type of this cranium is shown by comparison with some of the others of the series.

Fig. 51 shows the circumferential outline of this specimen viewed from above. By comparing the quadrants of this illustration the phenomenal asymmetry of development is easily seen.

The superior maxilla in this skull is well developed, although the alveolar process shows an inferior development. The palatal arch is exceedingly low. The left superior maxilla is much smaller than the right. The palatal processes show great asymmetry, the right being 16 mm. and the left but 5 mm. in breadth. The cephalic index is 87.13.

Fig. 52 shows the skull of a once notorious member of the Chicago *demi-monde*. She was a very tall woman, of mixed Indian and white blood. The cephalic index shows what might be inferred from the appearance of the cuts,—a decided dolicho-

FIG. 51.

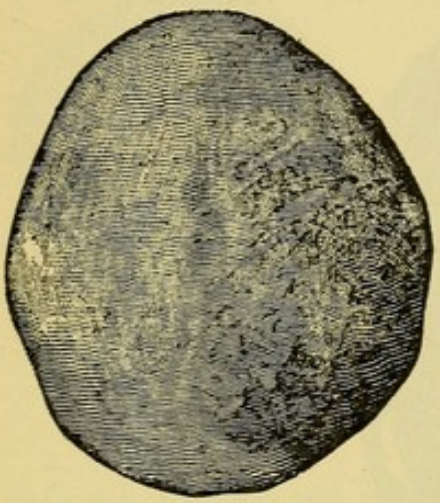
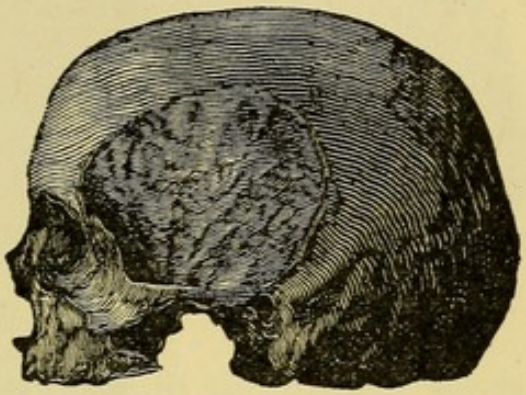


FIG. 52.



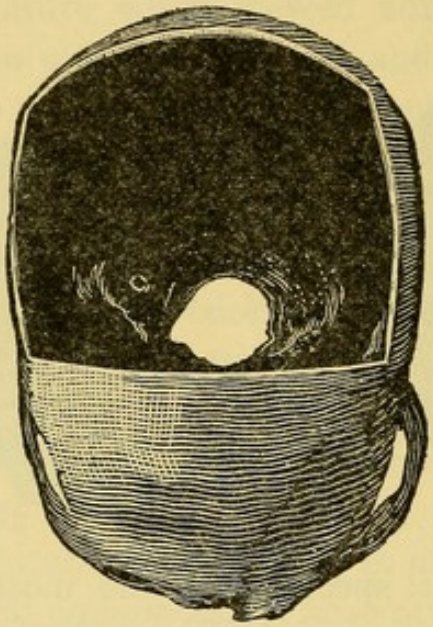
cephalic type. This specimen is the most symmetric of the series, with the exception of the Sioux skull next to be described, and whether coincidental or not, the fact remains that the subject presented a higher type of intellectuality while living than any other of this series. The skull is nevertheless of a degenerate type, as shown by its extreme tenuity, and markedly dolichocephalic index.

Fig. 53 shows the extreme thinness of the calvarium, which was at the point of section only 3 mm. in thickness. A striking feature of this skull is its freedom from prominences, the surface being uniformly rounded and smooth. In this respect it differs greatly from another cranium of a prostitute in the same series, but of which, unfortunately, I have no illustrations. In this case there was an excessive development of the occipital bone, the enlargement being asymmetric and most marked upon the left of the median line. The right parietal eminence was excessively and disproportionately developed. The cranial index (67.9) was markedly dolichocephalic.

The jaw in this case is poorly developed but fairly well formed. I do not believe the extreme tenuity of the skull is

pathologic. Its general lightness of bone and symmetry are not consistent with the existence of such changes as might produce absorption and thinning. The markedly dolichocephalic type of this skull is interesting in view of the strain of Indian blood in

FIG. 53.



the subject. As has already been observed, the degenerate type in dolichocephalic crania is in the direction of a still lower cephalic index, and in this instance the admixture of Indian blood evidently determined the degenerative type. This observation would appear to be contradicted by the case shown in Figs. 33, 34, and 35. In this case, however, there was an admixture of negro and Mexican blood, with a resultant degeneracy of form in general as well as in the cephalic index. This case, in fact, partakes in some respects of the character of a teratological rather than an atavistic type,—at least so far as facial development is concerned.

A comparison of the prostitute's skull with the female Indian type next presented shows a marked difference in the cranial index, the disparity being 7.07. Even the negro in Fig. 25 is less dolichocephalic than this specimen.

The next specimen (Figs. 54 and 55), is the cranium of a full-blood squaw of the Uncapapa Sioux, who was the wife of one of the leading malcontents in a serious Indian outbreak and

of the better type of Indian development. It is presented merely for purposes of comparison.

The specimen is exceptionally symmetric and moderately dolichocephalic. Aside from points of contrast, there is little of

FIG. 54.

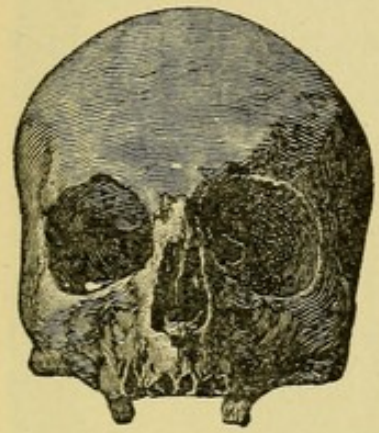
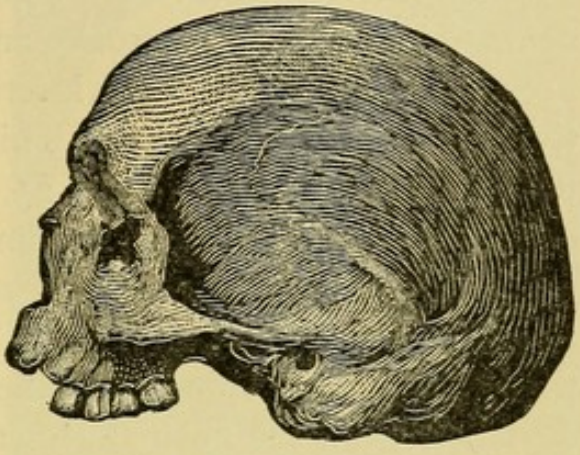


FIG. 55.



interest to be said of it in connection with the present series. The subject was as intelligent as the average of the better class of her people.

Fig. 55 shows the same skull in lateral view. Its symmetric outline is quite noticeable. The cephalic index is 74.16.

The superior maxilla presents arrested development. The vault is of medium height, and the alveolar processes well developed. It will be found that in the Indian, as in all primitive races, a well-formed palate and regular teeth are the rule. It would be interesting to observe the effects of civilization on the Indian in this regard.

Figs. 56 and 57, and 58 and 59 show the skull of George Kelly, hanged for a double murder committed at Wyoming, Minnesota, in 1896. He confessed to one of my professional friends, whom he shot at the time of the double killing, that he had previously committed a number of murders. The peculiar conformation of this skull attracted my attention before I knew anything of its history.

The subject was over six feet tall and weighed about 185 pounds. He was very muscular, spare, and raw-boned. The skull is markedly dolichocephalic, asymmetric, and degenerate

in type. The cephalic index was 70.6. The extreme lightness of the bones is at once noticeable in handling the specimen. The jaw is moderately prognathous and fairly symmetric. The palatal arch is saddle-shaped, but not extremely so. The cranial capacity is much below the normal average. The dwarfed frontal development is obvious. The supra-orbital ridges are very prominent. The occipital tuberosity and ridges are very large and the prominences marked. The inferior plane of the occiput is relatively long and horizontal. This, as stated in connection with the specimen shown in Figs. 25, 26, and 27, is an unmistakable evidence of atavism. The septum nasi is greatly deflected. The illustrations, the front view especially, clearly show the twisted, asymmetric form of the skull. The lightness of the bones and the inferior development of the face and jaws are a marked deviation from the normal Hibernian type.

There was a little of the dime-novel quality to Kelly's criminality. He was given to boasting of his various crimes, and made much over the fact that he was predestined to "die with his boots on." He was an exception to the rule that the alleged desperado who is given to bluster and rhodomontade is not especially dangerous. Kelly was very anxious to make a record for bravery on the scaffold, and invited my friend, the doctor, to witness the execution so that he might see how men of the Kelly stamp could die.

The idea of being other than what he was had probably never occurred to Kelly, and conscience was with him an unknown quantity. He exhibited no remorse, and died as he had lived, a moral pervert.

Figs. 60 and 61 show a male skull; Caucasian; pauper; history unknown. This specimen shows many distinct features of degeneracy and atavism. The front view shows marked asymmetry, especially of the jaws. The twisted contour and flaring angles of the inferior maxilla are very noticeable, especially on the right side, on which the excessive development is located. The orbits are small and relatively deep. The facial bones in general are not well developed, with exception of the malar prominences, which are developed disproportionately to

Fig. 56.

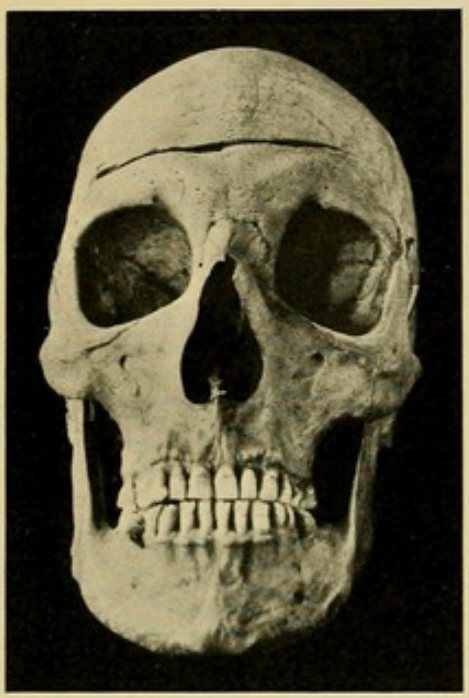


Fig. 57.

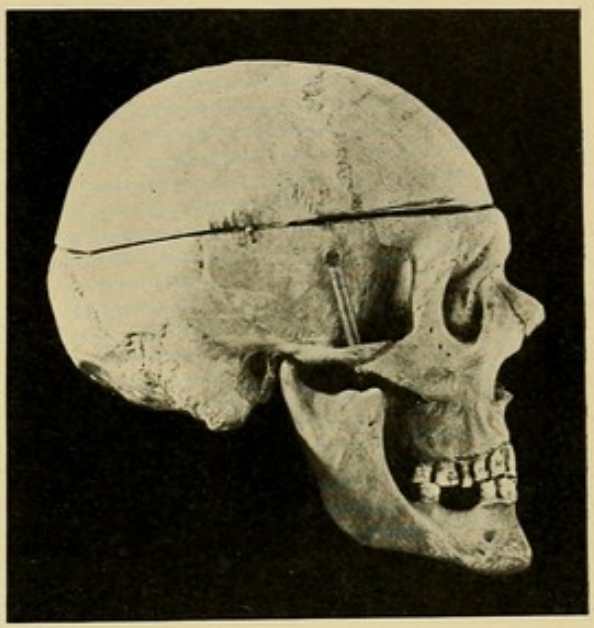


Fig. 58.

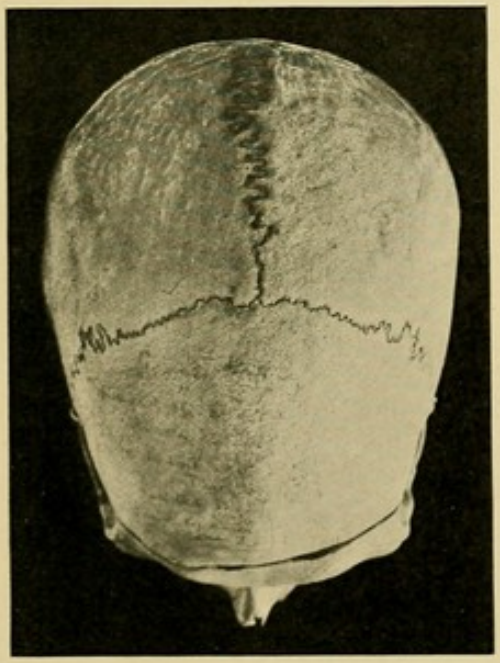


Fig. 59.

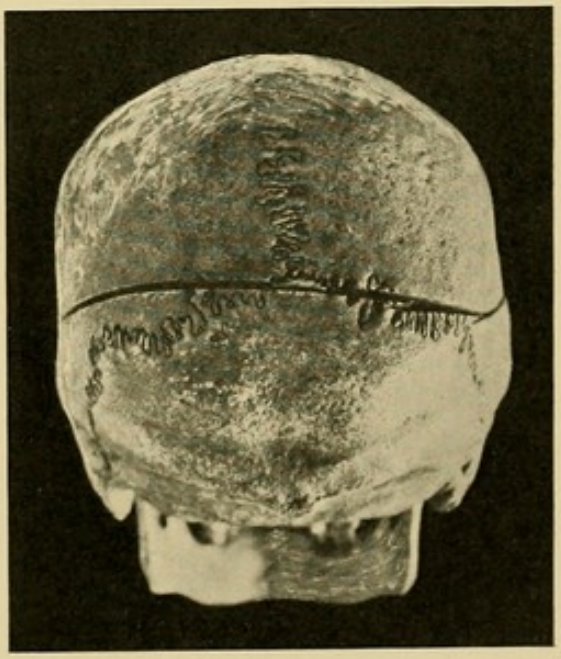


FIG. 60.

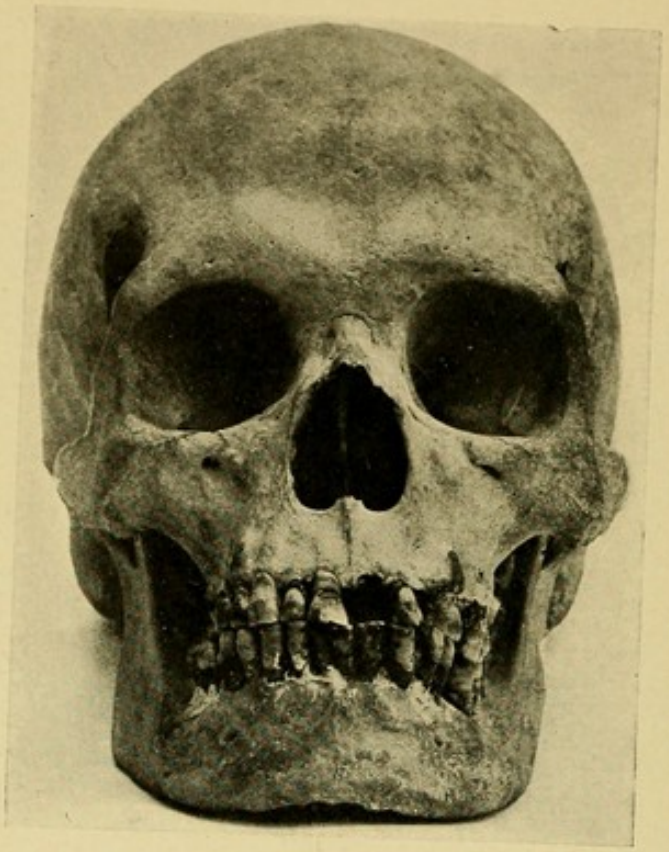


FIG. 61.

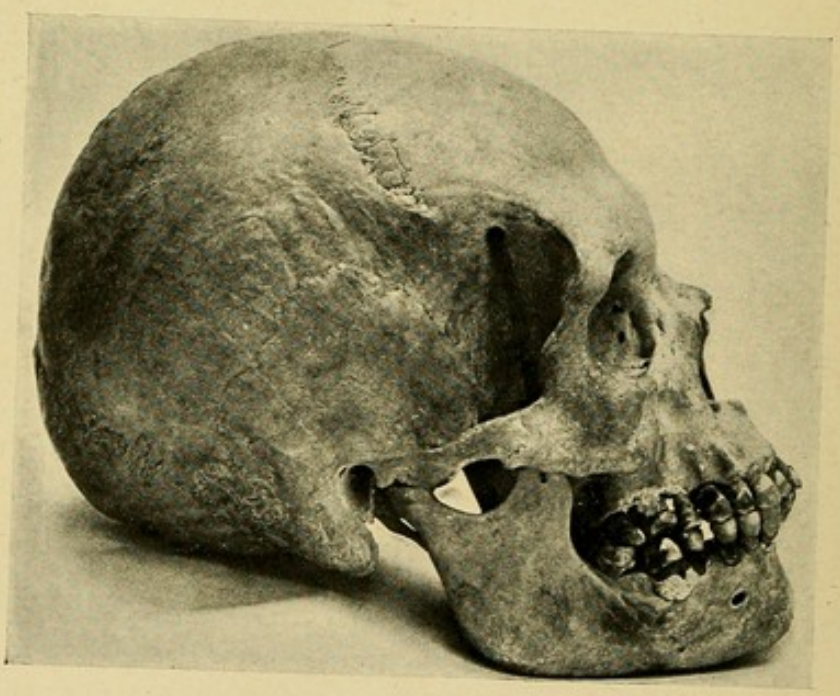


FIG. 62.

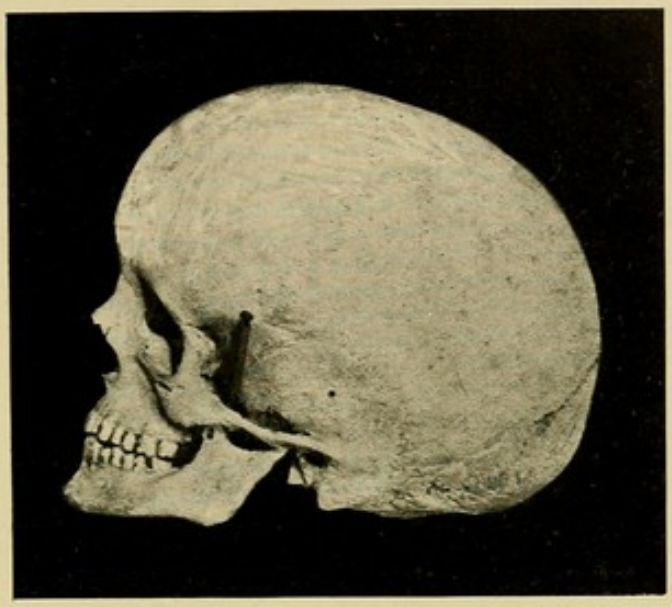


FIG. 63.

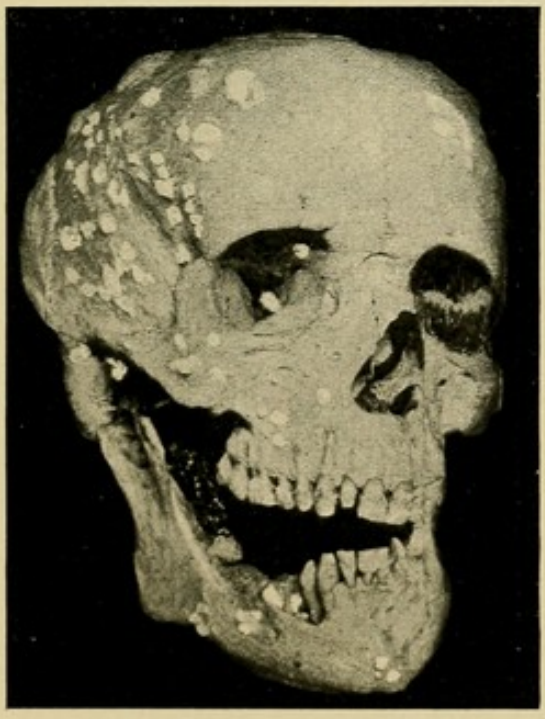


FIG. 64.

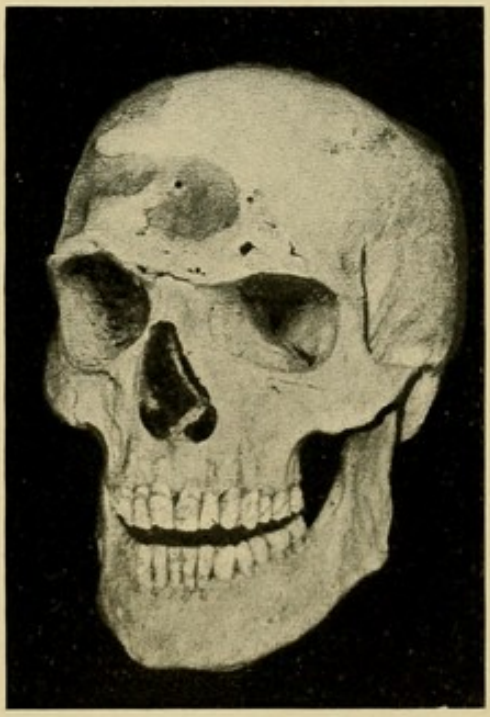


Fig. 65.

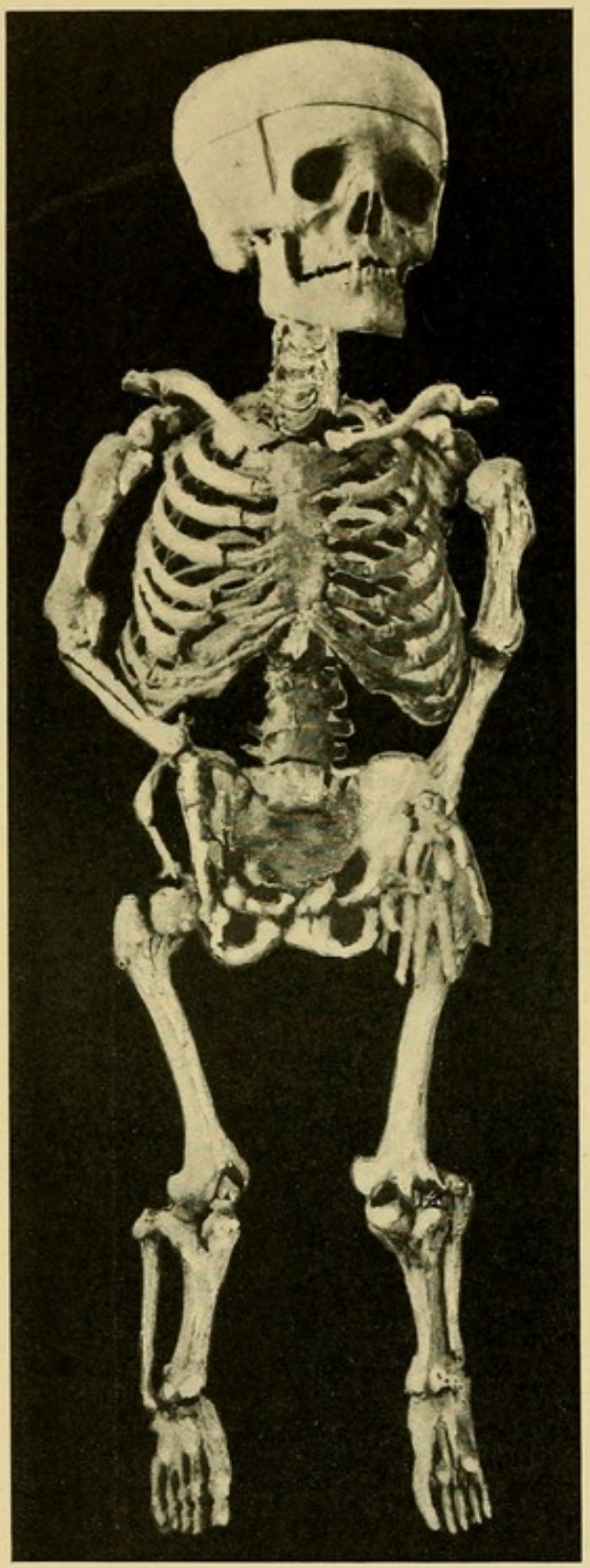
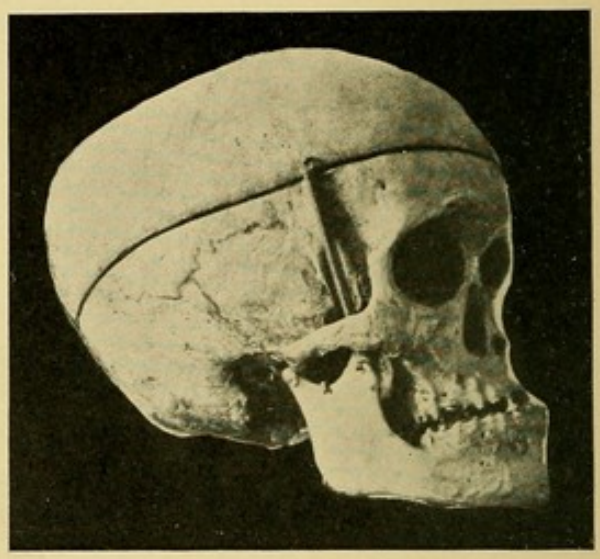


Fig. 66.



the rest of the face. The frontal development is very low. The lateral view of this skull shows some very extraordinary features of development. The outline is distinctly anthropoidal, prognathism being especially marked. Such a degree of prognathism is exceptionally seen. The palatal processes of the superior maxilla are very unsymmetrical, and it has the flaring contour that would naturally be expected in so prognathous a jaw. The disparity in development of the superior maxillæ is well shown by examination of the palate. The relative atrophy of the left side is, however, doubtless due, to a certain extent, to the loss of a number of teeth. The supra-orbital ridges are disproportionately developed. The lack of development of the frontal region is shown especially well by the lateral view of the skull. The lateral contour also accentuates the atavistic features of the skull. The mastoid and styloid processes are disproportionately developed and set at a very oblique angle as compared with the average skull. Both the inferior and superior planes of the occipital bone are shorter than the average, the inferior occipital plane being very horizontal. The processes for muscular attachment are very marked. The vertex shows posteriorly a longitudinal central ridge corresponding to the sagittal suture, constituting a moderate oxycephaly. The cephalic index is 78.4.

Fig. 62 shows an excellent specimen of a hydrocephalic skull. There was an obscure history of congenital syphilis. The lack of proportionate facial development characteristic of these enormous skulls is well shown in this specimen. The subject belonged to the pauper class. Nothing is known as to the moral status.

Figs. 63 and 64 emphasize the necessity of a careful differentiation of anomalies of cranial development from deformities resulting from disease. These crania are from individuals of the pauper class, and show the effects of acquired syphilis in malforming the skull. The skull shown in Fig. 63 is an excellent illustration of the manner in which syphilis may either build up or destroy bone. This skull is very heavy from osseous hyperplasia and studded with ivory exostoses. In the right orbit is

seen a distinct osteoma. The right ramus of the lower jaw shows the destructive effect of syphilitic necrosis.

The skull shown in Fig. 64 is osteoporotic and very light. Just above the right orbit and the glabella may be noted the results of syphilitic caries. The frontal sinuses are enormously dilated, and the right supra-orbital ridge so enlarged as to form a distinct tumor.

I consider these syphilitic skulls the choicest in my collection. It would certainly be difficult to duplicate them.

Figs. 65 and 66 show, for purposes of comparison, the skeleton of a female Chippewa Indian dwarf, height 1081 mm., in the possession of the Army Medical Museum at Washington, D. C. The subject was about eighty-five years of age. The cranium was hydrocephalic. The cephalic index is 91.08. Its measurements are striking:

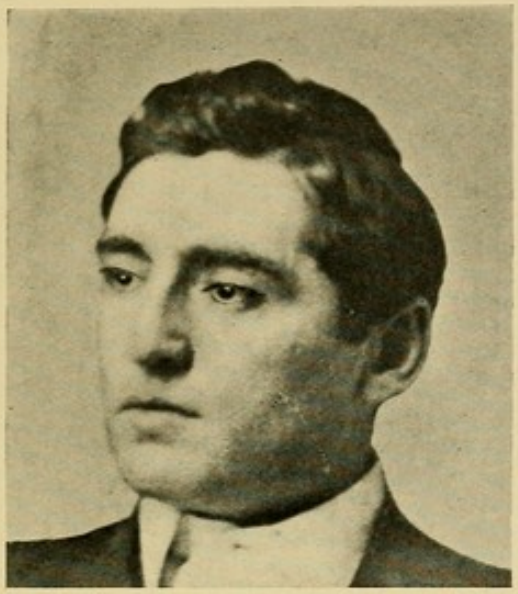
Capacity of skull	2760 c.c.
Longitudinal diameter	202 mm.
Transverse diameter	184 mm.
Vertical diameter	152 mm.
Circumference	662 mm.
Glabella to occipital protuberance	462 mm.
Bi-zygomatic diameter	134 mm.
Facial angle	103

As the average capacity of normal skulls is only about 1500 c.c., the enormous size of this specimen is evident.

Fig. 67 is the portrait of Christopher Merry, hanged in Chicago for the brutal murder of his wife. The woman was beaten to death and her body hidden by Merry and a confederate. The murder was the culmination of a series of beatings, extending over a period of some years. The description herewith appended is based upon a report made by me to the late Governor Tanner, of Illinois, apropos of an effort made to secure his interference with the sentence of the court.

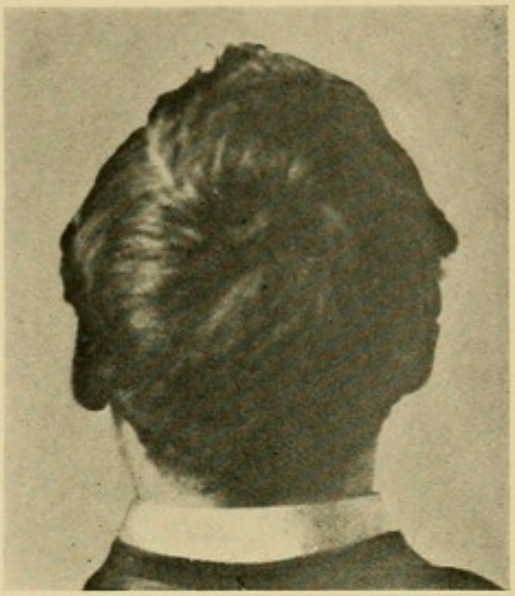
The general contour of the head, as viewed from the front, is fairly symmetric, and the face, while plainly showing the hardened, desperate character of the man, is not unprepossessing. As seen from the rear, the head is quite asymmetric. The face

FIG. 67.



CHRISTOPHER MERRY.

FIG. 68.



CHRISTOPHER MERRY.

FIG. 69.

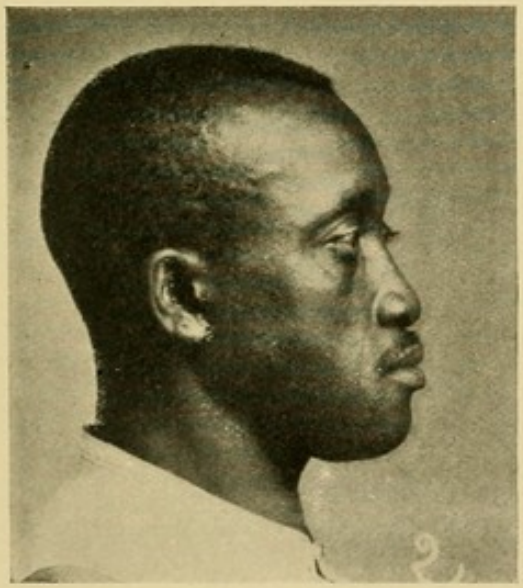
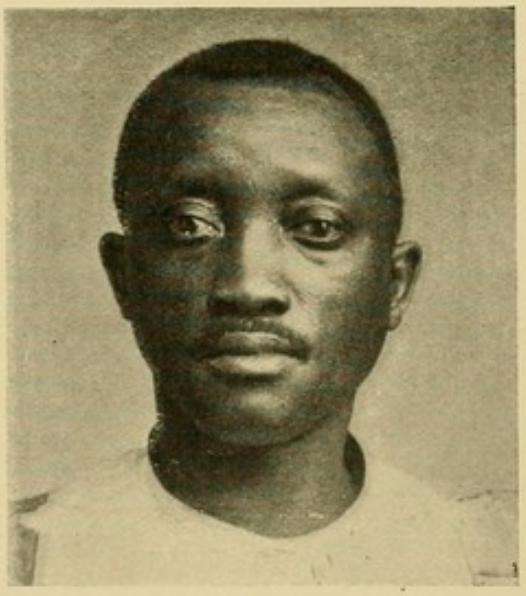


FIG. 70.



is distinctly asymmetric, its one-sidedness being accentuated by a bony swelling just external to the left orbit, that marks the site of an injury received in a fight some years ago. The zygoma was probably fractured. The inferior maxilla partakes of the left-sided asymmetry of the face, the distance between the median facial line to the inferior maxillary angle being one-quarter inch greater on the left side. On the superior portion of the temporal region, just to the left of the median line of the vertex, is a scar about one inch in length, the result of a blow received four years ago. The pericranium is thickened at this point and the surface of the skull slightly elevated. The attorneys for the defence had hoped to show some connection between the injury that produced this scar and mental aberration. The prisoner, by the way, vigorously resented any suspicion of his sanity, and combated all attempts at a defence along that line. Just posterior to the scar is a slight depression. This is merely an irregularity of development.

The frontal region of the skull, and therefore the forebrain, shows inferior development, especially upon the left side.

The posterior part of the skull (Fig. 68) shows marked asymmetry. The right parietal region is relatively flattened, and the left prominent and bulging, as may be seen even in the photograph, although it was carelessly taken, without proper supervision. The transparietal diameter shows a marked relative narrowing of the skull at this point.

The ears are unsymmetric, but well formed and of moderate size. The left is the smaller, slightly flattened as compared with the right and placed lower. The natural conformation of the nose is a matter of conjecture, so often has it been broken in pugilistic encounters, although it seems fairly symmetric in the photograph. The chin is of moderate size, firm but unobtrusive, and attractive rather than otherwise. The facial angle is relatively low.

The most striking feature of Merry's physiognomy were his eyes, which would have attracted the attention of even the casual observer. Large, brilliant, clear, and cold, with a directness of gaze unusual in men situated in his unhappy circumstances,

they plainly showed the character of the man. The possessor of such eyes is not the sort of person with whom it is safe to play at cross purposes. Taken all in all, Merry was above the average in point of good looks. Hysterical women grow maudlin over worse-looking criminals.

So far as his mental status was concerned, a saner man than Christopher Merry never came before a court. Desperate, reckless, vicious, and with the tenacity of a bull-dog, the man was nevertheless above the average in point of intelligence. Under favorable circumstances he might have made his mark in a more genteel fashion than by wife murder. His uncontrollable temper, while to a certain degree inborn, was largely the product of the environment in which he lived. He was neither better nor worse than any border-line degenerate is likely to become if never subjected to the slightest check to his evil propensities during childhood and youth. Society did nothing to mould Merry into a useful citizen. Society paid the expense of a prosecution and execution, but Merry himself paid the chief portion of society's debt with his life.

Figs. 69 and 70 show the portrait of a negro, who was tried in Chicago and sentenced to fourteen years' imprisonment for murder. He was a deaf-mute, employed in a barber-shop. He had a quarrel with his employer over two dollars he claimed was due him, rushed out of the shop, secured a revolver, returned and shot, not only his employer, but an innocent customer who happened to be in the shop at the time. The evidence went to show that the murderer could neither read nor write, and the defence endeavored to establish that he was irresponsible and ignorant both of the nature of his act and the consequences of it. The jury showed its lack of common sense by "hedging" and recommending fourteen years' imprisonment.

It is obvious that if this subject was absolutely irresponsible at all times, or even at the time of commission of the act, no sentence whatever should have been imposed. Punishment of such criminals is worse than useless. If the protection of society was the dominant impulse of the jury, and the prisoner was believed to be irresponsible, he should have been consigned to an

asylum and kept there so long as he was dangerous to the community; which in his case would have meant for life. If he was held to be responsible, then he should have received the full penalty of the law.

The subject is a defective of an exaggerated form. From my examination of him, I was led to suspect that he is more than ordinarily cunning, and has more intelligence than is suspected, although his intellectuality is almost a negative quantity. As an illustration of his cunning, I will cite his professed abhorrence of gambling while at the jail, despite the fact that he is known to be an inveterate gambler and very expert at all gambling games. His shrewdness in money matters and his knowledge of human nature are said to be remarkable by the denizens of the "levee," where he was usually to be found prior to his arrest. As one man expressed it, "He is a dead wise dummy, smarter than a whip, but none of us guys will testify agin a poor devil like that." He has a reputation as a "bad, dangerous nigger," his viciousness and ill-temper being well known. Prior to coming to Chicago he is said to have stabbed a boy in Louisville. Numerous witnesses inform me that he was wont to assault, with razor, pistol, or club, persons who offended him. He has a history of epilepsy, which lends color to the view that his homicidal mania is akin to the *furor epilepticus*,—possibly the "epileptic equivalent." He has never been known to steal anything. He seems to have become attached to one of his keepers, and has learned the prison rules very thoroughly. The keepers consider him bright, and quick to learn from object-lessons, and his memory seems excellent. He enjoys watching entertainments among the prisoners.

Taken all in all, a more dangerous subject never ran at large. That he knew the nature both of his act and its consequences is probable. His securing the revolver, his knowledge of its use, his knowledge of property rights and resentment of infringement upon his own, and his keen knowledge of gambling and money values, are alone suggestive of sufficient intelligence to enable him to understand the nature of his act, although they in no way prove him responsible at the time of its commission, nor

that he is not a mental defective, as all untrained deaf-mutes are. His associates of the levee state that he was familiar with every fight that occurred in his district, and frequently depicted by signs the arrest and incarceration of the participants.

At the end of the fourteen years' imprisonment, this subject is likely to be quite as dangerous to society as he ever was. As he is a negro, and has arrived at the age of about thirty, it is unlikely that wonderful results will be accomplished in the development of his brain, and especially of his inhibitory faculties, by any system of institutional training, although efforts in that direction should be made. At present he is so dangerous to society that he should be eliminated.

A study of this case shows well-marked features of degeneracy. Facial asymmetry is pronounced. The cranium is also asymmetric, showing a distinct lateral twist, the left half of the skull being much the smaller. The disparity in facial development is the direct opposite of that of the cranial. The ears are rather small and asymmetric, the left being lower and much more projecting than the right. The jaw shows exaggerated prognathism and great asymmetry of development. Occipital development is very defective, the superior occipital plane being very short and precipitous.

The eyes are peculiar. Accommodation is impaired, the pupillary reflex defective, and the conjunctival reflex almost *nil,* both as to the ocular and palpebral portions. The aspect of the eyes is most striking: they are staring and fixed. Attempts to produce winking absolutely failed.

The cranium is sub-microcephalic. The palate is high, broad, and well developed, though asymmetric. The lower dental arch is asymmetric, and contracted upon the left side.

Among the most interesting criminals that have fallen under my observation were the Chicago "car-barn murderers." The desperate character of these men is familiar to every one who read the details of their various crimes. I have at hand the portraits of two of the three notorious characters. Fig. 71 is the portrait of H. V., in my opinion the most forceful character of the trio. The history of this subject is very interesting and

FIG. 71.

A B

FIG. 72.

A B

suggestive. The details herewith presented were given me by his mother, and are in the main confirmed by my personal knowledge of the family. The subject was twenty-two years of age at the time of his execution. The mother is a woman of excellent character and altogether worthy of respect. The father, so the mother states, was arrested and placed under bonds, which he forfeited. He did not return to his family, and when last heard from was in Mexico.

On the father's side H. V. has a neuropathic heredity, traditionally for many generations. The paternal grandfather died of tuberculosis. The paternal grandmother died insane. One paternal uncle was violently insane and died in an asylum fire. Two of H. V.'s cousins have each two epileptic and feeble-minded children. One paternal aunt is in an asylum for the feeble-minded. A young brother of H. V. had tuberculosis of the hip and is crippled.

H. V. "favored" the father's side of the house. He was always possessed of a violent temper and given to furious assaults upon those who displeased him. From early childhood until the age of fourteen years the boy had frequent attacks of what was pronounced epilepsy by a competent physician.

Fig. 72 is the portrait of N., who was supposed by the police and press to be the most desperate and courageous of the bandit trio. Personally, I believe his bluster and brag to have been mere pretense. He tried desperately to make himself believe that he was a hero. He attempted suicide, but was saved for the gallows. He died like an arrant coward, as might have been expected of a man of his physiognomy.

From a careful study of the crania of these men after their execution I concluded that they were pronounced degenerates. I will present only a few salient points. In all three, the occiput was badly developed. The difference between their skulls was one of degree only. The flattening of the occiput was most marked in the subject shown in Fig. 72, whose abundant hair conceals this particular defect. Frontal development was defective in all, and especially in the last-named subject. In the case of H. V. the appearance of excellent frontal development

is due to sparsity of hair. The subject was quite bald about the temples. A disproportionate bitemporal diameter enhances the deceptive frontal appearance.

M., the remaining member of the notorious trio, showed some special features of degeneracy. The jaw was pronouncedly asymmetric, and the palatal arch somewhat contracted and saddle-shaped. Frontal and occipital development was very inferior, although not so marked as in the case of N. (Fig. 72.) M.'s father died in prison under sentence for rape. There were several cases of insanity in the family.

The primary degeneracy of the youthful car-barn bandits was not altogether responsible for their downfall. Bad company had much to do with developing these cheap imitations of the frontier desperado.

The relation of suggestion to crime bears with especial force upon the frequency with which crimes similar to the car-barn robbery and murder have occurred since the execution of the bandits. Youthful imitators of their exploits have been numerous in Chicago. The prospect of capture and the gallows has been in nowise deterrent of the class of crimes of which the car-barn tragedy is a type. The burden of responsibility lies largely with the free publication of the details of the crime and of the execution.

Fig. 73 is a portrait of a woman who has been not inappropriately styled a "modern Borgia." She is an American by birth, of foreign parentage. She confessed to the murder of her brother and his wife and baby, by the administration of strychnine. She is suspected also of having murdered a number of other persons, among whom were two of her former husbands. The crime for which she was arrested was detected through the filing of a mortgage, the figures of which she had raised. She claimed that this instrument had been given her by the brother whom she afterwards murdered.

The distinctly masculine type of this subject is plain even on casual inspection. The large nose and ears, heavy masculine jaw, and general coarseness of features are quite characteristic of a certain class of female degenerates, and especially of those guilty of murder, assault, and infanticide.

Fig. 73.

Fig. 74.

Fig. 75.

Figs. 74 and 75 are portraits of M., one of the most notorious female criminals that Chicago has ever produced. She has given the police more trouble than almost any man who could be mentioned among the criminal class, to say nothing of the women. She has assumed the names of the various husbands or consorts she has had from time to time during her interesting career, hence her aliases are numerous. She is now in prison accused of a cold-blooded murder by shooting. One of the exploits that showed the desperate character of the woman was a pistol battle in which she engaged in defence of her then consort, who was wanted for murder. This man was one of the most dangerous criminals that the toughest portion of Chicago ever produced. Being closely pressed by the police, he and the woman took refuge in a shed, whence they defended themselves most desperately. The woman occupied herself in loading her companion's pistols as fast as he emptied them at the police. Their castle was finally stormed by Inspector Shea, who put a mattress up in front of him as a shield, and thereby succeeded in safely breaking into the desperado's stronghold. M.'s numerous consorts have all been thieves and desperadoes of the first rank. None of them are at present living. Her last consort was a man many years her junior. One of her "men," K., committed suicide. All of her "husbands" had done time on numerous occasions, and one of them was shot to death while resisting an officer.

The portraits of M. herewith shown were taken many years after her criminal career began. They show her to be an apparently intelligent and rather handsome woman. There is nothing in her appearance to suggest her desperate character. If ignorant of this woman's history, one would not be likely to suspect her of having served several terms in the penitentiary, or of having been practically the queen of a criminal gang.

M.'s ancestry is not available, but from her portraits one would be led to believe that under other circumstances she would not have entered on a criminal career. Such an inference is safer in the case of female criminals than in the male, for where a woman becomes a confirmed criminal, environment and association are most often responsible. In a different environment,

one in which she was not exposed to criminal tutelage, a woman of the attractions possessed by M. would be likely to choose a career that would be more natural, even if not more honorable.

It is my privilege to present herewith a series of criminal types that are exceptional of their kind. I will state that the various subjects were selected according to their crimes, and not because of their peculiarities of physique. With scientific fairness in view, I have selected merely a certain number of each of various classes, without individual selection. Although few if any of them correspond to the horrible freaks and extraordinary specimens of criminals that appear in the works of various European writers upon criminology, they are sufficiently striking to impress even the casual observer.

It will be noted that the most repulsive and most markedly degenerate of the various groups of criminals herein presented is the series of rapists. Figs. 76 and 77, 78 and 79, and 82 and 83 are especially noteworthy, from the stand-point of degeneracy. Even the best looking individual of the lot, Figs. 82 and 83, shows marked stigmata of degeneracy, with special reference to defective frontal development, aural deformity, and an undeveloped lower jaw. Figs. 78 and 79 give perhaps the closest approximation to the Lombrosan type of criminal of any of the series. I would call especial attention to the undeveloped jaw in Figs. 76, 78, 82, 86, and 88, and to the massive jaw in Figs. 80 and 81.

The negro in Figs. 84 and 85 is one of the most repulsive individuals that it has ever been my privilege to study. The asymmetry of facial development and the dome-shaped cranium are especially noticeable. There is an obvious tendency towards oxycephaly. The inequality in the size and placement of the eyes is very noticeable. The features are suggestive of a moderate degree of facial paralysis.

Taken all in all, the series of sexual criminals under consideration is worthy of much more extended study and analysis than space permits.

The group of murderers herein shown are by far the best looking and least degenerate of all. This is in accord with the

Fig. 76.

Fig. 77.

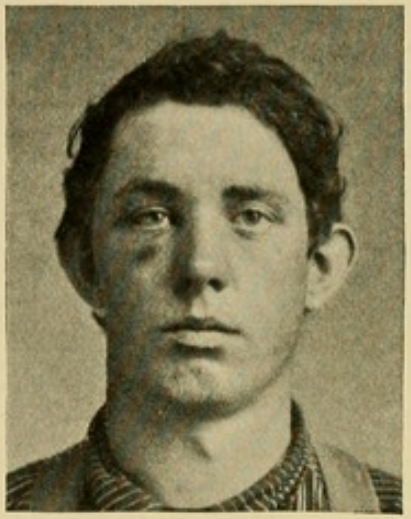


Fig. 78.

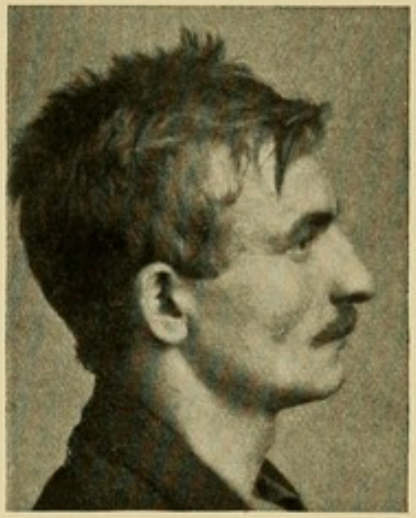


Fig. 79.

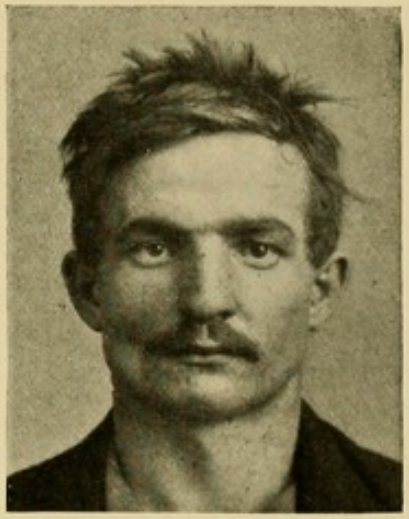


Fig. 80.

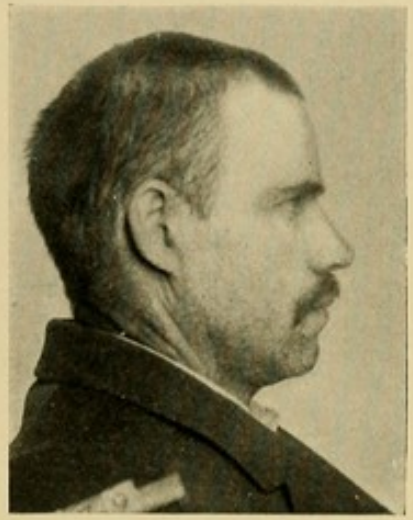


Fig. 81.

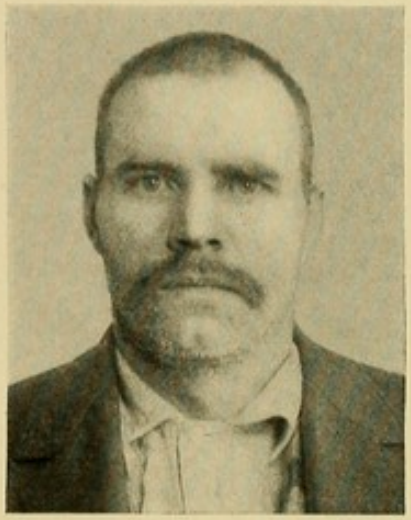


Fig. 82.

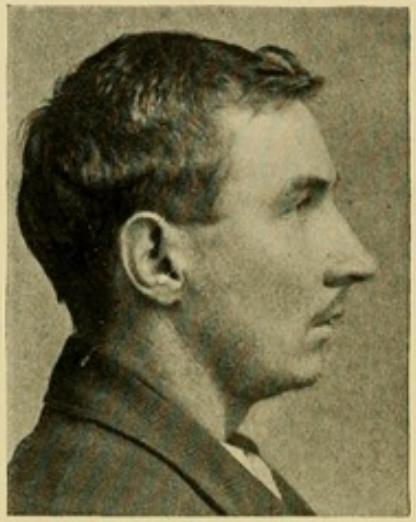
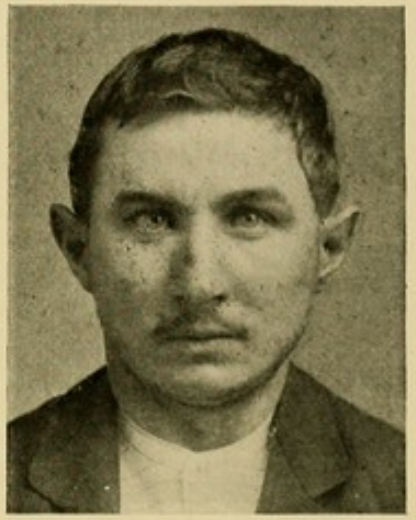


Fig. 83.



GROUP OF RAPISTS.

FIG. 84.

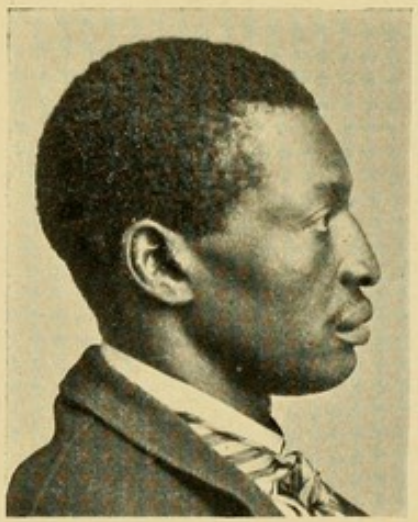


FIG. 85.

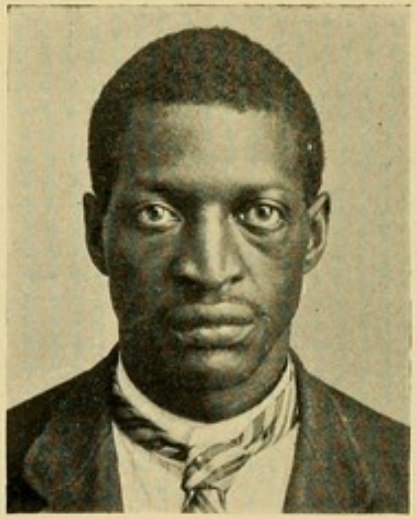


FIG. 86.

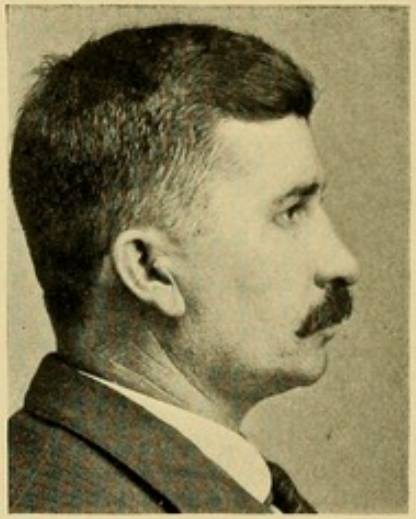


FIG. 87.

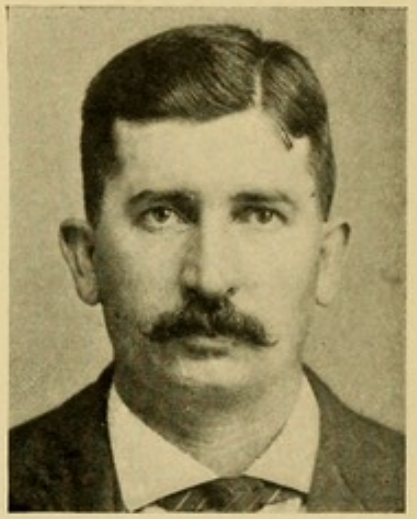


FIG. 88.

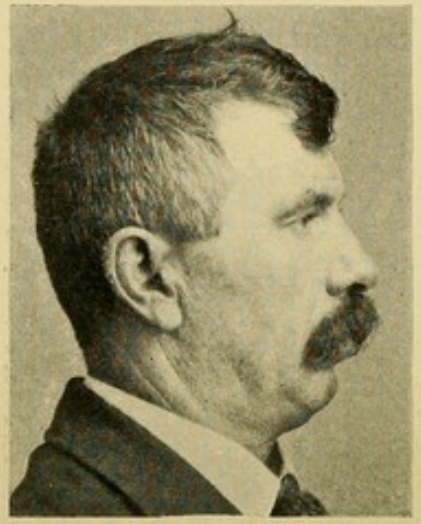


FIG. 89.

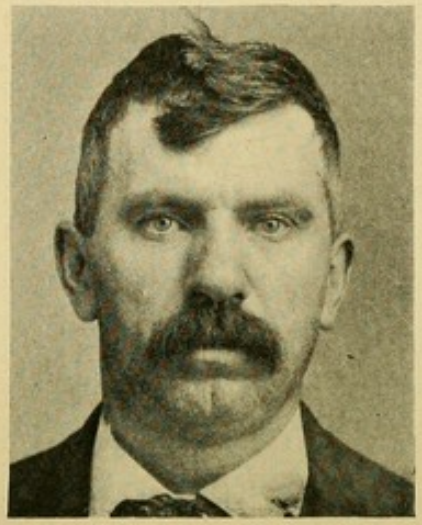


FIG. 90.

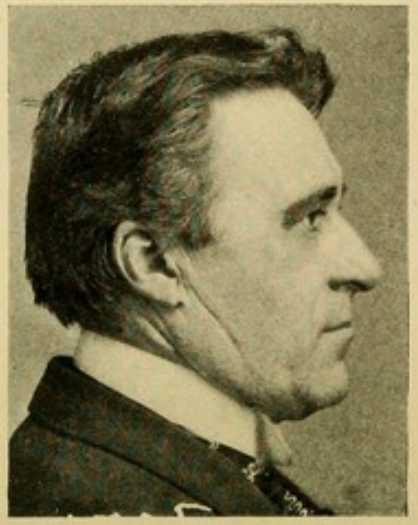
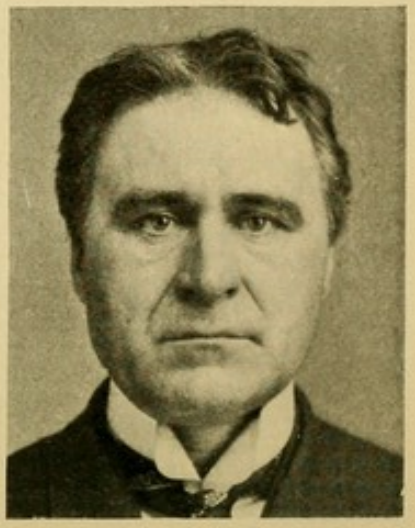


FIG. 91.



GROUP OF RAPISTS.

FIG. 92.

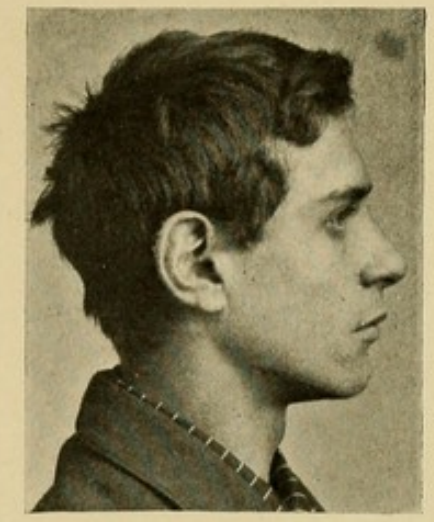


FIG. 93.

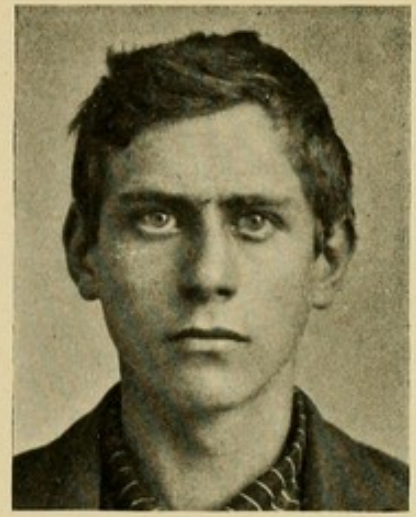


FIG. 94.

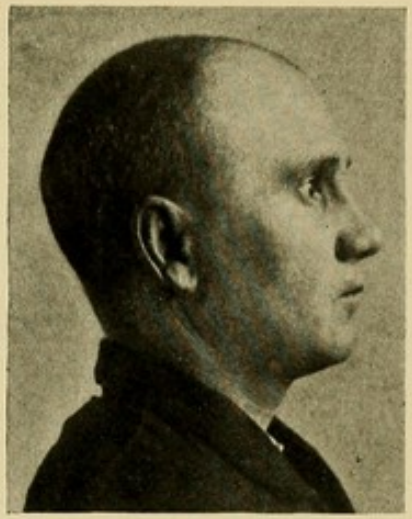
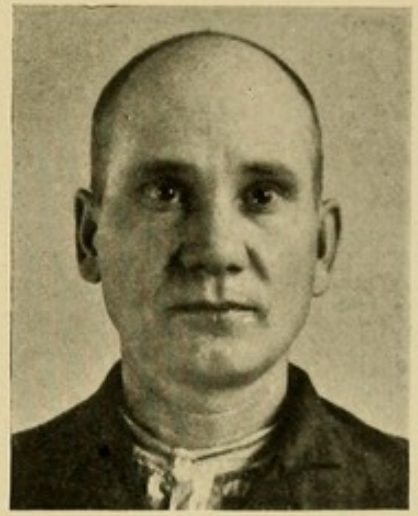
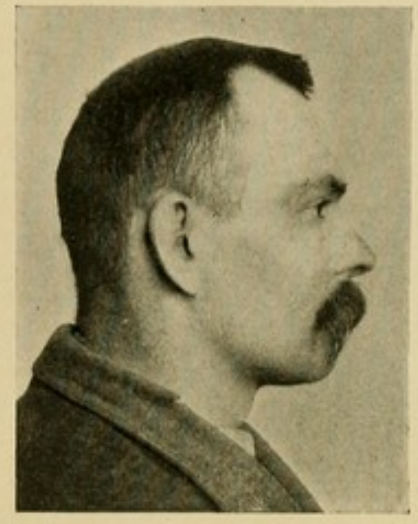


FIG. 95.





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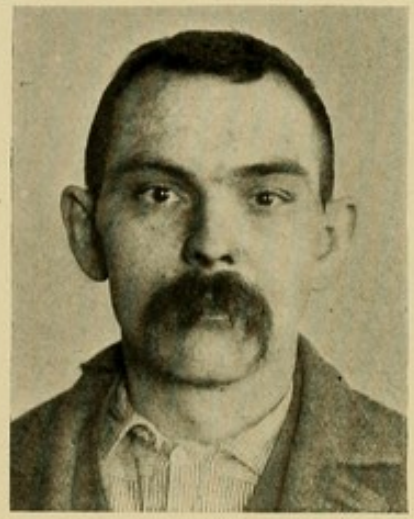


FIG. 97.

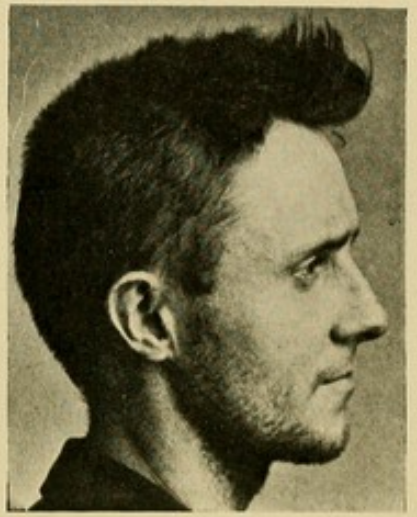


FIG. 98.

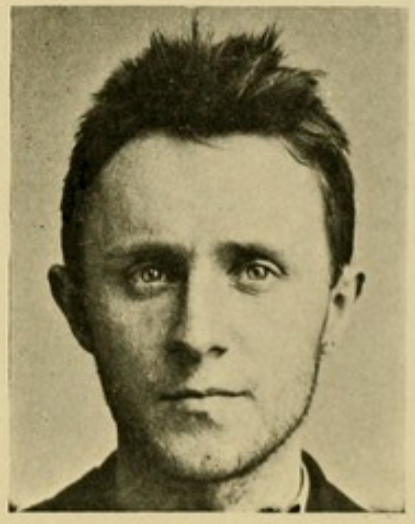


FIG. 99.

GROUP OF RAPISTS

FIG. 100.

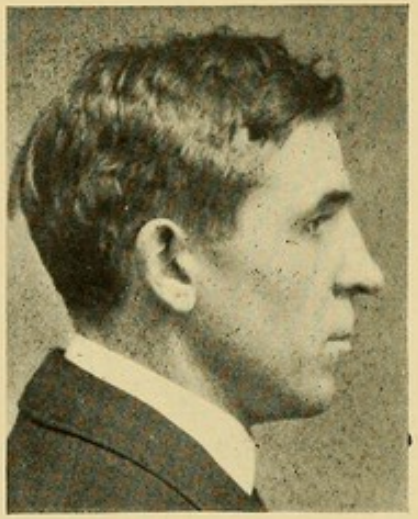


FIG. 101.

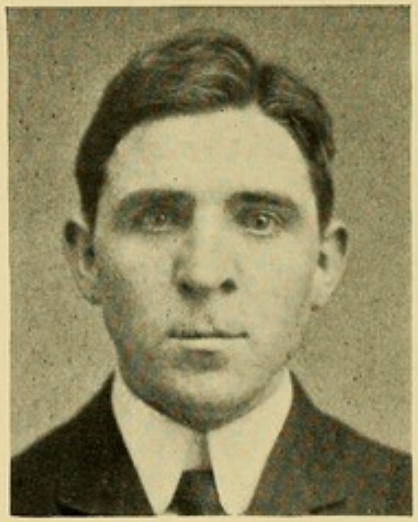


FIG. 102.

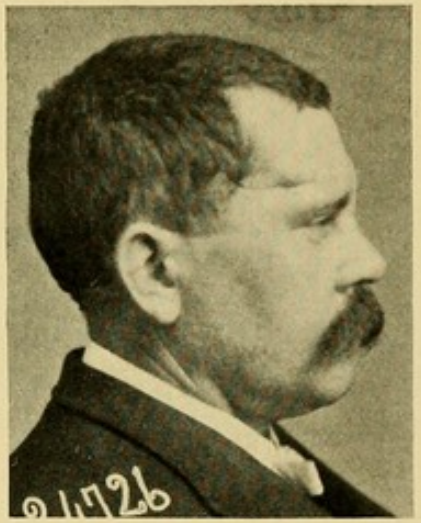


FIG. 103.

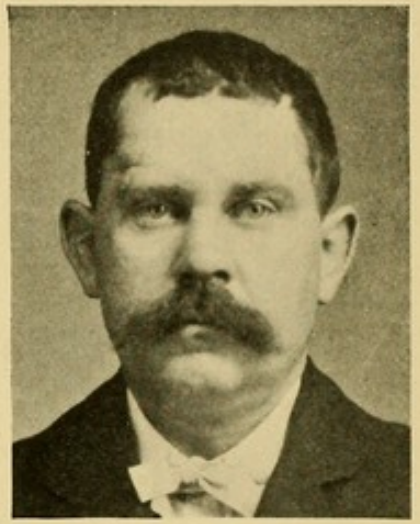


FIG. 104.

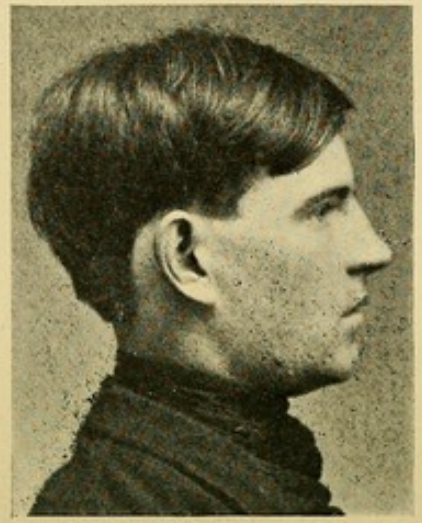


FIG. 105.

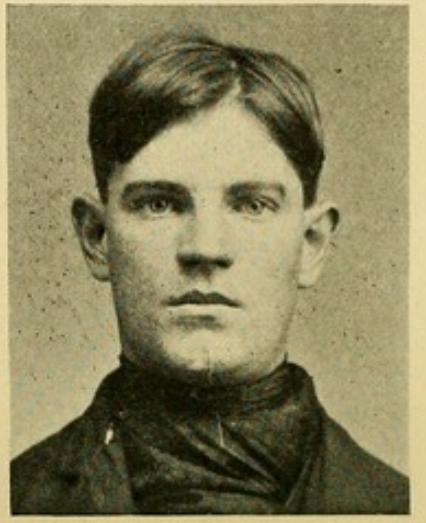


FIG. 106.

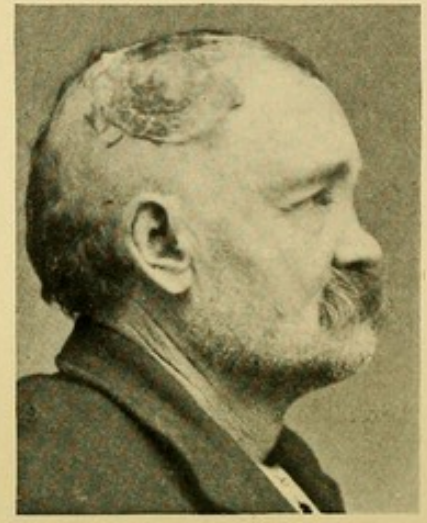
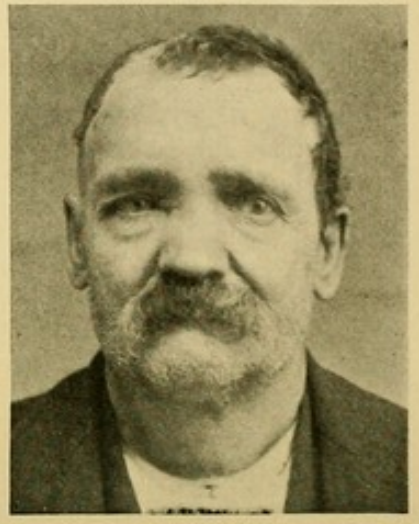


FIG. 107.



GROUP OF MURDERERS.

usual experience in the study of criminal types. This should be expected, from the fact that from a scientific stand-point the murderer is more exceptionally a true criminal than almost any other class of individuals who perpetrate major crimes. The true criminal murderer is the individual who, in the pursuit of the profession of crime, commits murder—either as a matter of personal defence, because of resistance to his plans, or in resisting arrest—and the assassin who deliberately plans to destroy a life. As illustrations, the footpad who murders his victim before he attempts to rob him, or when the latter resists; the burglar who is detected, and who kills to avoid apprehension; the criminal who kills the policeman who undertakes to arrest him; and the poisoner, are only too familiar. Murder, under other circumstances, excluding of course the commission of the crime by the insane, may be committed under stress of emotional excitement from one cause or another, by subjects who are at other times mentally and morally normal. Such individuals comprise by far the larger proportion of those who annually commit the crime of murder.

The most repulsive individual of the group of murderers, Figs. 106 and 107, owes many of his features of repulsiveness to advanced age and the ravages of syphilis. The evidently recent impact of a policeman's club has not improved his appearance materially. In regard to the probability of syphilis, the saddle-shaped nose speaks for itself. More than any other of the group of murderers this man resembles the characteristic criminal type.

Figs. 100 and 120 show an undeveloped superior maxilla. The individual shown in Figs. 102 and 103 has a somewhat sinister physiognomy, for which a large scar upon his right temple is responsible. Fig. 104 might pass for the portrait of a college student. Several of the group have physiognomies rather above the average of intelligence and comeliness.

The thieves, burglars, and holdup men in the group presented herewith may be said to occupy an intermediate position, as regards degeneracy, between the murderers and the rapists. Like the rapists, the murderers and burglars—and especially

the latter—are worthy of a more extended study and description than it is practicable to give them here.

Among the group of thieves and "strong-arm" men herewith presented are some very interesting types. The negro shown in Figs. 146 and 147 presents an asymmetry of face, inequality of eyes, and distortion of the cranium that are exceptional. The jaw is undeveloped.

The individual shown in Figs. 124 and 125 is one of the most typic degenerates of all the subjects shown in the various groups. The inferior frontal development, enormous ears, and undeveloped jaws would impress the most casual observer.

Figs. 126 and 127 show the typic young hoodlum of the slums, an individual born under circumstances the most unfavorable possible for moral and intellectual development. He belongs to a class, however, a large proportion of which is susceptible of reformation along lines which shall take into consideration the necessity for physical and mental development as a basis for moral instruction.

It requires no criminologic expertness to recognize the viciousness of the physiognomies of the subjects shown in Figs. 128 and 129, 130 and 131, 132 and 133, and 134 and 135.

Figs. 136 and 137 show the characteristics of the typic tough who makes an affectation of gentility. He is a type that can be found both in and out of the slums. The conformation of his frontal region suggests that while proper early training might perhaps have saved him from a career of criminality, it is improbable that great results in the direction of intellectual development would have been obtained.

Figs. 138 and 139 show an individual in whom it would be difficult to detect any characteristics significant of the criminal. Were his picture to be placed in a collection of university students, it would be above the average, so far as good looks and intelligence of physiognomy are concerned. There is a slight defect of occipital development, but not sufficient to be noticeable in a head otherwise so well balanced. The hard expression about the mouth is the chief suggestive feature.

FIG. 108.

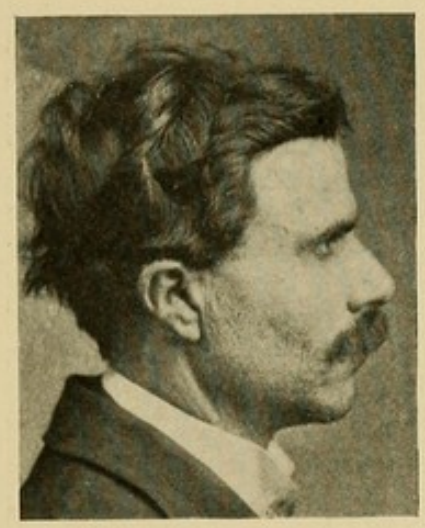


FIG. 109.

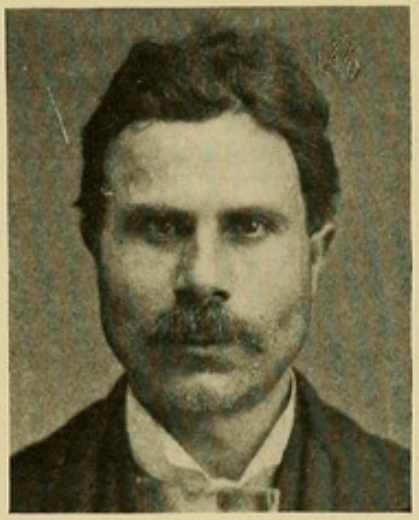


FIG. 110.

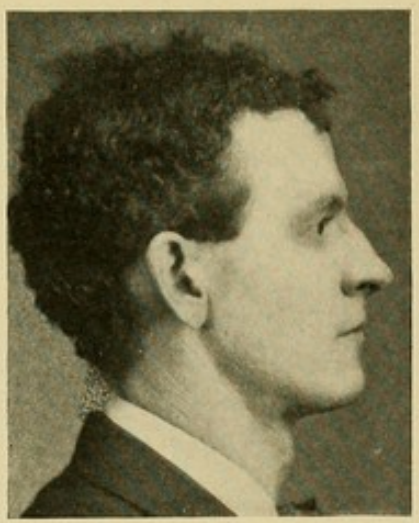


FIG. 111.

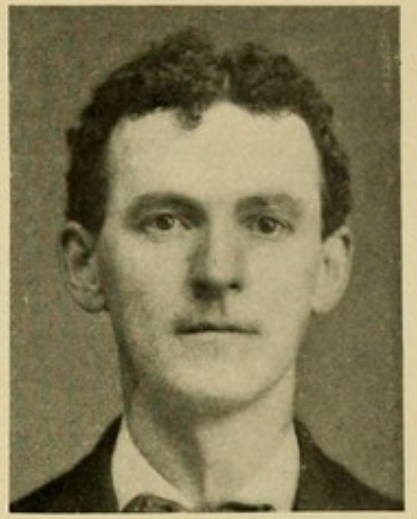


FIG. 112.

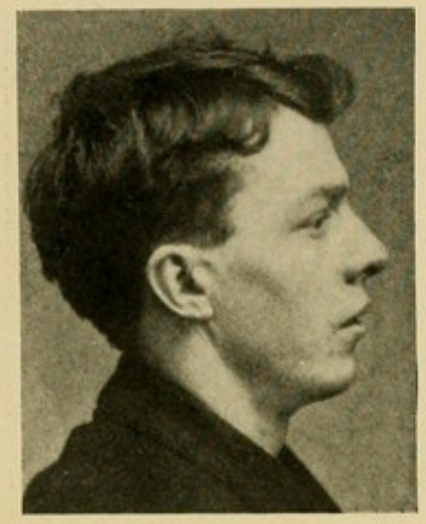


FIG. 113.

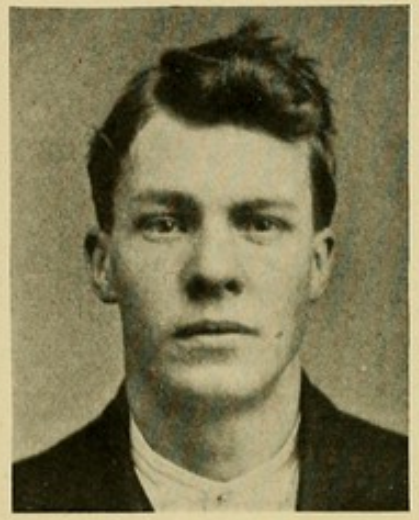


FIG. 114.

FIG. 115.

GROUP OF MURDERERS.

FIG. 116.

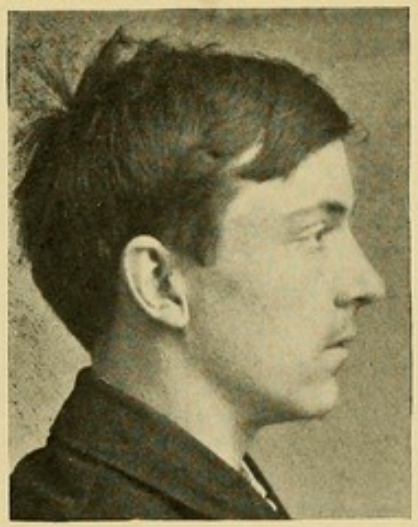


FIG. 117.

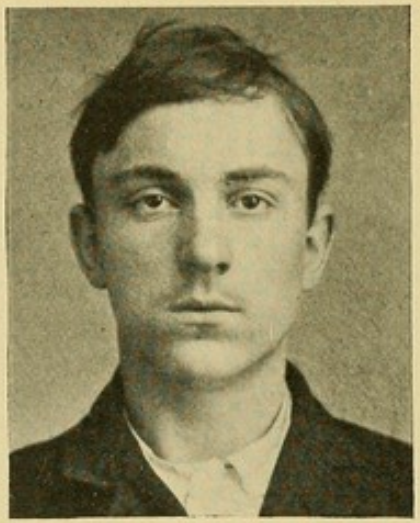


FIG. 118.

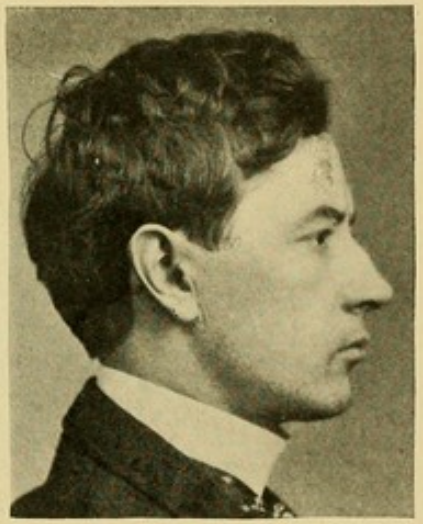


FIG. 119.

FIG. 120.

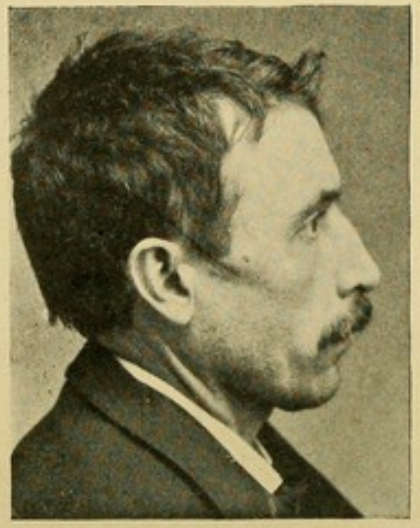


FIG. 121.

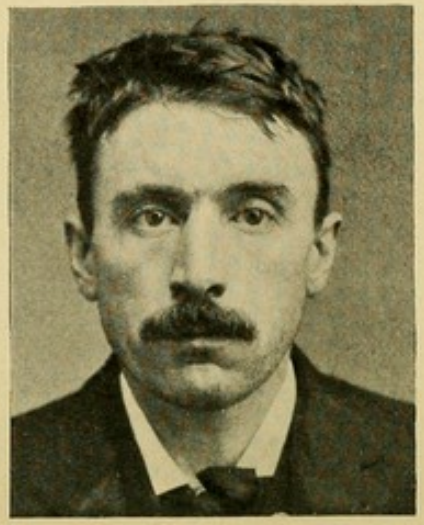


FIG. 122.

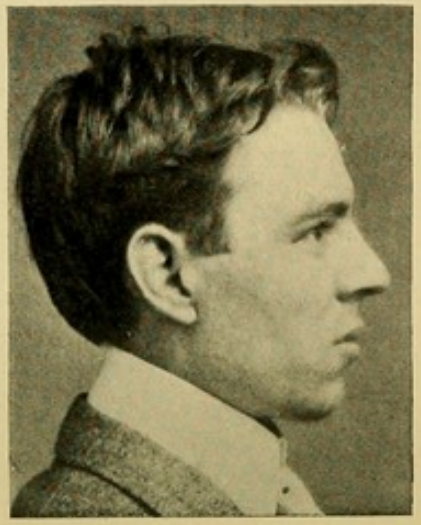
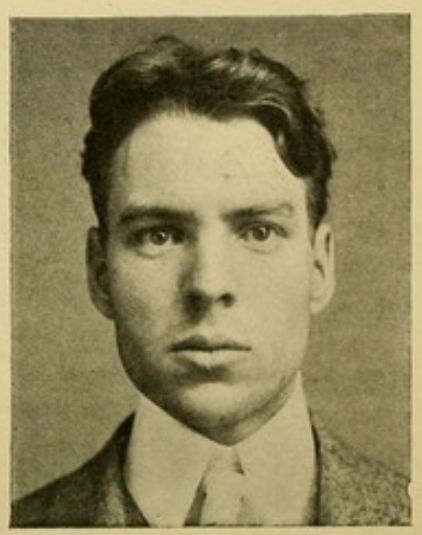


FIG. 123.



GROUP OF MURDERERS.

FIG. 124.

FIG. 125.

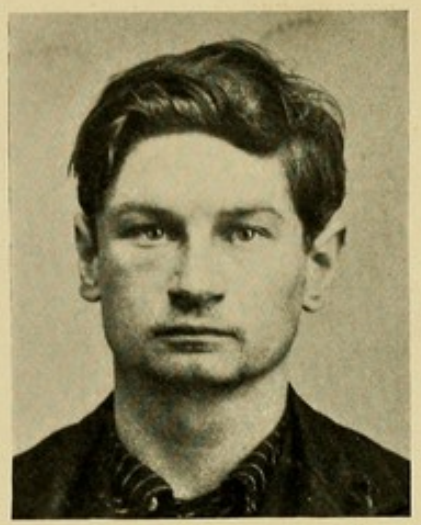


FIG. 126.

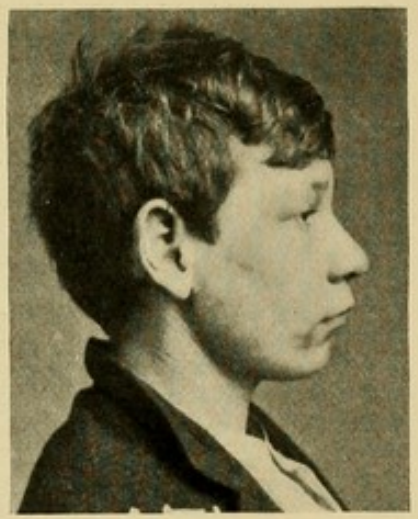
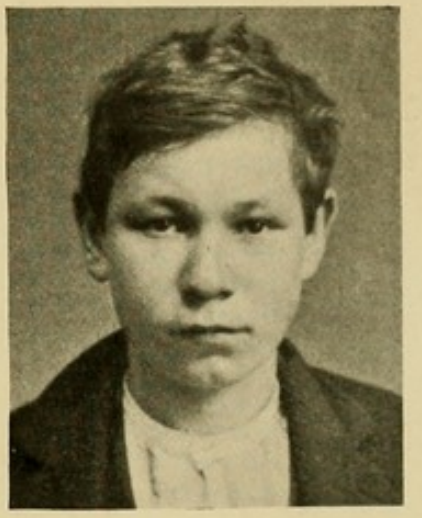


FIG. 127.



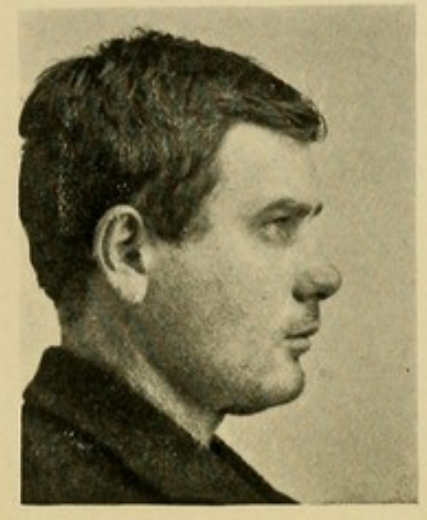


FIG. 128.

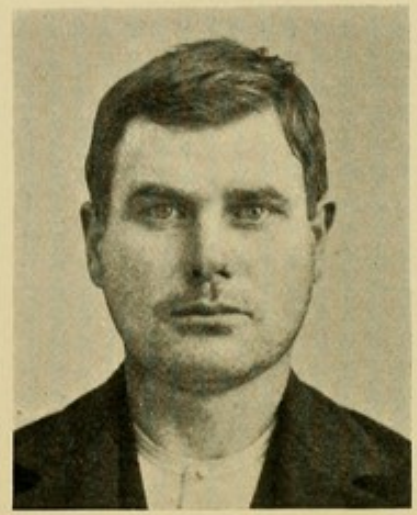


FIG. 129.

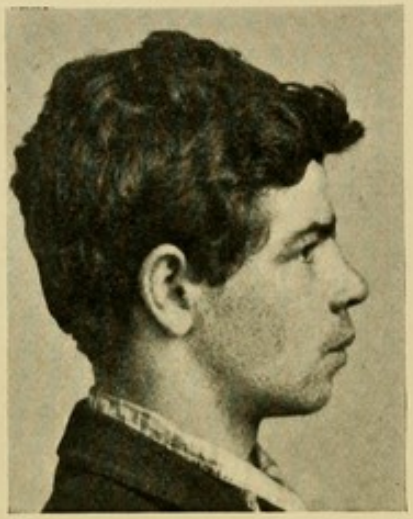


FIG. 130.

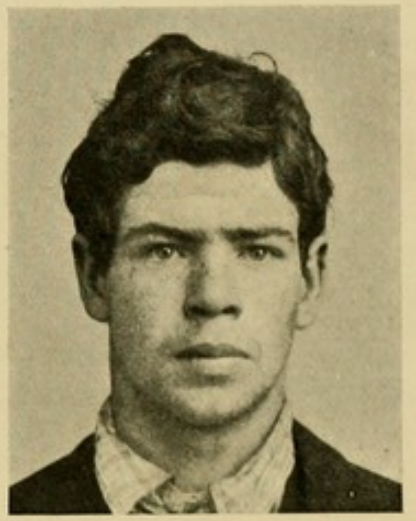


FIG. 131.

GROUP OF THIEVES, BURGLARS, AND "STRONG ARM" MEN.

FIG. 132.

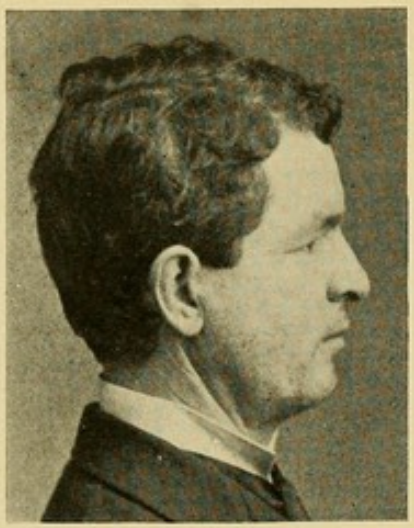


FIG. 133.

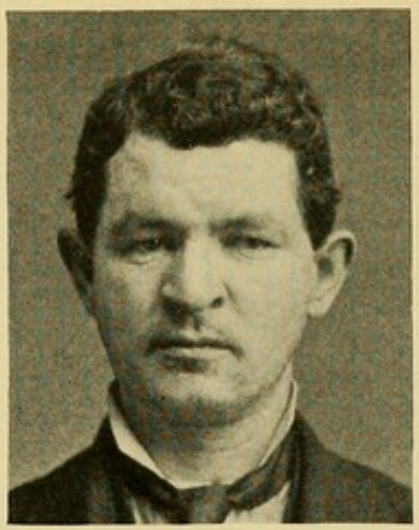


FIG. 134.

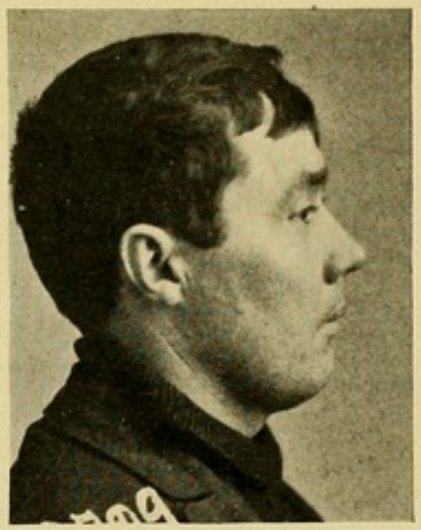
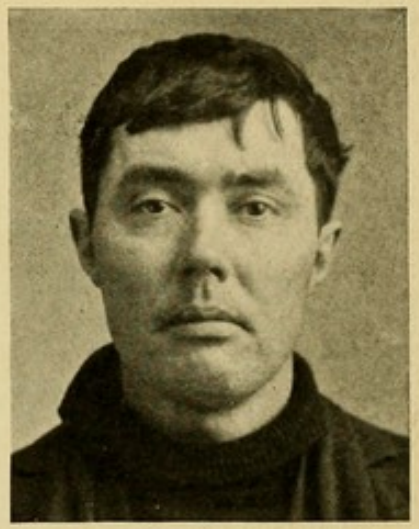


FIG. 135.



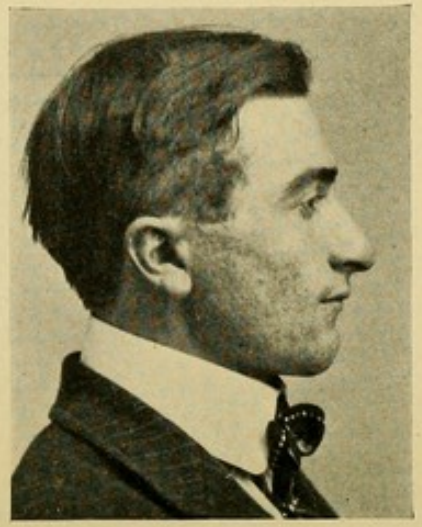


FIG. 136.

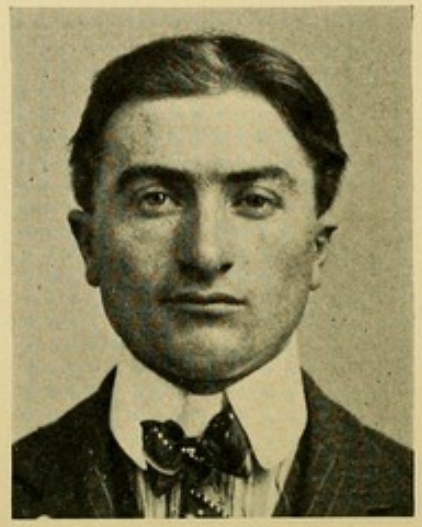


FIG. 137.

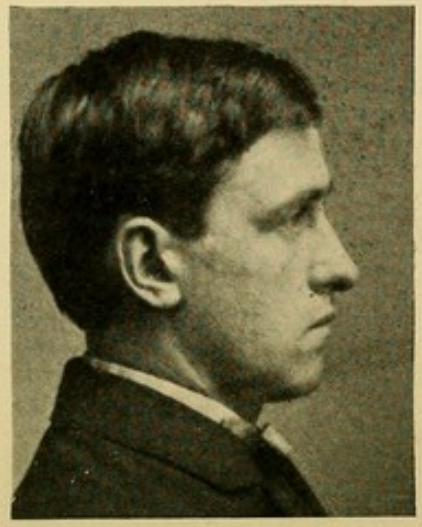


FIG. 138.

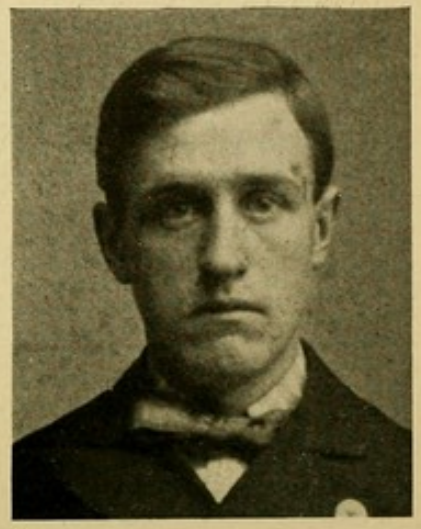


FIG. 139.

GROUP OF THIEVES, BURGLARS, AND "STRONG ARM" MEN.

FIG. 140.

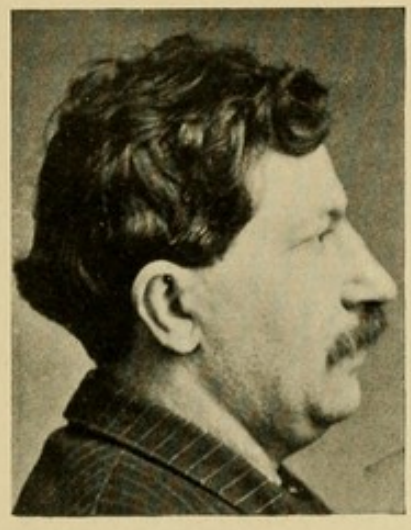


FIG. 141.

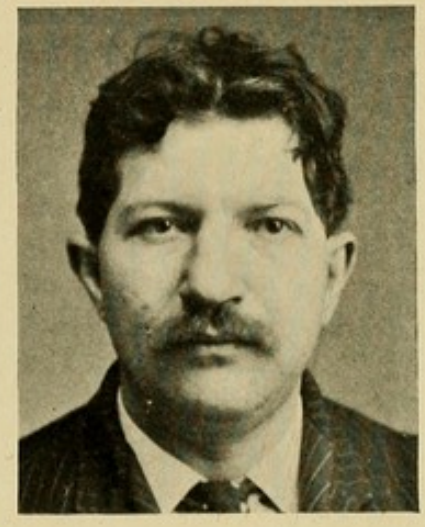


FIG. 142.

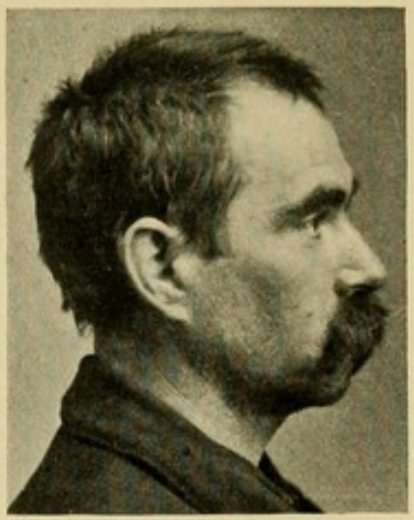
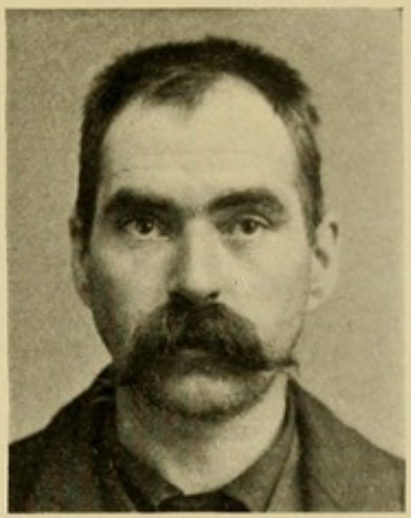


FIG. 143.



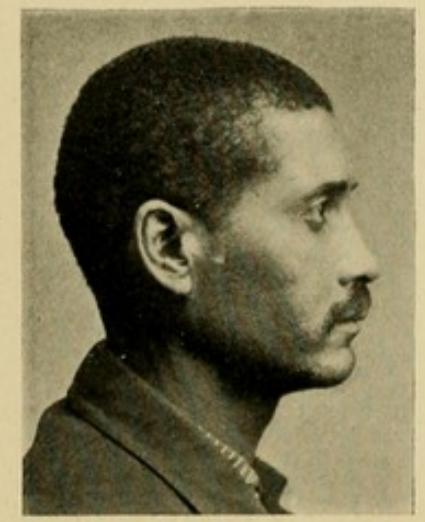


FIG. 144.

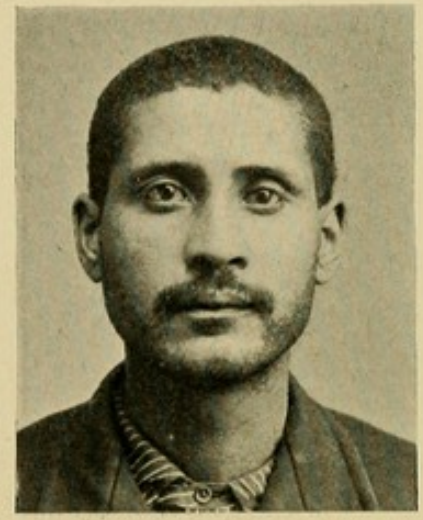


FIG. 145.

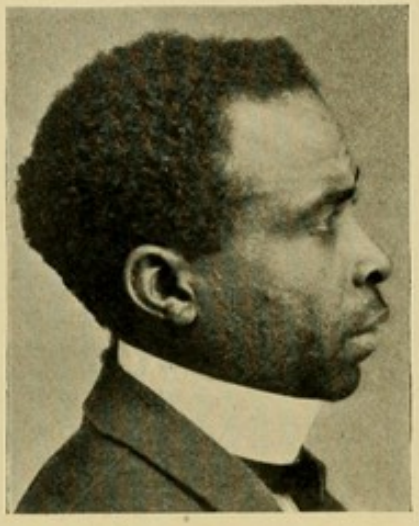


FIG. 146.

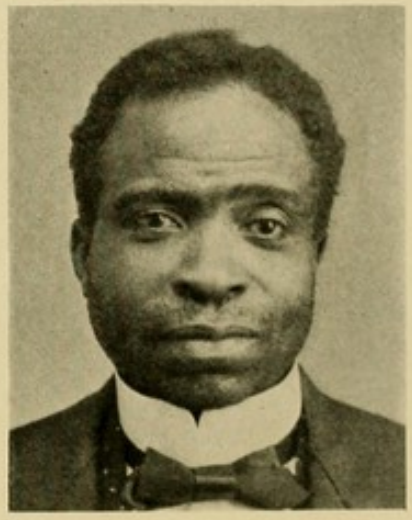
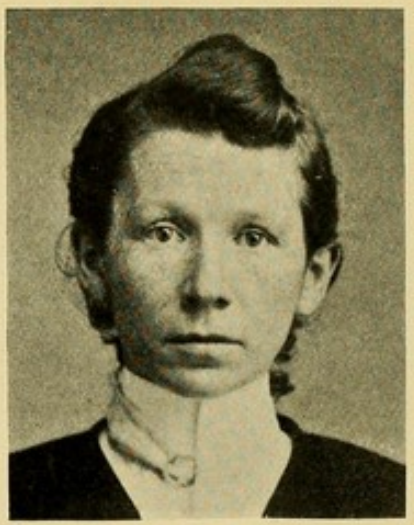


FIG. 147.

GROUP OF THIEVES, BURGLARS, AND "STRONG ARM" MEN.

Fig. 148. Fig. 149. Fig. 150. Fig. 151.



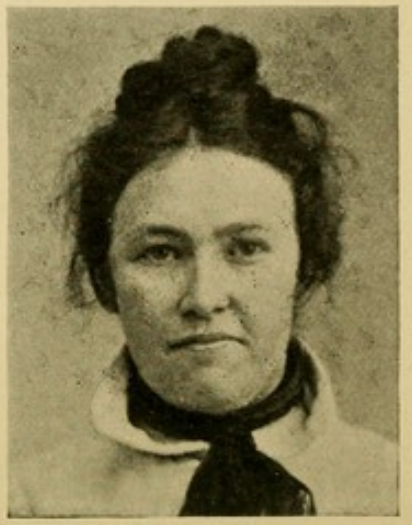


Fig 152. Fig. 153. Fig. 154. Fig. 155.

GROUP OF FEMALE CRIMINALS. PETTY THIEVES, SHOPLIFTERS, AND PICKPOCKETS.

Fig. 156.

Fig. 157.

Fig. 158.

Fig. 159.

Fig. 160.

Fig. 161.

Fig. 162.

Fig. 163.

GROUP OF FEMALE CRIMINALS. PETTY THIEVES, SHOPLIFTERS, AND PICKPOCKETS.

Fig. 164.

Fig. 165.

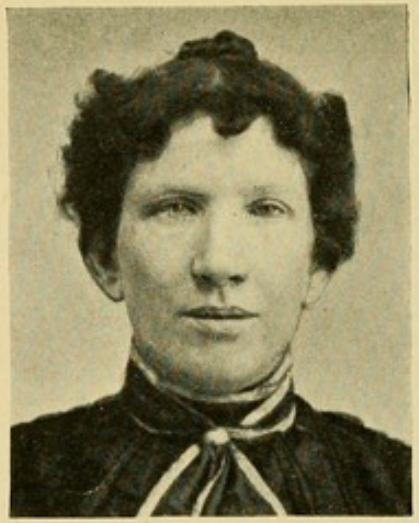


Fig. 166.

Fig. 167.

Fig. 168.

Fig. 169.

Fig. 170.

Fig. 171.

GROUP OF FEMALE CRIMINALS. PETTY THIEVES, SHOPLIFTERS, AND PICKPOCKETS.

The defective cranial development in the individual shown in Figs. 140 and 141 is sufficiently obvious.

The group of female criminals presents some interesting types. The degeneracy of Figs. 148 and 149, 150 and 151, 154 and 155, 164 and 165, and 170 and 171 is not difficult of recognition. Figs. 154 and 155, 156 and 157, and 158 and 159 are above the average of attractiveness. The negress shown in Figs. 160 and 161 is a perfect specimen of her race, and a study worthy of the brush of an artist. The mulatto shown in Figs. 162 and 163 is comely enough, yet any one familiar with the characteristics of the tough negress would not be apt to be deceived by her appearance. In several of the female subjects there is a distinct masculinity of type.

A fair and unbiased criticism of the various groups will, I think, bear out the foregoing comparisons and analyses, although they have necessarily been general rather than exhaustive and minutely critical.

Through the courtesy of my friend, Mr. John E. Wilkie, Chief of the United States Secret Service, I am enabled to present a series of illustrations of types of individuals found among counterfeiters. A brief sketch of each subject is appended as furnished by Mr. Wilkie.

Fig. 172 is the son of respectable, middle-class, English parents, aged twenty-nine. This subject is the most expert engraver of counterfeit notes and internal revenue stamps known to the United States Secret Service. He is self-educated and has resided in this country since childhood. He is an expert in the chemistry of photography, and is quite a student and experimenter in the arts. He consorts with negroes and is absolutely devoid of moral sense. The sensuality of this subject is apparent, but like many other moral perverts he presents little, if any, evidence of physical degeneracy. The frontal development is excellent, and indicative of a high degree of intellectuality, which is not unusual in moral degenerates.

Fig. 173 is a brother of the preceding, aged twenty-five, who made a business of circulating notes engraved by him. He is an excessive smoker of cigarettes. Has been a professional bicycle

sprinter, but is a loafer by choice. The degeneracy of this subject is patent, even to the superficial observer. The enormous ears and imperfectly developed jaw are greatly in evidence. As in the case of his brother, frontal development is excellent. Parietal development is also pronounced. The disproportionate development of the cranium as compared with the face is very striking. Facial asymmetry is pronounced.

Fig. 174 is a Sicilian by birth, aged thirty-nine, of European importation. This subject was originally a stone-mason by trade. He has been a coiner for over twenty years; is artistic in his work, extremely cunning, and far above the average of intelligence. The photograph does not show any stigmata of physical degeneracy, and bears out the assertion that the subject is very intelligent. His physiognomy is suggestive of a neurotic tendency, but this may have resulted from the vicissitudes of his criminal profession.

Fig. 175 is a German by birth, aged forty, and an artist by occupation. He has both manufactured and "shoved" counterfeit money. He is an expert lithographer and produces very high grade lithographic counterfeits. He is very crafty, and shows great ingenuity in circulating his wares and avoiding detection and capture. The physiognomy of this subject shows exceptional frontal development and a "wide awake" quality of intelligence. The only marked features of degeneracy are the unequal placement of the eyes and a wild expression which has many counterparts in our insane asylums and prisons. The impress of the neuropath in this individual is sufficiently plain.

Fig. 176 is an American, aged thirty-two. This subject is introduced by way of contrast with the more intelligent-looking counterfeiters. He is serving sentence for jury bribing. He is of a type that can be found in any gambling-house or sporting resort, and might pass for the average confidence man or "tinhorn" gambler. His record is that of a typic tough, ward heeler, petty swindler, policy writer, and "speak-easy" proprietor. He is accounted by thieves and toughs as very "wise." The gross sensuality, absence of thought-lines, and love of ease depicted in this subject are not unusual. He is a good-natured,

Fig. 172.

Fig. 173.

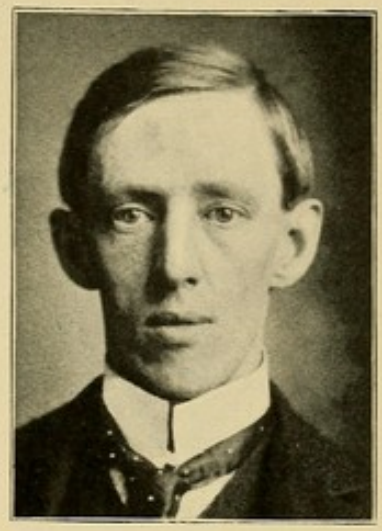


Fig. 174.

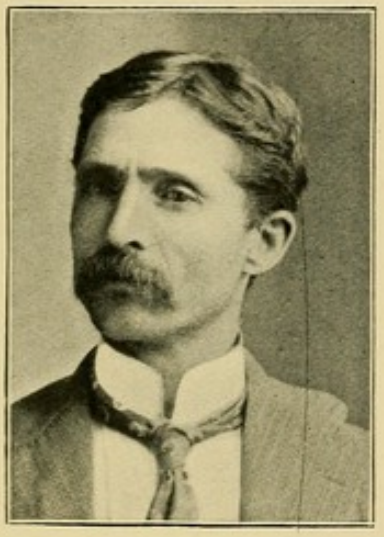


Fig. 175.

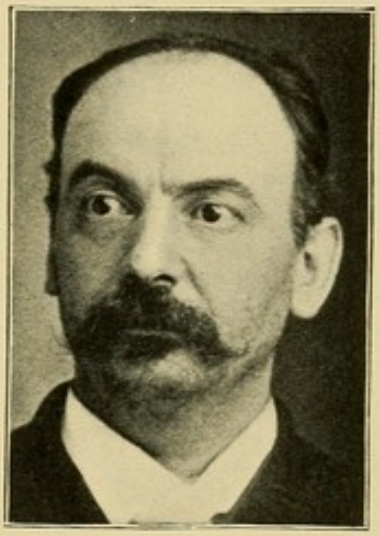


Fig. 176.

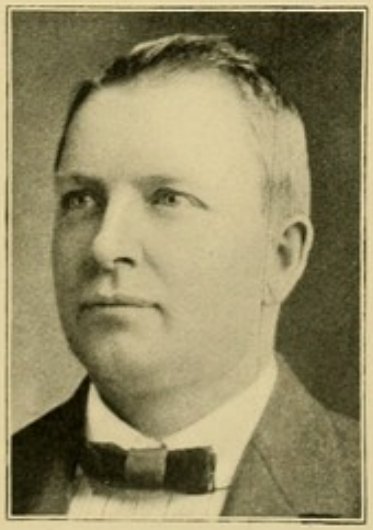
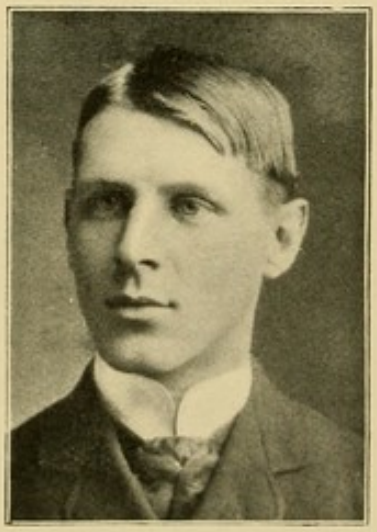


Fig. 177.



moral pervert, who quite likely is the victim of his environment. Such individuals under favoring conditions may make reputable citizens, but have little resistance to moral contagion on account of imperfect development of the centres of intellectuality. The disproportionate smallness of his forebrain is quite apparent.

Fig. 177 is an American, aged twenty-four. This subject, like the foregoing, is presented for purposes of comparison with the stronger characters of the counterfeiting group. He is the son of a Baptist clergyman, a graduate of a college of pharmacy, and by occupation a medical student. He is intelligent, well educated, and refined, and is the type of the ordinary well-brought-up, morally weak, young man, whom evil association spoils. He is intelligent, rather than intellectual, and lacks poise. His frontal development is defective, as is also his power of concentration. In his case there is the usual story of bad company, gambling, wine, and women, with crime as a means to the end of pleasure. He forged paymasters' checks to the extent of eighteen thousand dollars, and spent it all on races and women. Stigmata of degeneracy are not observable in the photograph. The subject is merely a morally weak and non-resistant character that typifies so many occasional criminals.

Fig. 178, now about sixty years of age, is an American by birth, and has been a confirmed counterfeiter for about twenty years. His early personal history is not available. He comes of an excellent family, without criminal record. He is a man of some artistic taste and ability, having mastered the art of photography and followed it for some years. Having no moral scruples to overcome, counterfeiting was to him the direction of least resistance, and an occupation for which his early training peculiarly fitted him. His case, and others which will follow, are illustrations of the fascination of counterfeiting for criminals of artistic tendencies, whose lack of moral balance prevents them from seeing anything more in the crime of counterfeiting than the practice of an art in which they take great pride.

This particular subject took especial pride in teaching the art of counterfeiting to others. Scores of counterfeiters have received instruction at his hands. Many of them have attained

considerable distinction in the art of counterfeiting. The subject himself is now serving a second sentence for the crime.

On casual inspection, this subject does not appear to differ very markedly from many non-criminals. There are, however, some stigmata of degeneracy, the presence of which in this particular subject are suggestive. The cranium is scaphocephalic, the keel-shaped crown being very perceptible, on account of baldness. The frontal region is not well developed, the biparietal diameters apparently being disproportionately marked. In general, however, the cranium is relatively small. Bizygomatic diameter is greater than the average. The eyes are asymmetrical, both as to position and size. The left eye is much higher than the right, and has a contracted appearance, showing a marked corrugation of the brow near the glabella which does not exist upon the right side. The ears are asymmetrically set, stand out prominently from the head, and are exceptionally large. Close inspection shows the lobe of the ear to be excessively developed, and Darwin's tubercle in evidence, but not especially prominent. Prognathism of the jaw is fairly well marked. The extreme mental breadth is at once noticeable. In general, the physiognomy of this subject suggests craftiness, determination, and considerable power of concentration.

Fig. 179 is a Sicilian by birth, aged thirty-eight, and the reputed head of the Mafia in this country. He has been a counterfeiter for many years; is a blackmailer, and is now confined under the charge of murder. He comes of peasant ancestry, and had a criminal history in his own country before coming to the United States. He is an excellent illustration of the necessity for safeguards against the importation of European criminal refuse. The family history as regards criminality and neuropathy is not available. As is true of the Latins in general, the element of degeneracy must be discounted somewhat in considering criminals of this type. Racial characteristics, especially in the direction of crimes of impulse, such as murder and assault, cannot always be logically attributable to degeneracy. I am inclined to attribute such types of criminality to a lack of evolutionary development, rather than to retrogression.

Fig. 178.

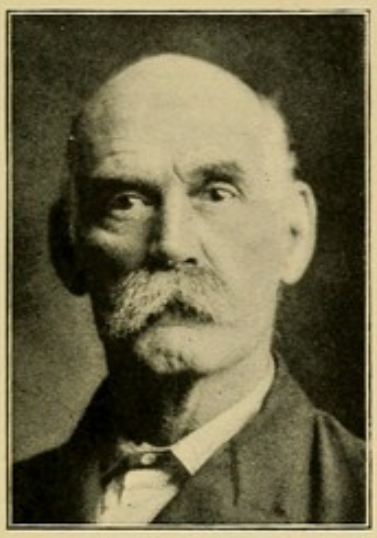


Fig. 179.

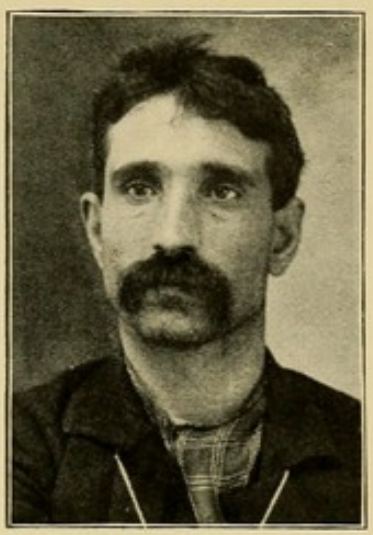


Fig. 180.

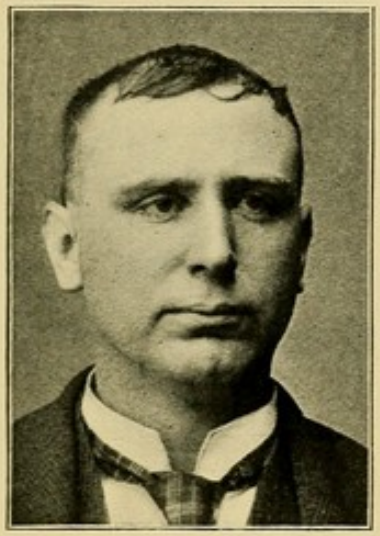


Fig. 181.

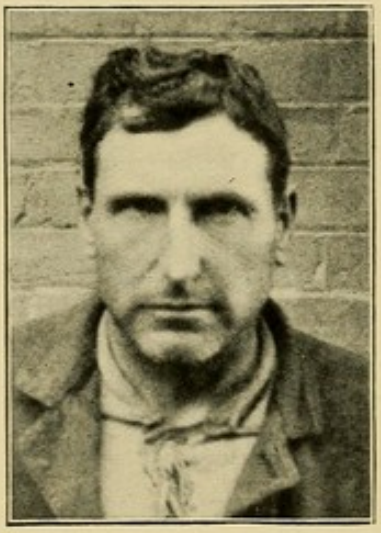


Fig. 182.

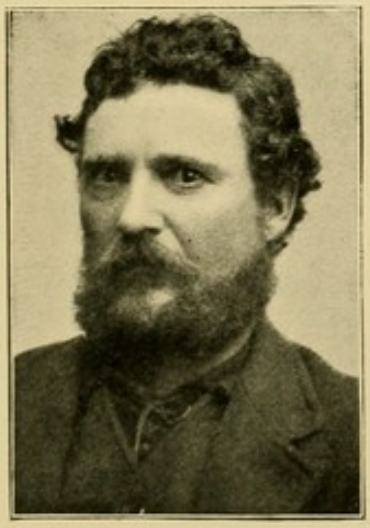
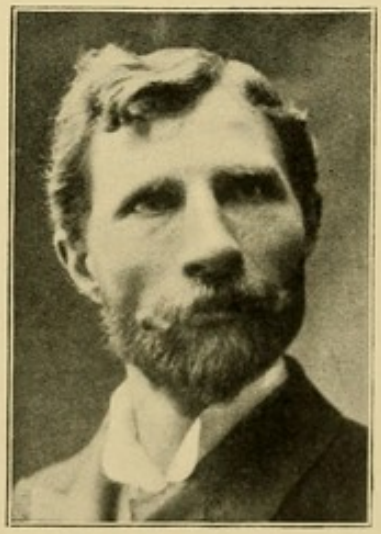


Fig. 183.



Racial type considered, stigmata of degeneracy are not numerous in this subject. Although cranial and facial asymmetry are fairly well marked, the physiognomy indicates in a general way craftiness and irascibility, the latter being the psychic foundation of crimes of impulse, such as murder. The jaw is distinctly degenerate in type, asymmetry being well marked. The physiognomy in general is intelligent, and bears the stamp of the neuropath.

Fig. 180, an American, aged forty-one, is the son of a banker. This man was originally a cigar-maker. He is a Napoleon among criminals. He is very resourceful in nefarious schemes, and promoted the greatest counterfeiting conspiracy the government has ever unearthed. This subject is phlegmatic in temperament, but a very strong character, as his physiognomy shows. His face is very sensual, and shows great determination. His power of concentration is marked. The face presents an asymmetry rather greater than the average. Frontal development is fair. The only stigma of degeneracy noticeable is the ear, which presents the Darwinian tubercle and a crumpled, narrow, deformed conchal border.

Fig. 181 is an American, aged forty, a mineral prospector by occupation. The family and early history of this man are unknown. He has been a well-known desperado on the Pacific coast for some years. He is an old-time counterfeiter and habitually either under surveillance or in custody. He is the closest approximation to the ordinary type of criminal in this series of subjects. The desperado is stamped upon his physiognomy in unmistakable lines. Craftiness and dogged determination are his dominant characteristics. He has not the intellect required for great schemes of criminality; he is the type that facilely passes from one form of crime to another, as the exigencies of his life demand. He is of the same kidney as the footpad, burglar, or train-robber. He is apparently a typic degenerate, and if his history could be learned, he would probably be found to belong to that stable factor in crime, the born criminal type.

Fig. 182 is an American, aged forty-five, and an engraver by

profession. A typic desperado from his youth up. He committed a murder when only sixteen years of age. He subsequently displayed great versatility in crime, and indulged at various times in train-robbing and burglary. He finally adopted the profession of counterfeiter and gave the government considerable trouble. He died a few months since of paralysis, shortly after his discharge from prison. No family history is available, save the fact that one brother was also a counterfeiter. No abnormality is observable in the photograph, unless possibly there is a slight convergent squint of the right eye. That he was a moral degenerate his history shows, despite the absence of noticeable stigmata of physical degeneracy. He was a robust, healthy-looking subject and, save for the keen, penetrating eyes and an expression of determination, was a rather common type. The paralysis that caused his death naturally warrants a suspicion of coarse brain disease. Syphilis, however, would be a rational explanation of the paralysis. Whether brain disease existed or not, it was probably not responsible for his criminality, which began at a very early age. Whether he was a born criminal or the victim of environment is not susceptible of proof, although the fact that a brother was also a counterfeiter is, to say the least, suspicious. His physiognomy, in a general way, suggests bull-dog pugnacity and irascibility, which in combination make criminals of the most dangerous kind.

Fig. 183 is a Swede by birth, aged thirty-five, by profession a chemist. He was a criminal from boyhood, and had been arrested and punished in Sweden for counterfeiting. He was an inventor of processes for multi-colored printing. His specialty was the manufacture of foreign counterfeit securities. When placed under arrest, he committed suicide. Family history not known. This subject also is a type familiar to asylum physicians. His physiognomy is distinctly neuropathic, even approximating the insane type. The eyes are closely and deeply set, this being a striking feature. The ears approximate the Satanic type. Facial asymmetry is very pronounced. Both upper and lower maxillæ are badly developed. Frontal develop-

ment is deficient. The physiognomy, as a whole, is suggestive of a lack of moral balance associated with a high degree of intelligence and a moderate degree of intellectuality. The manner of his death is not surprising. Egotism and self-consciousness were in him very prominent, and these, associated with a natural refinement, would account for his suicide under the stress of detection, arrest, and consequent fear of punishment.

In surveying the foregoing group of counterfeiters, it will be noted that their average of intellectuality is far above that of the ordinary criminal. Their features suggest a certain strength of character which comports with the industry and close application inseparable from their chosen criminal profession. Successful counterfeiting demands more than the ordinary degree of intelligence, and necessitates for high-class work exceptional artistic ability. The contrast between subjects 176 and 177 and the rest of the group is very striking, yet by no means surprising when the attributes necessary to the profession of counterfeiting are considered.

CHAPTER XIV

THE THERAPEUTICS OF SOCIAL DISEASE IN GENERAL, WITH ESPECIAL REFERENCE TO CRIME

THE treatment of certain forms of social disease has already been discussed in previous chapters. There remains for consideration the therapeutics of crime in general. It is hardly necessary to state that, inasmuch as degeneracy underlies all social disease, what will be herein said regarding the preventive remedies for crime applies with equal force to all of the evils that spring from degeneracy.

REMEDIES FOR THE PREVENTION AND CURE OF CRIME

The therapy of crime, like that of disease of the individual body, comprises both preventive and curative measures. Like remedies for infectious diseases, the remedies for crime in most instances act as both preventive and curative agents. It having been shown that the proportion of criminals in civilized countries is on the increase, and, further, that punitive methods have been mainly relied upon for the correction of crime, it follows logically that our methods have been faulty. To the scientific student of criminology the reason should be obvious. The criminal himself, and the crimes that he commits, have received the attention of society, but the causes that produce the criminal have been practically ignored, so far, at least, as any rational, definite attempt to correct them is concerned.

The science of medicine has of recent years made great strides in the relief and cure of disease, and has greatly enhanced the value of the profession to society. Improvement in treatment has been due, not to the discovery of panaceas, but to a more accurate knowledge of the causes and means for the prevention of disease. Even where new and effective remedies have been discovered, we are chiefly indebted for their discovery to

the betterment of our knowledge of pathology and etiology. Recalling the parallelism existing between individual and social disease, it is obvious that improvement in the management of the crime problem must come from an increase in our knowledge of the causes of crime, the physical study of the criminal himself, and a more enthusiastic attempt to prevent crime by remedies suggested by the knowledge of its causes. The moralist and the lawmaker have had their innings and have failed, on the whole, and hope for the future would seem to hinge upon the dominance of medical science in criminology.

Granting that degeneracy underlies all social disease, and especially crime, it follows that the most effective means of prophylaxis are those which further the prevention of degeneracy. Inasmuch as the conditions underlying degeneracy are chiefly hereditary, it is obvious that attention should first be paid to the parentage of the prospective degenerate.

It has been truly said that every child has the right to be well born. A condition of society in which this should be guaranteed to every child would indeed be Utopian. While not beyond the range of possibility, it is certainly not within the bounds of reasonable probability that this condition of affairs will ever prevail. The social millennium is a castle of dreams. That great betterment of conditions is practicable, every sociologist is well aware; the chief obstacle in the way of advancement being the unintelligent and illogical sentimentality and phariseeism of the general public, which is content to go on dealing with effects and ignoring causes, and well satisfied with the "less holy than I" explanation of crime.

MARRIAGE CONTROL

Society begins its self-contamination at the marriage license window. Here is the fountain-head of the stream of degeneracy that sweeps through all social systems. The foundation-stone of society is the matrimonial relation. Its assumption is the most important step that a human being can possibly take, and upon the conditions that surround it depend the most important interests of our social system. Taking this into consideration,

and laying aside the selfish apparent interests of the individual, it is astonishing that no rational effort at the regulation, control, or supervision of the marriage relation is made by society. The license window is a place where the honest citizen and the criminal, the sane and the insane, the diseased and the healthy, the pauper and the millionaire, the learned and the ignorant, the intellectual and the weak-minded, may meet upon common ground, always providing the important consideration of the license fee is forthcoming. The criminal, the insane, the epileptic, the syphilitic, and the drunkard are here authorized by law to begin the procreation of their kind, the number of their progeny being limited entirely by the volition and physical capacity of the individuals immediately concerned.

The marriage license is the agent that sets the individual and social machinery for the manufacture of degenerates in operation. That these degenerates are a menace and an expensive burden to society is everywhere admitted. Has society a right to protect itself against its own vicious off-scourings? I believe that it has. There will be no effort at such protection, however, until our various social systems have become sufficiently enlightened to understand that the prevention of degeneracy is very much more economic than the cure of conditions which arise from it. The public conscience is close to the public pocket, and the public is not likely to awaken to a realization of its duties until its instinct of commercial self-defence has become thoroughly aroused.

The sanitary marriage is possibly an idealist's dream, and it may never be practicable to altogether eliminate from society the assumption of the matrimonial relation by individuals to whom it should be by no means permitted, but a wise control and regulation upon rational scientific principles is certainly practicable, and likely to achieve wonderful results. That society will eventually, for its own protection, adopt some method of regulation and restriction of matrimony I believe to be inevitable.

Society assumes the right to defend itself against the finished product of its matrimonial factory of degenerates, and there is no logical reason why it should not also assume the right to protect

itself from the conditions which set the machinery of evil in operation. I firmly believe that the time will come when it will be no longer possible for our army of recognizable degenerates to procure licenses to marry. I believe that it should be, and one day will be, a statutory crime for a person in the active stages of infective disease of a venereal character to marry, and thus risk the almost inevitable infection of innocent persons. There can be no greater crime against an individual than inoculation with contagion, the effects of which may perhaps outlast several generations and carry affliction to unborn innocence. The rights of the unborn will one day be considered. Until they are so considered, and practical efforts made to secure them, we cannot hope for much improvement in the prevention of degeneracy.

In brief, I believe that man will one day devote to the breeding of human beings some of the knowledge he has acquired in the breeding of the lower animals. Stirpiculture will be the salvation of the race, and is the rational antidote for degeneracy and its train of evils—social and individual.

I am well aware that sentiment is strongly against the regulation of matrimony, as an interference with individual rights. This sentiment, however, is absurd, in view of the legal formalities with which it is even now hedged about, chiefly for the purpose of levying tribute upon the individual for the benefit of the public purse, or rather for the purpose of increasing political perquisites. The law stipulates as to the age of candidates for matrimony. In certain States consanguineous marriages, even to the fourth degree of consanguinity, are forbidden; in all States consanguinity up to the third degree is a bar to matrimony. In many of our States, both Northern and Southern, miscegenation is prohibited. It will be seen, therefore, that sentimental objections to the regulation of matrimony are even now sometimes honored in the breach rather than in the observance. Inasmuch as sentiment has hitherto been no bar to the demand for a license, the exaction of a license fee, and the subsequent performance of the marriage ceremony by properly qualified parties, it should not be a bar to the demand for proper qualifications on the part of candidates for matrimony.

Reeve, in a masterly discussion of the marriage question in its relations to criminality, says: [1]

"If the vilest mortal that lives sees proper to marry, the law issues the license for the asking, takes the fee, makes the record, and leaves the offspring and society to shift for themselves the best they can. Even paupers, while in the poor-house, and criminals, while in jail, are in every way encouraged and given licenses to marry, and are protected by the law. No thought is taken for the unfortunate offspring, or for the body politic or social, and the irreparable evils that must fall upon all. The church adds its sanction, and its ministers aid in making these civil contracts by performing a ceremony with prayers and benedictions. If it is wise to prohibit polygamy, marriage between relations, and between persons whose insanity or idiocy is self-evident, it is equally wise to prohibit it in all cases where evil may follow. If the law has the power to prohibit and punish violation in the one case, it has equal right in all others.

"There is an endless procession of children from all these sources coming into the mass of population to live lives of crime, immorality, want, suffering, misfortune, and degeneracy, transmitting the taint in constantly widening streams, generation after generation, with the ultimate certainty of the deterioration of the race and final irreparable degeneracy."

The law disregards the individual rights of our citizens by demanding examinations and licenses for pilots, engineers, physicians, lawyers, dentists, pharmacists, and others, and imposes a special license and regulations upon various occupations. Reeve quite logically asks the question why, in view of this attempt to protect the public despite individual sentiment and rights, a similar protection should not be afforded to society by restriction and regulation of individual rights in the question of matrimony.

To reduce the question to its ultimate by material and substantial argument, I will advance the proposition that society should govern matrimony upon strictly business principles, patterned after those of life insurance companies, in the management of which sentiment is an unknown quantity. A life insurance company which should be governed by sentiment would not be very highly regarded from a business stand-point, nor would it be likely to last very long. Why should not society handle the

[1] The Prison Question, Hon. C. H. Reeve.

matrimonial relation from the stand-point of a huge co-operative insurance association, and dam the stream of expensive degenerates at its very source?

Previous to the issuance of a marriage license, statutory law should demand that both the persons immediately concerned obtain a certificate as to their physical condition from a non-political and therefore non-partisan board of medical examiners, which should be an appendage of the Health Board of the district in which the application for a license is made. The board or council of medical men to whom the application for a health certificate is made should consist of not less than three members. The examination should embrace not only the physical, but, to a certain degree, also the moral qualifications of candidates for matrimony. Persons with active infectious diseases of a venereal nature should not be permitted to marry, and in the case of syphilis, the history of the case should be taken into consideration and a license refused, even though the disease is no longer active, if the constitution of the individual is apparently undermined by it. Marriage without a satisfactory medical certificate should be subjected to a penalty which would be, in effect, prohibitive. Severe penalties should be prescribed for infectors of the innocent.

I presume that discrimination against inebriates would be objected to upon sentimental grounds more strenuously than other features of matrimonial regulation. Inebriety, however, is the most important of all causes of degeneracy, and the inebriate, above all other individuals, should be prohibited from marriage. The individual who should thus escape marriage with an alcoholic or narcotic habitué would have occasion to be thankful ever after.

Sentimental objections to the regulation and restriction of matrimony are especially illogical when we consider that the present system not only does not conserve individual rights, but is really a menace to them. The frequency with which innocent women are infected by venereal disease, or afflicted with life-long sorrow through having married mentally unbalanced or criminally depraved individuals or inebriates, proves this point

conclusively. The protection of posterity by the regulation of matrimony really conserves, therefore, the best interests of the individuals immediately concerned.

If this view of the question is not accepted, as it is not likely to be by individuals who can see a rosy ideal in an incurable or actively infectious gonorrheic or syphilitic, a drunkard, or an epileptic, society has still a means of granting such fools their individual right to marry any degenerate they see fit, while at the same time protecting itself from the degenerate progeny of such ill-assorted marriages. The Court of Appeals to which adverse certificates of matrimonial qualifications should be referred is the surgeon's knife. Individuals who, in the face of an unfavorable medical opinion, still desire to marry, should be given the privilege of doing so, providing they submit themselves to sterilization by the method shortly to be described.

ASEXUALIZATION AND STERILIZATION

The special application of asexualization to the prevention and correction of crimes of a sexual character has already been expatiated upon.

Thirty or more years ago Dr. Gideon Lincecum, an accomplished physician and scientist, appeared before the State Legislature of Texas and ably advocated the substitution of castration of criminals for capital punishment. He was set down as a crank, while a howl of derision and condemnation arose all over the land. This protest was generally accepted as a convincing argument against the then startling suggestion of castration as a remedy for social disease. The wave of disapprobation that inundated Dr. Lincecum, and all of the objections which have since been advanced whenever his radical treatment of crime has been alluded to, have depended entirely upon sentiment for their support. Independently of the question of the wisdom of castrating habitual criminals and rapists, sentimental objections to the substitution of the method for capital punishment are highly entertaining. A distinguished legal gentleman, in an eloquent speech before the Medico-Legal Society of Chicago, vehemently opposed my views on the castration of criminals on

purely sentimental grounds, as was natural on the part of one who was daily using sentiment as a sledge with which to drive an impression of the justice of a doubtful cause into the perplexed minds of a dozen of those people known to the criminal, sometimes not ineptly, as his peers. He opposed the method chiefly because of its alleged barbarity. From the humane stand-point, however, a comparison of the operation of castration under anesthesia with the average execution, and more especially with bungling executions, should be sufficient to convince the most sentimental observer of the fallacy of his position.

The objection has been urged to castration that, inasmuch as the eunuch of the East is traditionally vicious and savage, criminals subjected to the operation would acquire similar qualities, if they did not already possess them. This is an illogical assumption. Before making any deductions from the character of the eunuch, he should be compared with the race from which he sprang. The Oriental eunuch comes from a race of African savages. The Amazons of Dahomey, who are submitted to oöphorectomy, are not only savages, but after having been made practically neuter are trained by savages to barbarous deeds. Further, they are spayed young, before sex influence has ever dominated their physiology, and trained in the gentle art of cutting throats afterwards.

The castration of the adult criminal would not result in the development of savage instincts, but if the experience of the ages counts for anything, the operation would be likely to tone down to a marked degree such savagery as atavism had developed in him. That the foregoing is correct is shown by observations on animals, and by thousands of cases of emasculation of human subjects. The emasculated choir-boys of Rome did not develop bloodthirsty instincts. There is not a practising physician who does not know a large number of women who have been spayed, wisely or unwisely, for the relief of ovarian and other diseases, yet it would be somewhat difficult to mobilize an army of Amazons in this country.

Absurd sentimental objections and the fallacious idea of punishment by castration aside, the same results in the prevention

of degeneracy can be obtained by a method of treatment less objectionable and less severe than castration, in all forms of crime save rape. Sterilization accomplishes precisely the same results, is practically safe under modern methods, is not mutilating, and interferes in no way with sexual physiology, save in so far as the procreative capacity is concerned. In the male, resection of the *vasa deferentia* is an operation to which no objections can possibly be urged on the ground of danger, disfigurement, or complexity of technique. In the female, resection of the Fallopian tubes, while more dangerous than the operation of vasectomy, is practically safe in competent hands, and under modern precautions. The operation of vasectomy may be performed through a scrotal incision one-fourth of an inch in length. It can be very quickly performed under local anesthesia; its danger is practically *nil,* and there is absolutely no disfigurement.

Sterilization, in both the male and female, has a wide range of application in the prevention of social disease. As already indicated, individuals whose physical or moral status is such as to insure the unfitness of their prospective progeny should be given the alternative of submitting to sterilization as the only condition upon which matrimony is legally permissible. Persons with a history of insanity, epileptics, dipsomaniacs, incurable syphilitics, certain persons who suffer from deformity or chronic disease, criminals, and persons with criminal records should not be permitted to marry upon any other conditions. Incurable criminals, epileptics, and the insane should invariably be submitted to the operation, irrespective of matrimony. Even the rare cases of reformed habitual criminals should be subjected to the operation, for the cure of their own criminal tendencies will not interfere with the transmission of those tendencies to their progeny.

F. H. Wines,[2] one of our ablest writers upon the crime question, takes a highly pessimistic view of our ability to control criminal heredity. He says:

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[2] Punishment and Reformation.

"Hereditary causes of crime are as completely beyond our control as the cosmical, but heredity is a continuing influence, with an outlook in the direction of the future as well as that of the past. It has therefore been supposed by some earnest and well-meaning people that crime could be sensibly diminished by the perpetual isolation of habitual hardened offenders, or even by resort to an obvious surgical operation.

"This notion is founded upon the belief in a criminal anthropologic type, which is not proved. If such a type, in fact, exists, the difficulties in the way of a judicious determination of the question whether any convict who may be named does or does not constitute a member of an hereditary criminal group would be almost, if not quite, insuperable."

Dr. Wines's position is hardly logical. He admits heredity as a cause of crime, and immediately denies that heredity can be controlled by putting habitual criminals beyond the possibility of procreation. It is obvious that, in so far as such criminals are a factor in transmitted criminality, heredity would be controlled by their permanent isolation or asexualization. It is not necessary, however, to demonstrate a criminal anthropologic type in order to prove the value of measures tending to prevent the procreation of children by criminals. Whether there is a definite anthropologic type or not, the fact remains that a certain more or less definite proportion of our population is composed of criminals by instinct and by profession. These individuals are degenerates, and the degeneracy that is responsible for their own criminality may indubitably be transmitted to their descendants. Any measure that prevents this class of individuals from having descendants is necessarily preventive of crime. To demand that all criminals should be cast in a definite mould, the finished product of which he who runs may read, is begging the question. It is not necessary to determine whether "any given convict is a member of an hereditarily criminal group," in order to show that the prevention of his procreating will be preventive of crime. Whether the criminal himself is directly descended from criminal parentage or not, he is a degenerate who may transmit his degeneracy to his descendants. Had he himself never been born he would scarcely be a matter for discussion.

Dr. Wines is apparently jealous of the individual rights of

the criminal. Criminality, however, will never be sensibly diminished until the incurable criminal is regarded as an individual who is absolutely forbidden all rights,—save the right to treatment as humane as consistent with perpetual isolation,—and every criminal is denied the right to procreate, within the discretion of a properly constituted medical board. Any consideration that may be shown the confirmed criminal by society should be regarded as entirely gratuitous, and founded purely upon humane impulses which forbid unnecessary cruelty. So far as his social status is concerned, he is simply excrementitious matter that should not only be eliminated, but placed beyond the possibility of its contaminating the body social. Dr. Wines himself says, "A healthy society, like a healthy body, eliminates from itself the morbid and morbific dejecta, whose retention would imperil vitality." Considering this premise, how can he concede individual rights to the incurable criminal who, in strict justice, has not even the right to live?

The rights of the posterity of the convict are best conserved by preventing his having posterity. Permitting a criminal to breed because of a tender consideration for his posterity is absurd, as a general proposition. That exceptions should be made in the case of the occasional criminal I will admit, but even here the probability of a degenerate posterity should be taken into serious consideration, and careful discrimination made. Certain occasional criminals should be placed in the same category with habitual or typic criminals, so far as the prevention of procreation is concerned. Maudlin sentimentality in behalf of a degenerate posterity, which would probably rule against its own birth, had it any choice in the matter, should weigh but little in the balance of social welfare. This is even more pertinent as applied to mental incompetents and sufferers from nervous diseases and deformities of an hereditary character.

A tender consideration of the criminal's right to procreate is decidedly illogical, in the face of the fact that the more radical measures for the suppression of crime now in vogue do not show any particular sensitiveness on the part of society as to the criminal's rights. The primordial right of man is the right to

live. The law does not hesitate to hang the murderer, despite the fact that, upon the average, the murderer is of all criminals the least dangerous to society. Liberty is a right of man which cannot be gainsaid, yet the law does not hesitate to imprison for life, on occasion. Life imprisonment not only takes away liberty, but practically infringes upon the right to live, for without liberty there is no life worthy of the name. In imprisonment for life or capital punishment it would be somewhat difficult to see any conservation of the rights of the criminal's posterity from the sentimentalist's stand-point.

Sterilization of criminals for the protection of the public against a degenerate posterity in no way compares in severity with capital punishment or imprisonment for life, remedies which the law does not hesitate to impose in certain cases, for it does not interfere with either liberty or life. The right to procreate should not exist in the case of habitual criminals, nor in a large proportion of occasionals, or, indeed, in typic degenerates of any kind whatsoever, and unless perpetual imprisonment be rigidly enforced against them, they should be put beyond all possibility of procreation. Under present conditions a sentence of imprisonment for life does not insure the protection of society against the criminal so sentenced, because of the danger of escape, on the one hand, and of pardon, on the other.

It is obvious that the application of sterilization to the crime class would require some discrimination, and should be made under strictly scientific supervision.

So far as the typic or habitual criminal is concerned, the method should be universally applied. In other cases, careful study and selection should be made, society in all cases being given the benefit of any doubt. There is this to be said in favor of sterilization,—viz., if performed under strict scientific supervision, as a method of preventing crime only, and not for the purpose of punishment,—it being directed against the criminal and not against the crime that he has committed,—comparatively few mistakes would be likely to be made, and those mistakes by no means so serious in result as many that are made by courts of law in the conviction and punishment of the innocent.

In many instances one of the conditions of the liberation of a physically or mentally degenerate criminal who is supposed to be cured of criminality should be sterilization. Whether cured or not, he breeds bad progeny, and, once he is in the hands of the law, every effort should be made not only to cure the individual tendency, but to prevent the procreation of other individuals with similar tendencies.

MAN'S INHUMANITY TO MAN

In strict justice to society, upon the principle of social self-defence, and in many instances in all kindness to the defective himself, every degenerate who is useless to himself, a menace to the health of society, and is shown to be incurable, should be effectually eliminated by destruction. While still clinging to capital punishment, public sentiment is, and probably will always be, set against the general sacrifice of degenerates for the welfare of society. The same social system that supports humane societies, whose duty it is to prevent the infliction of suffering upon dumb animals, builds institutions for the purpose of perpetuating the lives of incurable sufferers from disease, imbeciles, insane, and habitual criminals, who would better be dead, from the stand-point of both individual and social interests. No thinking man, whatever his prejudices may be, can witness the sights that may be seen at any time in our insane asylums without the impression that a large proportion of their inmates are of "the better dead." He will instinctively feel that there is something radically wrong in the system which permits some of the "wards of the State" to live. He is likely to be dimly conscious that an injustice is being inflicted, not only upon society, but upon the unfortunate victim of disease or degeneracy himself. He may perhaps marvel at the tender solicitude with which life is kept in the bodies of imbeciles and incurable insane, while young children are being allowed to run the streets neglected, to become proficient in vice and crime, and furnish recruits for our penal institutions. He may marvel further at the inconsistency of a social system that builds jails for the housing of thieves, and infirmaries for the tender care of degenerates who

are burdens to themselves and the community, while children of tender age are allowed to become prematurely aged in factory labor. But so long as sentiment is allowed to enter into the management of human affairs, just so long will society fail to protect itself from its own excreta in the most radical and effective manner possible, and just so long should it approximate the total elimination of social excreta as nearly as may be, by the prevention of their propagation, on the one hand, and by their permanent isolation, on the other.

IMPROVING THE CONDITIONS OF THE POOR

When any given social system has so far progressed that there is no such thing as slums within its environs, it will have done much to reduce its proportion of criminals. That our city slums breed criminals is a trite observation. Society is responsible for the evil environments of the poor. Every moral and physical plague-spot should be so cleaned and beautified that it is not only sanitary, but tends to stimulate its inhabitants to higher aspirations and cleaner habits. Morality and self-respect are not to be found where squalor, dirt, and poverty combine to drag human nature down into the mud and slime of criminality and prostitution. Self-respecting people are not to be found in the reeking slums of a metropolis. Let our great philanthropists who are now beating drums in the market-place, to call attention to the goodness and liberality displayed in the endowment of great libraries and universities, devote some of their money and energy to improving the conditions of the poor,—not only of the Lord's poor, but also of the devil's poor. Model tenements, in which the bath is a prominent feature, clubs for both boys and adults, free lectures, concerts, theatrical and educational entertainments, and clean streets and alleys would do much to eliminate the slum factor in the etiology of social disease. Free baths and gymnasia are superior to missionaries as civilizers of slums. The gospel of work, health, and cleanliness is more potent than preaching. These things, like the evergreen hills, are far away, but when our wealthy alleged philanthropists come to sincerely prefer "mansions in the skies" to the trumpet-blast

of public praise and newspaper exploitation of their benevolence, they may be brought within reach.

Books and periodicals given outright to such of the poor of the slums as can read will do more for them than free libraries, to which their access is more theoretic than real. The person who owns a good book cannot fail to be elevated by its possession. To argue that some persons in the slums cannot read is to make further accusation against society.

The workingmen's clubs of London are models that America might do well to imitate.[3] They embrace everything that tends to elevate the intellectual status of their members. It may seem strange to some who do not understand the craving of human nature for the things which are denied it, but these clubs have done better work since the sale of light wines and beer has been permitted in them. The workingman resented in a very natural fashion the discrimination against him and in favor of the aristocratic club man, and most persistently and contumaciously sought the forbidden fruit and—got drunk. Since he has been able to obtain stimulants at his club he has rarely abused the privilege.

Were our national, State, and municipal governments alive to their sociologic duties, there would be little need of private philanthropy in improving the conditions of the poor, and establishing institutions for the proper care of delinquent children, and properly conducted schools for non-delinquents. The taxpayer is yielding revenue enough, if honestly used, to permit of great advancement in this respect. Even if the present rate of taxation were really inadequate a little increase would not be felt and would be sufficient. Only a short time since, the national government was embarrassed by the accumulation of a greater surplus than permitted by law. This excess amounted to many millions, yet it was derived from internal revenue taxation alone. Not many months ago so much money in excess of the needs of our government was gleaned from war taxation that it was necessary to reduce the tax on beer to prevent an embarrassment

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[3] *Vide* English Social Movements, Robert Archey Woods.

of riches in the national treasury—and, incidentally, to conciliate the beer trust.

A larger share of the burdens of society should be borne by the plutocracy. There should be more legal assessments of the multi-millionaires—compulsory subscriptions, as it were—for the elevation of the Under World.

In passing, I wish to do honor to one American of wealth who is wisely philanthropic. Pawtucket, Rhode Island, now has a building given over entirely to "boys' clubs," the gift of Lyman B. Goff, who is one of the largest textile manufacturers in the United States. The main purpose of the clubs is reasonable recreation. There is a gymnasium, a swimming-pool, shower-baths, and game-rooms. Together with recreation, however, there is a certain amount of instruction. The instruments of instruction are manual training-rooms and a library.

A few other somewhat similar institutions are to be found throughout the country.

The various forms of governmental paternalism that have been suggested would, it is true, have their defects. A large revenue under the control of rotten politics would impair its usefulness, but, in the long-run, it would improve even our politics. Our office-holders would eventually be more often men, rather than politicians.

It is obvious that every measure that tends to improve the conditions of the homes of the poor is prophylactic of crime by refining the influences to which children are subjected.

It is not only the poor, who can not, but also some of the well-to-do, who will not, rear their children properly, who furnish recruits for the crime class. The poorest of homes is better usually than no home for the child, still it must be admitted that the home surroundings are often such as directly favor the evolution of criminal tendencies in children. A lack of supervision of their intimacies and friendships for the purpose of guarding against evil associations, failure to keep in touch with their habits, lack of discipline, encouragement of extravagance, and evil example under the parental roof,—all these are factors in the spoiling of juvenile character. Quarrels between the parents,

flagrant breaches of propriety, drunkenness, dishonesty, and conflicts among its elders are not calculated to make a child ethical. Oftentimes the child is taught to lie and steal by direct example at home, and this sort of teaching is by no means confined to the lower strata of society.

It is evident from the foregoing that a wise governmental paternalism would be that which would take the home conditions of children under its supervision.

The turbulence of the striker is not without effect upon his own as well as other children. A suggestive lesson was a recent disorderly strike among Chicago school-children, because of a grievance, real or fancied. It needs no great perspicacity to trace to its source the conduct of these children. A lack of parental control, and adult encouragement and example, both in and out of the home, must bear the responsibility. The strike fever and its attendant anarchy are now an integral part of our children's education that is certain to bear bitter fruitage.

One of the fallacies of modern thought is that innocence is necessarily a dangerous attribute of humanity. The proposition that "Innocence is ignorance" is the *oriflamme* of certain social reformers. Granting the truth of this proposition in its general application, there is still something to say in qualification. If innocence is ignorance, it is fair to assume that ignorance is sometimes innocence, and while ignorance is evil and the parent of evil, a little of the sort that constitutes innocence will not harm. It is well that children should know at least as much of the evil things of life as their safety demands, but some of our knowledge is unnecessary to most persons, and serves only to make life less beautiful. It is not necessary to wallow in the mud in order to appreciate the lotus blossom, the stalk of which grows deep down in the slime. It is enough to know that the slime is there. It is not necessary that children should become intimately acquainted with evil in order that they shall become wise. Much of the knowledge of the world that some adults possess would better have been unlearned.

The argument is often advanced: "But the child will be exposed to these things sooner or later, and he would better

become familiar with them now." I place this argument on the same plane that I do the theory of the old women—with and without trousers—who advocate exposing little children to scarlatina and measles because, forsooth, they are bound to contract these diseases sooner or later. Common sense should suggest that the child be preserved from exposure to contagion, in the knowledge that advancing age brings relative or complete immunity, and in the hope that exposure to infection may never occur. In the same way children should be protected from moral contagion during the age of greatest susceptibility. Children should be taught worldly things with great discretion during the period of psychic plasticity. Moral scars are lasting scars.

One of the most crying necessities of the poor is opportunity for communing with nature. The philanthropist who shall provide broad acres and forests, remote from the city, for summer outings for the children of the poor, will do a great work for humanity. Farms for the employment of juveniles, delinquent or non-delinquent, during a portion of the year would accomplish much. Even the children of the well-to-do in cities have little opportunity to get close to the bosom of nature. This is not as it should be. The free air of heaven, sunshine, trees, birds, flowers, and running brooks are worth as much in moral as in physical development.

JUVENILE MANAGEMENT AND REFORM

The key-note of the prevention and cure of crime is the proper education and management of children in general, and of delinquent children in particular. There is no question but that it is possible to prevent the majority of children who are not born imbeciles from becoming delinquent. Still less is it to be doubted that by far the larger proportion of those who become delinquent at an early age may be saved by proper moral, educational, and physical measures. That society is directly responsible for its criminals is easily proved if it can be shown (1) that a large proportion of criminals begin their careers at a tender age, and (2) that the criminality of these juveniles is the result of neglect on the part of society, on the one hand, and of the parents, upon the

other. The statistics of the Police Department of the city of Chicago are alone sufficient to prove the importance of the subject under consideration. In 1900 the total number of arrests of persons under sixteen years of age was 5460. In 1901 there were 4478. In 1902 there were 3785 under sixteen, and 9305 between sixteen and twenty, making a horrifying total of 13,090 under twenty years of age. The total number of children who committed criminal acts must have been several times the number arrested. A large number of those arrested would probably have been far better handled by parental authority than by the police. In many instances, doubtless, arrest followed the perpetration of some childish prank, and was a greater crime than the offence for which it was made. Most men can recall offences of their own that would have obtained for them similar treatment had they been detected. The decrease in arrests of juveniles during the past three years is gratifying. The conditions surrounding juvenile delinquents after their arrest are at present far better than they formerly were. Chicago was a pioneer in bettering these conditions. It was once the custom to send children who were convicted of crime to the Bridewell, where they were herded with adult criminals of all types, and received a more complete criminal education, which fitted them for a higher sphere in the world of crime than they had previously occupied, and made of them, in most instances, incurable criminals.

In 1899, the State Legislature of Illinois enacted a law to regulate the treatment and control of dependent, neglected, and delinquent children. It provided for the establishment of juvenile courts in counties having more than five hundred thousand inhabitants, such courts to be presided over by one of the Circuit Court judges. In Chicago the Circuit Court designated an eminent and humane jurist, Judge R. S. Tuthill, to act in this capacity, and one day of every week is devoted to the hearing and adjudication of juvenile cases.

The children coming within the operation of the law are those who for any reason are destitute, homeless, or abandoned, dependent upon the public for support, deprived of proper parental care or guardianship, who habitually beg or receive alms, or

whose homes, by reason of neglect, cruelty, or depravity on the part of parents or guardians, are unfit places for such children, and those under the age of ten years who are found begging, peddling or selling any article, or singing or playing any musical instrument, or who accompany or are used as the aids of any person so doing. Children who violate laws, who are incorrigible, or who are growing up in idleness and crime are placed in the delinquent class.

Any reputable resident of the county, knowing of a child who appears to be neglected, dependent, or delinquent, may file a petition with the clerk of the Juvenile Court, setting forth the facts, verified by affidavits. A summons is then issued, requiring the person or persons having charge of the child in question to appear with the child in court at a stated time, and the relative or relatives of the child, if there are any, are also notified, and a hearing is had, after which the court summarily disposes of the case according to the circumstances. The act provides for the appointment of probation officers, into whose custody delinquent children may be placed, or may be directed to visit the homes of the children to inquire into their behavior. The court may also cause a child to be placed in a desirable family home, subject to the friendly supervision and further order of the court; or the court may authorize the child to be boarded out in some suitable home, in case provision is made by voluntary contribution or otherwise for the payment of the board of such child until proper provision may be made for a permanent home without the payment of board. The court is further empowered to commit a delinquent child, if a boy, to any institution within the county incorporated under the laws of the State that may care for such children, or to a training school for boys; if a girl, to an industrial school for girls, and if more than ten years of age, to the State home for juvenile offenders. Such child may be discharged whenever, in the opinion of the court, reformation is complete.

Children under the age of sixteen years arrested by the police may, instead of being taken directly before a justice of the peace or a police magistrate, be taken directly into the juvenile court; or, if the child is taken before a justice, it shall be the duty of

such magistrate to transfer the case to the Juvenile Court, where the case may be heard without petition.

In any case where the court finds that the parents are able to support their neglected child or children, it may compel them to do so. Children under twelve years cannot be committed to jail or to a police station, but must be kept in some suitable place provided by the county or city outside of the inclosure of a jail or police station. It is also unlawful to confine children in the same building with adult convicts. Outside of Cook County there is no suitable provision for delinquents, and even here the system is far from adequate or complete.

A large State institution—a home for delinquent boys—is planned to be built at St. Charles, Illinois, on approved criminologic lines. If this is done, and the home taken out of politics and placed in the hands of competent scientific men, it can readily be made a model. It will fill the long-felt want of caring for boys who are bad, but non-criminal, and making useful citizens of them. If conducted along industrial lines, as is proposed, its success and usefulness are assured.

It is noticeable that such improvement as has been made in the management of the juvenile crime class has been largely in the direction of measures to be applied after the child has committed some overt act and been arrested. State paternalism is not yet developed so far as to permit of a sufficiently careful supervision of children in general. The healthy child of poor parents, the healthy child of criminal parents, and the diseased or degenerate child whose surroundings are unfavorable for its physical and intellectual development are still allowed to be exposed to vicissitudes and temptations which are prime factors in the evolution of criminality and prostitution. Private and public philanthropy alike are wasting millions of money in trying to improve social conditions by working at the top. There is too much "higher education," and not enough training of the proper kind at the bottom of the ladder. I would not claim that the immense amount of money spent in sectarian universities, foreign missions, and public libraries is barren of results, but the same amount of money expended for the supervision and education of

children, and especially for the amelioration of conditions surrounding the class from which criminals spring, would achieve results tenfold more valuable to humanity. The proper management and education of children would involve an expenditure of money that would seem large at first, but the investment would pay large returns, for, before many generations had elapsed, society would discover that the prevention of degeneracy in general, and crime in particular, would be far more economic than its cure.

In general, the tough boy and girl, from whom thieves and prostitutes are bred, are the product of the slums. As already remarked, if society were alive to its own interests, there would be no slums.

Expensive jails and legal machinery appear to go hand in hand with a deficiency in number and defectiveness of quality of educational institutions for children. The very foundation of society is the public school system. The grammar school, especially, is the bulwark of society. Here the future citizen is moulded. Money judiciously expended in the betterment and extension of the public school system achieves results tenfold greater than that expended upon institutions devoted to the so-called higher education. The public school is, in the long run, the guardian of the public purse and public morals. As at present conducted, the greater part of its opportunities is lost because of faulty methods of instruction and a lack of proper proportions between physical and mental training.

The children in our public schools lack instruction in thought methods, chiefly because the instructors themselves have never been taught to think. No study is made of the individual mentality of children, and more attention is paid to a diversity of curriculum than to physiologic brain building and thoroughness in educational groundwork. The child who has gone over the prescribed course of study and received suitable marks is regarded as having acquired a certain amount of knowledge, the result being that by the time graduation day arrives, the children in the higher grades have usually forgotten most of what has been learned in the lower. Children who have received a smattering

of a number of useful things, and of some useless fads, leave the school with a defective thinking apparatus and almost total ignorance of geography and other essentials, and must perforce be consoled by a superficial knowledge of educational frills and furbelows. This would not be so bad, were it not that the golden opportunity for brain development and thought training has been forever lost in a majority of cases, the child being compelled to at once bid farewell to school-days and go to work to earn a living.

The most woful feature of all educational institutions, both public and private, is the lack of individual discrimination and selective instruction. A careful study of the individual pupil is rarely made, and such attempts as are made in this direction are often frustrated by the incapacity of the teacher, who rarely knows more than the rudiments of child study in general, and of child psychology in particular.

It is singular that teachers cannot be brought to understand that the inculcation of thought method and the development of reasoning in the child should be the end and aim of the training of children. A single study, progressively mastered, simultaneously with the growth of the child's reasoning and powers of observation, is of more value than a whole curriculum studied for the purpose of bringing the child's alleged knowledge up to the graduation standard. Less pains should be taken to teach a child to "know," and more to teach it to think.

Perhaps the greatest defect of our educational system is the ignorance of teachers of the fact that brain development is the chief function of education of childhood and youth. Teachers not only fail to recognize this objective-point of study method, but they also seem to be unaware of the physiologic truth that the special senses are not the only avenues through which to develop and mould the brain. That a harmonious balance between physical and mental training is necessary to healthy brain growth is a *terra incognita* to the vast majority of educators. Improper training of children makes defective brains. With such materials, the development of normal psychic inhibitions and altruistic impulses is difficult—often impossible. Badly developed, ill-nourished brains are not favorable soil for the development of a

healthy moral sense and thought capacity. The old adage of *mens sana in corpore sano* is nowhere so applicable as in the study and treatment of degeneracy and its fell brood of social diseases.

A broad line of distinction should be drawn between delinquents and non-delinquents in our public schools. These institutions should not be made to bear responsibilities that should properly devolve upon reformatories. Incorrigibly bad children should be kept out of our schools altogether. They spread moral contagion and bad physical habits, from which well-behaved children should be protected. A single tough boy or girl may corrupt an entire school. The minds of children are plastic, and respond only too readily to evil influences.

PHYSICAL TRAINING

The brain is a motor as well as a thought organ. Mental training is admitted by all to develop the brain, but the potency of physical training in the same direction is not generally understood, hence educators follow the fatuous method of brain building through the special senses alone.

Disuse of a limb produces atrophy of the motor centre that controls it. Conversely, use of the muscle, as has been stated in an earlier chapter, improves brain nutrition, not only in the motor areas immediately concerned, but of the organ as a whole. In this improvement of nutrition the frontal lobes participate. If, simultaneously with the improvement in brain nutrition, efforts be made in the direction of mind building, the results are certain to be immeasurably better than where mental training alone is relied upon. When the muscle movements involved in physical training are such as require skill, alertness, judgment of distance, quickness of eye and thought, the results are always better, for muscle building and mind building are here coincidental.

Proper physical training should be as much a part of the education of children as any form of mental instruction. Children should be taught physical ideals. The ancient Greeks were wiser than we, for with the highest possible standards of intellectual development they made the " body-beautiful" an object of

adoration. A somewhat similar spirit should be infused into the minds of the children of the present day. The body-beautiful and the body-healthy should be made part of the end and aim of culture. The effect of physical training upon the *morale,* not only of children, but of adults, is marvellous. Increased intellectual power and pride of being, and the consciousness of ability to do, that physical vigor imparts, are all-sufficient rewards for the wise care and training of the body.

No school that does not possess facilities for the proper physical training of its pupils is worthy of a place among modern educational institutions; yet where are the public schools that can qualify in this respect? The department of physical culture in schools should be an appendage of a general department of hygienic instruction that should also embrace rudimentary anatomy and physiology. These various branches of instruction, aiming as they do to teach the pupil to know and care for himself, should not be regarded as fads, but as the very corner-stone of education.

Hygienic and physical training methods have been fairly tested in the treatment of criminals,[4] with results that are most convincing. That the first step in inculcating self-respect in the criminal should be to improve his physical condition and make him clean has been proved beyond peradventure of doubt. Dirty, slouchy, shambling degenerates have been thereby transformed into at least a semblance of normal social beings, even in the case of adults, and we are justified in expecting still greater things of degenerate, delinquent children. If we would have the laws respected, the individuals from whom such respect is demanded must be put upon a physical and mental plane that shall enable them to understand why it is demanded. First of all, they must be given reason for self-respect. The man who does not respect himself, must of necessity be an antisocial being—one who has no respect for anything or anybody. The physical and mental defective has neither motive nor capacity for self-

[4] *Vide* the various Reports of the State Reformatory of Elmira, New York.

respect. He is often so uncleanly in person and habits that to expect him to have social instincts is a mockery.

In expatiating upon the advantages of physical training, I am by no means extolling the worship of muscle. The tendency of human nature is to glorify the extremes of intellectual and physical development. The popular standard of intellectuality is the degenerate genius, while the physical standard is the muscular freak. The advantages of harmonious physical and intellectual development are not well understood. It is not wise to lay physical man as a burnt-offering on the altar of genius, nor to sacrifice intellectual culture to physical development. Neither the extraordinary genius nor the physical phenomenon are such potent factors in our social system as hero-worshippers would have us believe. It is the well-balanced man and woman who furnish the power that moves the world. The crank genius is, after all, but an incident in the machinery.

The acquirement of the happy medium between intellectual and physical development would do much to stamp out degeneracy, and, far more than the transitory flight of genius across society's horizon, would raise the average of intellectual capacity of the human race. The attempt to attain either the physical or intellectual ideal, as ordinarily measured, can bring only disaster —intellectual death on the one hand, and physical death on the other.

Both the physical and intellectual average of the human race might be raised to a plane approximating the physiologic ideal, if man would but apply the same common-sense rules to the breeding of human beings that he does to that of the lower animals.

Under present conditions there must be a large proportion of weaklings, both intellectual and physical. A more intelligent treatment of these weaklings will, however, do much towards the prevention of disease, pauperism, and crime. More attention should be paid to the bodies of the weaklings in our social system, as a direct prophylactic against evils in the correction of which vast sums are yearly expended. Degeneracy and its attendant evils must be regarded, primarily, from a strictly physical and economic point of view, if we would hope to accom-

plish anything in the way of prevention or cure of social disease. When our social system expends in giving clean, healthy bodies to the individuals composing it, and especially to young and growing children, at least as much as it does on correctionary and curative institutions, the expense of the complicated machinery of our legal, hospital, penal, and asylum systems will be enormously reduced.

That physical training and the simplest rules of hygiene have been neglected in prisons and reformatories is known to every physicians familiar with such institutions. Von Ziemssen says,[5] "The effects of lack of fresh air and sufficient out-door exercise can be best studied in prisons, asylums, and similar institutions. Tuberculosis has ever been the scourge of prisons."

To expect good morals from persons to whom we refuse the conditions that conduce to good health is absurd.

There are many exercises, for both the young and adults, that combine the elements of play and physical training. The element of play should always enter into physical training so far as possible. When physical training becomes drudgery, without apparent object, the subject regards it as a useless variety of slavery. Exercises in the open air are, of course, best, but they are not always practicable.

Boxing, fencing, and hand-ball are ideal forms of in-door exercise. These sports increase self-confidence, impart a wholesome respect for the rights of others, train the eye, develop judgment, increase muscle command and equipoise, improve the carriage, and develop the faculty of estimating distance. The reflex function of the spinal cord is at the same time so improved that the subject may escape serious injury, sooner or later, merely from the superb reflex automatic action of the voluntary muscles that such training imparts. A properly trained muscle is always on guard against physical emergencies.

The tedium of exercise is relieved by music. In class exercises nothing is more inspiring. Both children and adults can

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[5] Etiology, Diagnosis, and Therapy of Tuberculosis, Translation by Dr. D. J. Doherty.

be handled better in class-work to the tune and time of a piano played with due intelligence as to the object to be accomplished. In correctionary institutions this is especially true. I will remark incidentally that the effect of music in general upon degenerates is excellent. Such emotional stimulation as is possible to them from music tends decidedly to improvement in their *morale*. This is well known as regards the insane, but is by no means appreciated in its bearing upon other degenerates. It may really be regarded as one of our remedial resources in institution work.

No form of physical training is rational that does not take into careful consideration the individual capacity of the subject with whom it deals. In passing, I desire to express my unqualified disapproval of the measurement standard of individual capacity. The comparative measurements of individuals are fallacious standards by which to prescribe forms of exercise. That an individual of a given height and weight should present certain proportionate measurements of the neck, chest, forearm, arm, thigh, and calf is to me the height of absurdity. It might as well be argued that an individual with a certain size of cranium should be the possessor of a nose or ears of certain definite proportions, or that an individual of a given height and weight should have hands and feet of a certain size. This rule will do very well in art, but it is rank fallacy in physiologic training.

Chest measurements are particularly fallacious as determining chest capacity and the proper size of chest relative to the general measurements of a given individual. Much depends upon the conformation of the chest as to the relative degree of lung capacity and the proportionate measurements relative to the rest of the body. The relative strength of the chest walls and degree of elasticity of the lung tissue itself are factors to be reckoned with, independently of the chest measurements. There is something amusing in the competitive spirometer tests of the lungs in different subjects. There are certain individuals who, according to tape measurements, have enormous chest capacity, yet show up very unfavorably when compared with certain narrow-chested, spindling individuals, so far as the spirometer test is concerned. That the spirometer test is fallacious I freely

admit, still it is of value in making comparisons in this particular direction.

The first step in any given case should be to determine as nearly as possible the inherent individual muscular capacity. No effort should be made to develop the subject so that his proportionate measurements will correspond with even an average arbitrary standard. If the subject has a long, narrow chest, narrow shoulders, and small bones, with naturally small muscular development, any attempt to develop proportionate measurements to correspond with a given standard will result in disaster. In brief, the end and aim of physical training is to develop the natural physical capital of the individual to its highest degree. An attempt should be made to get out of each subject the best that is in him, not to build up muscle or give strength beyond his inherent capacity. The standards for A and B may vary widely.

Specialism in muscle building is justifiable only in so far as it tends to bring up any given portion of the body to the relative —*i.e.*, the symmetric—proportions normal to the particular individual.

The fundamental principle of all forms of physical training should be the development of volitional control over the muscles. Brain-cell should dominate muscle-fibre. The more thoroughly the muscles are under control, the better their development, and the more useful the individual is likely to be, to both himself and society.

It should be the function of our educational system to bring brain and muscle up to the highest and most useful standard possible to the given individual. That psychic control and muscle development are coequivalents, and that a healthy muscular system means, as a rule, healthy viscera, should never be forgotten. Still less should it be forgotten that good health and good morals are likely to go hand in hand.

Military discipline should be a part of the training of children, delinquent and non-delinquent. It should also be a feature in the reformation of the adult criminal. From the stand-point of physical training it is excellent. It imparts pride of bearing,

dignity, and intelligent submission to authority, and improves the *morale* in general, to a degree that only the experienced can fully appreciate. Whatever may be said of war as a blot upon civilization, the military drill that is considered an essential part of the art of war is a method of training that gives superb disciplinary results. Reformatory institutions patterned to a certain degree after some of our military schools would work wonders. Such institutions, associated with training-ships under State or government control, would solve the problem of what to do to make decent men of a large proportion of delinquent lads, and would save some non-delinquents from crime. Delinquents and non-delinquents should, of course, be kept apart.

How many parents of boys who chafe under, or completely rebel against, parental and school control have asked the question, "What can I do to save him, and make a useful man of him?" And who at present can advise such parents?

If our government were wise in its generation and did its full duty towards children, there would be no dearth of trained men to meet emergencies which, however abhorrent the idea of war may be, are liable to arise at any time, as conditions now are. Military training-schools would be very useful factors in the management of adult offenders, providing the necessary industrial training were added. The value of military discipline has been conclusively shown at the Elmira Reformatory.

MANUAL AND INDUSTRIAL TRAINING

A glimmer of light is beginning to dawn upon the educational horizon. A few broad-minded pioneers are teaching that our educational methods are radically wrong, so far, at least, as the training of children is concerned. In the long run, labor is the most potent factor in our social system. The man who can produce something useful, to himself or to humanity, outside of the realm of letters and the arts, is the backbone of civilization. The man who honestly earns his bread by the sweat of his brow or the cunning of his hands is the uncrowned king of the earth. He has, however, been looked upon askance by many of the youth of our land for some generations. We have drifted away from the

simplicity and industry of our forefathers. The sons and daughters of the toiler have acquired just enough of learning and ambition to make them despise honest labor. In the eyes of the latter-day youth there is something undignified in the handling of the broom, something degrading in the screech of the carpenter's plane, something vulgar in the dust and soot that begrime the brow of the man at the engine's lever, something discreditable about the blue overalls of the man who " does things." This sentiment is filling, and while it endures will continue to fill, our jails, almshouses, hospitals, asylums, and reformatories.

Children should be taught that idleness is not only a vice, but the parent of all vices and crimes. Idleness should be penalized. The physically capable man or woman who is not a producer and has no legitimate means of support is a burden upon society that cannot justly demand toleration. The mendicant and the thief are alike poisonous fungi upon the body social. The idler who can work, but will not, like the thief, should be eliminated. The human organism, like all others, when it becomes parasitic, merely eats and reproduces. All the higher attributes disappear.

Ease of subsistence leads to degeneracy as surely as does the opposite extreme. Just as the European aristocracy, bred to sloth and idleness, has degenerated, so will the American plutocracy. Worst of all, the poisonous taint of the plutocratic degenerate will contaminate our entire social system. Caste does not wall him off, as it does the aristocrat of Europe. His example is pernicious to the children of the American proletariat, who may aspire to at least the habits of the plutocrat. Our democracy guarantees him this privilege.

There should be no room for the idler, rich or poor, least of all for him whose father's speculations or business energy have made independent of necessity. Every idler should be weighed in the same balance. The matinee " masher" and the " knight of the dusty road" should be placed upon the same level in the eyes of the law, and both be put to work. There should be no distinction between dudes and tramps. Society's war-cry should be, " Down with the drones!"

Manual labor should be dignified, not degraded. The child should be taught the dignity and necessity of labor as soon as he is out of his swaddling clothes, and he should never be permitted to lose sight of the fact that his chief aim in life is such industry as will make him useful to the world.

Pity 'tis that society is daily drifting further and further from the ideal. The educational reformer along industrial and manual training lines is as yet but a drop in the sea of progress. He is doing the best he can to leaven society's loaf of ignorance, but he has but barely succeeded in making his voice heard in the wilderness. As conditions now are, the "genteel" occupations and professions are overdone, and all clerical positions are overcrowded. The men who have useful trades or are mechanicians and the women who can and will do housework will be the kings and queens of the society of the future. Those who know how to do something useful and are not ashamed to do it are bound to dominate eventually, for they are the true independents. The plutocrat and the "would be," with the lily-white palms, will one day rank as did the aristocrats of France during the Revolution. The same treatment may not be accorded them, but they will be compelled to render an accounting just the same.

The sooner our children understand that our entire social system is primarily supported by the broad, calloused, brown palm of the hard-working farmer, the better. Having learned this, they should be taught to respect that which alone makes civilized human life possible—work with the hands. Genteel overwork and under-pay, a living wage with extravagant habits, modest means joined to foolish ambitions,—these are the things that lead to prostitution, pauperism, and crime. The underpaid or extravagant clerk and the unsuccessful lawyer or doctor alike furnish their quota of candidates for the Under World.

It has been said that the boy who scorns his father's hod or engine and the girl who loathes her mother's wash-tub are striving for higher ideals. Perhaps, but it must be remembered that honest labor and the inspiration and gratification of true higher ideals are not incompatible,—not so long as good books are as cheap as they now are.

The industrial and manual training school is slowly but surely gaining ground, and it is to be hoped that the sturdy pioneers who have fought so nobly to direct our educational trend into rational channels may live to see the general dissemination of such institutions throughout the land.

That industrial and manual training schools for delinquent and dependent children are indispensable is not likely to be disputed by any one who is in the least degree familiar with the subject. As a model institution, that founded for negroes by Booker T. Washington, at Tuskegee, cannot be excelled. At this institute there are such departments as agriculture, forestry, carpentry, chemistry, millinery, dress-making, cabinet-making, domestic science, and even nursing.

The object of training of youth, whether delinquent or non-delinquent, should be to teach the brain to think and the hands to act. In all institutions for youth, and more particularly in those devoted to the reformation of juvenile offenders, especial pains should be taken to discover individual capacity. The ideal institution will be that which shall combine physical and military training with industrial and manual education and the essentials of book-learning.

Young dependents, and more especially delinquents, should be regarded as wards of the State until they have attained a degree of physical and mental development which shall enable them to sustain themselves respectably. State control, having begun before the child enters the school, should not cease when it leaves the institution; the graduate should be kept under kindly surveillance until such time as he proved the wisdom of allowing him to become a free and independent social factor.

What has been said regarding the education of juvenile delinquents applies with equal force to the adult criminal, although, unhappily, we cannot hope for results equal to those to be obtained in the training of juvenile offenders. A Scotchman once said that a wife was hard to train, unless she was "caught young." This might be applied to the criminal. In order to accomplish the best results he must be caught young. But even

the case of the adult is not always hopeless if the training be conducted along rational lines.

Success in the training of the grown-up criminal is inversely to the degree in which the theory of reformation by punishment is allowed to dominate. Our past record has a pessimistic flavor, because of the many defects of our system. It is as yet too early to say just what we can do along rational lines; the era of criminologic reform is but just dawning. So far as experience has gone, the situation is hopeful beyond the wildest dreams of all of the past and of the majority of the present generation of moral reformers and penologists.

It is still the custom to try to reform the convict by, first, punishment; secondly, moral and religious persuasion; thirdly, and lastly, teaching him part of a trade that is as useless to him as a knowledge of Sanskrit would be to the average man.

The adult criminal usually needs educational training of all kinds. Moral training is a *sine qua non,* but, first of all, he needs to be put in a physical condition that will make him receptive, if it be possible to accomplish it. More than all, he needs to be taught the gospel of work, not as a slave might be taught under the whip, but as something that will add dignity and responsibility to his life, and put him beyond the necessity of crime.

That labor can be made a valuable element in the cure of criminality goes without the saying, but as work is conducted in most prisons it is not only a failure, but makes the convict rebellious against work in general, and the form he is employed at in particular. Work thus comes to be regarded by him as a part of the general malevolent scheme by virtue of which society stamps its foot upon his neck. To allow convicts to remain idle would be a wrong and, as experience has proved, would be disastrous to them, mentally and physically. Should they cease to work, insanity especially would be enormously increased among them. I hold, however, that work in the profits of which the convict does not participate is as antisocial on the average as the crime for which he was committed. The convict can be taught the social obligation to work and the sweets of labor—a new idea this is to him—only by allowing him to share in its fruits. Every

convict should be compelled to earn his sustenance, but every dollar over and above the cost of his keep should be his. He should not be permitted to cost the State one penny; even the costs of his trial and transportation should be charged up to him; but anything that he may earn above his just obligation to the State should be credited to him. By the time they were discharged, many criminals would thereby have acquired capital sufficient to enable them to get a fresh start in life, and on an honest basis.

That prison labor is the bogey man of organized labor I am well aware, but the honest workman is not always logical. Every man is entitled to self-support by honest work; indeed, he is in duty bound to so support himself. The refusal or inability of the criminal to exercise this right is primarily responsible for his being in jail. When at liberty, he is a burden on the tax-payer. Shall the burden on the latter be perpetuated when the criminal is safely lodged in jail? Prison labor should be permitted to compete in the open market with other labor, but on a fair basis. The convict must bear his share of society's burdens, and should have his due in the matter of the profits of his labor, but should not be allowed to become a factor in underselling honest labor. The practice of farming out convict labor on "skin" contracts is a heinous crime. The prison camps of the United States are a disgrace to humanity. Nobody should ever be permitted to make money out of wards of the State. Were the contractors for prison labor to pay regular wages, which, after deducting the cost of his keep, would be deposited to the credit of the convict, exception could hardly be taken to it, always providing the labor was such as should be useful to the prisoner in private life.

In assigning convicts to a given kind of labor, an attempt should be made, so far as possible, to ascertain his individual bent as well as his physical capacity.

The opportunities that this country presents for the utilization of convict labor are immense. The country is yearning for good public roads, that shall enable a wheelman or an automobilist to traverse the length and breadth of the land as upon a boulevard; we need a great inland waterway and military roads; our rivers and harbors need improvements; the great

Mississippi needs better levees; thousands upon thousands of acres of Western land are thirsting for a draught of the life-giving water that shall transform our deserts into gardens; there is, indeed, no lack of opportunities whereby to make our army of idlers and criminals self-supporting.

When once a convict has been discharged from prison, the heaviest penalties should be inflicted upon any person or persons who shall place obstacles in the way of his getting an honest living. Such persons should be logically treated as accessories to crime. The man who shall discharge or aid and abet the discharge from employment of a person because of his criminal record should be made to feel that the milk of human kindness is less expensive than man's inhumanity to man.

PUNISHMENT

Punishment as a specific for crime is a failure. Punishment has not prevented increase of crime, as statistics show; this, with the admission that the criminal himself may regard as punishment rational measures for his redemption or for the protection of society, which an enlightened intelligence would not prescribe for punitive, but for curative, purposes, and with the further qualification that punishment of some kind and degree is indispensable in the prevention of crime in general, and in the management of the criminal in particular.

The theory of punishment had its birth in that innate savagery of the human race which, however it may have been blunted and glossed over with the veneer of advancing civilization, still exists. Its fires are concealed from view, but they are smouldering just the same, and when given the smallest vent break forth in all their primal fury. The Mosaic law of "an eye for an eye; a tooth for a tooth," was but the verbal crystallization of individual revenge into social revenge. Like most of man's inhumanity to his kind, barbarities of social revenge have been supported by scriptural authority; hence their appearance in various social systems is not to be wondered at.

The crucifix, the Inquisition, the Hulks of the Thames, the stocks, the whipping-post, the guillotine and galleys of France,

the Siberian steppes and the Russian knout, the prison camps of the South, the stench of scorching human flesh that rises from the lynchers' fire, and the ghastly thing that swings from the gallows tree, have alike borne witness to the savagery of man and the revengefulness of society.

The acme of cruelty of man to his kind was attained in the darksome days when church and state joined hands, dipped them in human blood and human tears, and listened to the agonized shrieks of tortured human beings as to ravishing music. The record of the "Holy" Spanish Inquisition is the darkest stain on the pages of human history. It was so monstrous a thing that only the mind of him who knows human nature for what it really is can think of it as something that once had reality. For acts now considered innocent men were put to nameless torture. For expressions of religious faith and politics men were nailed to floors, slashed with knives, and their wounds filled with vinegar and hot pitch. Their bones were broken with iron bars; they were then doubled backward and placed on a wheel and slowly crushed to death, to be finally quartered and scattered to the four winds. Men were spiked to platforms in the open air, their eyelids cut off and the naked eyeballs exposed to the noonday sun. They were then tortured with spikes, blazing oil, and knives.

Horses were hitched to some unfortunates' arms and legs to pull them apart, after their bones had been broken and their eyes cut out, while women—the prototypes of some modern humanitarians—cried out in horror against the officials for whipping the poor horses that had failed to sever the tendons of the dying victims at the first trial. Others were tortured with indescribable atrocity, then smeared with sweet syrup and bandaged into narrow, coffin-like boxes, full of holes, which were placed on the ground in the open air. Insects swarmed in and filled the victim with eggs, and in a day or two the vermin hatched out and began eating him alive.

Among the tortures of the Inquisition was the original water punishment, thus described by Wines:[6]

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[6] Op. cit.

"The prisoner's body was extended at full length upon a frame so constructed as to bend slightly backward and elevate the feet above the head. The face was covered with a cloth, kept wet by constantly-falling drops of water, which had to be swallowed in order to prevent suffocation. At the same time the cords by which the victim was bound were constantly drawn tighter by a tourniquet, so as to cut into the flesh until it bled."

And all this was approved by church and state, and by men great in the politics of the day.

Napoleon, nearly one hundred years ago, ordered the Inquisition destroyed. The existence of the subterranean torture chambers was denied, and the soldiers could not find them until the marble floors of the grand palaces were flooded with water. The subtle fluid found entrance to the openings. Prodding bayonets found the secret springs to the locks, and down in darkness and filth, from dungeons beneath the gilded chambers of prelates and courts of law, prisoners were dragged out, their manacles encrusted with vermin,—some of the prisoners dead, some dying, some pitiful maniacs.

The Inquisition had lasted for over three hundred years, during which its victims numbered 341,021, of whom 31,912 were burned alive,[7]—a record of iniquities for which an eternity of hell would scarce be enough to give him who instituted it—that homicidal maniac, Torquemada—a sufficiently large dose of his own medicine.

It is not flattering to humanity to think that the Inquisition was destroyed, not because the world revolted against it, but merely because Napoleon was jealous of its powers,—and that so recently as 1808. Still less flattering is the thought that the reaction against barbarity in the treatment of criminals is of such recent date that it is not yet general, and prisoners are to-day being abused worse than dogs. It is but a few days since the Georgia State Legislature was compelled to pass a law prohibiting the flogging of women convicts. And this, I believe, is A.D. 1904!

[7] F. H. Wines, op. cit.

Not much more than three decades ago the jail at Fort Smith, Arkansas,—a Federal prison, by the way,—was almost as bad as the Black Hole of Calcutta. At one time a member of the grand jury threatened to expose its horrors, and procured some of the maggoty meat and bread with which the prisoners were fed, threatening to send it on to Washington as evidence. Through the efforts of the presiding judge he was dissuaded from it.[8] The evil conditions prevailed for many years. Possibly the resulting moral impression on criminals was salutary, for with them, Fort Smith and hell were synonymous.

And it is not only by the infliction of physical barbarities that society is still committing crimes against criminals. The environments in which the criminal is often placed after he is caught serve merely to degrade him. A sailor who had seen much of primitive races once said, "I have never had any trouble with natives. I find that the way to inspire true manliness in a man is to treat him like a man, and thus inspire self-respect."[9] Our prison authorities might learn something from the foregoing. Especially might they learn that ward heelers, roughs, bullies, and ignorant political "bums," who are tougher than the prisoners they guard, should never be placed in authority over men whom it is desired to uplift. For ages society has busied itself in preventing the criminal from ever forgetting that he is a criminal, in or out of jail. Unnecessarily harsh discipline has been a part of the machinery that has impressed his position upon him. The distinctive dress and the closely cropped hair—which, of course, have their advantages in case of an escape—are of the same kidney as the red hot iron, with which France was once wont to ornament the shoulders of her convicts. We have not had the *fleur de lis,* but there are more ways than one of branding the under dog for life.

The failure of punishment in the cure of criminality is easy to explain; it has been directed at the crime and not at the criminal. We laugh at the operatic Mikado's sublime object of

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[8] Hell on the Border, S. W. Harmon.

[9] The Cruise of the Cachelot, Frank T. Bullen.

making " the punishment fit the crime," yet this is precisely what our system of penology has always essayed to do. Punishment has ever been meted out according to the magnitude of the crime; which magnitude has varied with the notions and sympathies of the judge and jury, the eloquence of the conflicting lawyers, and the pull of the prisoner, with an occasional dash of bribery thrown in. Over all hangs that fickle thing, public sentiment, or such editorial comments as the newspapers choose to label public sentiment.

The endorsement of ecclesiastic authority has not been wanting to uphold barbarities of punishment. An archbishop of the Church of England wrote: [10]

" Even this person [a convict in a penal colony] entertained hopes of improvement in his condition, which should be excluded from a good penal system."

The reverend humanitarian further said:

" Punishment is not only not severe enough, but there is not enough of it inflicted."

His commentator wrote:

" By my soul's hope of rest,
I'd rather have been born, ere man was blest
With the pure dawn of revelation's light;
Yea; rather plunge me back in Pagan night,
And take my chance with Socrates for bliss,
Than be a Christian of a faith like this."

The advocates of extremes of punishment have labored chiefly with mouth and pen; they have given little serious study to the crime problem. That " crime thrives on severe penalties" should have been sufficiently plain, but no amount of experience suffices to shed light upon fat wits; still less is it possible to illumine the souls of bigots, and of those whose ideas of the treatment of

[10] Old Bailey Experiences, Anonymous, London, 1833.

criminals are but a reflex of their own innate savagery and brutality.

As an illustration of magisterial stupidity, and a by no means exceptional example, the remarks made by an English magistrate some years ago are very pertinent. In sentencing a young boy, this learned gentleman, with a sagacity and acumen worthy of some of the breed at the present day, said:

> "Prisoner, what can we do with you? We have done everything to reclaim you. We have imprisoned you over and over again, and given you frequent floggings. Yet all is of no use. The sentence of the court is that you be transported for seven years." [11]

And the boy was thus enabled to escape that magistrate and his ilk for a while, giving him the only possible chance he had ever had to improve, for Van Dieman's Land, bad as it was, must have been an improvement over any previous attempts at his reform.

The attitude of the magistrate in question was merely the idea that has always dominated criminal jurisprudence.

It seems singular that barbarities of punishment should have prevailed so long. The most superficial observer should have seen its fallacy. There has been no lack of protest against it by reflective and observant minds. Nearly three-quarters of a century ago a student of the subject said, "It is impossible for those who are strangers to these beings to know the contempt that prisoners, both men and boys, generally, have for corporeal punishment." It seems that, in English prisons, the convicts welcomed a flogging as a substitute for other forms of punishment, and considered him lucky who should be flogged instead of being submitted to confinement. Indeed, they often boasted of the whippings they had suffered, as of something aggrandizing in the eyes of their fellows.

With regard to brutality in the treatment of criminals in general, it may be fairly said that the man who presumes to abuse or degrade a criminal, simply because he is a criminal and

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[11] Old Bailey Experiences.

helpless, thus attempting to place him upon a level with dumb brutes, assumes a fearful responsibility, social and moral. The criminal pays his debt in full measure of vengeance, sooner or later, but, unfortunately, it is rarely the perpetrator of the brutality who suffers. Occasionally, however, an immediate revolt occurs, and a brutal keeper is killed, or the victim of the brutality himself dies by his own hand rather than live in an atmosphere of abuse and humiliation. The more humanizing the influences brought to bear upon the imprisoned criminal, the better for society. Brutality degrades and brutalizes both the perpetrator and his victim. The latter becomes more antagonistic to society and its laws than ever; he becomes embittered and wreaks his vengeance, if not upon the one who has individually wronged him, upon society, which his brutal keeper represents.

One of the most vital flaws in the application of severe punishment to the cure of crime is the fact that the typic criminal, who sees no disgrace in it, and is relatively anesthetic to it, is the one who gets the brutal treatment, while the genteel occasional, who might perhaps be improved by a little physical discomfort, is rarely prescribed for in that manner.

In some instances injustice to the mass of prisoners in a penitentiary is wrought through purchased favoritism shown to the chosen few. Prisoners are very resentful of favoritism. That it exists every prison official and every convict knows.

Were it not for the occasional criminal, and the latent murderous instincts of even non-criminal man, the cure of crime would be a much simpler matter, and we could formulate a general rule for the cure of crime, which would indeed make moral and physical hospitals of our jails and reformatories.

What place, then, has punishment in the treatment of crime? In so far as it is deterrent of individual acts of criminality and of certain special forms of crime, it is valuable because of its psychic effect on the occasional criminal. The fear and shame of punishment unquestionably have a deterrent effect upon the criminal impulses of normal man, and of abnormal man so far as his brain is receptive of such influences, which is obviously to a limited extent. The restriction of liberty, or worse, and the

possible publicity of his criminal acts, unquestionably have a restraining influence in individual cases, despite the fact that criminal statistics are growing worse rather than better. There can be no question whatever that murderers would be more frequent if there were no penalty attached to it; nor that theft would be more frequent were there no danger involved. This fact, however, does not prove the wisdom of the punishment theory of reform nor justify brutality in the treatment of convicts; neither, in my opinion, does it excuse capital punishment.

The more advanced penologists have discovered that the hope-of-reward principle is of value in reformation. The attempt to demonstrate to the prisoner that right thinking and right acting are profitable to himself is meeting with great success wherever it is applied.

Punishment of misconduct among criminals in a penal institution should be balanced by a system of rewards, and consist so far as possible in withholding or deprivation of those rewards. A system that prescribes discomforts for evil actions, yet holds out no inducements for proper conduct, is a failure "from the grass roots."

Some forms of punishment may be effective in developing good conduct, during his stay in prison at least, in the least promising of criminals. Even in the insane, and among epileptics, who are given to fits of violence, the fear of loss of privileges through incurring managerial displeasure often serves as a check on evil propensities.

The doctrine of punishment as a specific for the cure of crime being wrong in theory, and, in general, a failure in practice, so far as making any perceptible impression on the sum total of crime is concerned, and especially so as regards preventing its increase, it is obvious that remedies for crime must be based upon principles much broader than those of the punitive theory. The only working theory of criminality that is likely ever to be effective in reducing the proportion of crime in any given social system is based upon the fundamental propositions already advanced, which are in *résumé*,—

1. That the typic criminal class is composed of beings who are abnormal, physically, intellectually, and morally.

2. That these antisocial beings are the dregs of our social system.

3. That they contaminate and endanger the integrity of society.

4. That most of these vicious elements can be prevented from forming by proper supervision and treatment of juveniles and, when the world becomes alive to its best interests, by human stirpiculture and the judicious application of sterilization.

5. That a large proportion of juvenile and at least a minority of adult antisocial beings can be redeemed by intelligent curative methods.

6. That society's first duty is not revenge, but self-defence. Its next duty is to make the criminal, where possible, a healthy and useful atom of the body social.

7. That the incurable, irredeemable criminal must be eliminated absolutely and permanently from society.

8. That the true function of courts and prisons is to protect society and cure or reclaim criminals, not to arbitrarily and routinely punish crime.

9. That the prescription and administration of punishment and reformation should be selective and individual, and under the direction of wise and experienced men of broad information and a thorough knowledge of the physical aspect of crime and of the principles of sociology.

CAPITAL PUNISHMENT

It is by no means to the credit of civilization that so gruesome a relic of barbarous times as the gallows should still exist. Still less creditable is the invention of an equally barbarous instrument of social revenge, the electrocution chair, representing the application of a greatly increased intelligence to the perpetuation of a horrible custom which is unworthy of the age.

Social revenge is very much out of date. Murderous individual revenge, with which it is but natural to sympathize, was legislated out of court long ago, as a matter of social expedi-

ency. It is time that collective or social revenge suffered the same fate.

Lynching will never be done away with until its parent, capital punishment, has been abolished. The suggestion of social revenge by torture and taking human life laid down in holy writ is kept constantly in operation by legal barbarity. Capital punishment is one of the chief factors that keep the tiger in humanity's breast from being effectually lulled to sleep by social progress. That tiger loves blood to-day as well as ever.

It must be admitted that a severe penalty of some kind is necessary to check the murderous propensities that are latent in man, but this in no way establishes the necessity for capital punishment. Statistics fail to show that capital punishment *per se* is deterrent of murder. The crime of murder is usually committed under stress of great emotional excitement, or by individuals who have carefully estimated their chances of detection and punishment. In neither class of murderers does capital punishment operate as a check. The criminal murderer rarely kills unless compelled to do so, and when, in the exigencies of his profession, the necessity of killing arises, he is not likely just then to take the severity of the penalty of murder into consideration. He has long ago assigned capital punishment its proper place in his estimate of the chances that he takes in his business. As criminal law is at present administered, the risk of capital punishment taken by the professional criminal who murders is small indeed.

The murder statistics of those social systems in which capital punishment has been abolished compare so favorably with those in which it still exists that no further argument should be necessary to prove its uselessness. The records of Kansas and Michigan speak for themselves. History shows that in times past, when capital punishment was inflicted for even slight offences, it not only was not deterrent of crime, but increased it by brutalizing the people. The *éclat* of public executions offered to the vain-glorious criminal a suggestion of the means whereby he, too, might occupy for one brief moment the centre of the stage of life.

The non-deterrent effect of capital punishment is shown by the fact that when picking pockets was a capital offence the light-fingered gentry were wont to ply their trade among the onlookers at public executions.

The most illogical feature of capital punishment is the fact that it does not punish. Punishment requires memory; memory demands intelligent life. Memory, and therefore punishment, ceases when life departs. It is about as effective to hang a mentally sound man as it would be to hang an idiot, so far as punishment goes, and, moreover, the one would be as impressive an example as the other.

By far the best criticism of capital punishment I have ever read was fathered by my friend, Mr. Opie Read.[12] An old darkey, in describing an execution, said, " Dey done led dat man up on a flatform, jes' like he wuz some pore ole dog, dat dey gwine ter kill. An' de sheriff done read a great long paper ter dat man. Now, Marse John, what did dey read dat paper ter dat man for, when dey gwine ter kill him? Why, he won't know nuffin' 'bout dat ter-morrer."

Here was the light of a simple-minded philosophy thrown on a dark subject. That poor old negro, like some children, was more philosophic than his betters.

Perhaps the most serious objection to capital punishment is the necessity of executioners. How can society reconcile itself to a method of punishment which demands that one or more men should deliberately murder another in order to revenge society for murder committed by that other? Judicial murder is the worst and least excusable form of murder, because it is both deliberate and avoidable. The unjust forfeiture of a life is a crime against society, but the so-called just forfeiture of a life is a crime against humanity.

One of the most horrible features of capital punishment is the danger of executing innocent persons. This is almost as likely to occur in legal executions as in lynchings. If it be proved that a single innocent man was ever hanged by legal or illegal

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[12] An Arkansaw Hanging.

process, the custom is everlastingly damned. Does any one argue that innocent persons have not been executed? Shall we be governed by the principle that it is better to hang ten innocent men than to allow a single guilty one to escape? Personally, I hold the view that it were better to allow ten thousand guilty ones to go scot free, than to destroy the life of a single innocent person. Victor Hugo has vividly depicted the sufferings of the man who waits for the consummation of his own judicial murder.[13] How much more poignant the anguish of the innocent than of the guilty?

Perjured witnesses in murder trials are not a thing unknown to criminal jurisprudence. Human nature has not changed since, in England, in 1749, Faircloth and Loveday were sentenced to death on the testimony of a perjurer. Faircloth was hanged, and Loveday was about to suffer the same fate when evidence was brought to light that proved the innocence of both men.

Circumstantial evidence has hanged many an innocent man. Errors in identification must also assume a share of responsibility. The evidence of witnesses of murder, who were probably frightened and excited at the time the deed was committed, is not always to be weighed in the balance against a human life.

The occasional barbarity of executions is alone sufficient to condemn capital punishment. At an execution in St. Louis the rope broke, and it took the executioners forty minutes to get the old noose off and a new one on. Having adjusted the fresh noose, they strung their victim up again. Christopher Merry, the Chicago wife-murderer, was slowly strangled to death. Thirteen minutes were consumed in the process. The amount of bungling that has been done in electrocution is horrifying, although but a small part of it has ever been made public.

The last vestige of a claim for recognition for capital punishment should be swept away by the inequality of its application. If it exists in one State, it should exist in all. If one convicted murderer is hanged, then all should be. What do the records show? Briefly this, that there is a discrimination which selects

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[13] Last Three Days of the Condemned.

as the victims of legalized murder from two to three per cent.—varying in different years—of the total number of murderers. The most recent annual statistics show in round numbers about three hundred executions, legal and illegal, as against nearly eleven thousand murders in the United States. In 1895 the proportion of executions was not much more than two per cent. It is interesting to note that there has been a progressive increase of murders in this country of late years, a record by no means complimentary, in view of London's showing of only twenty-four murders for 1902, and, I believe, eleven during the past year.[14]

Capital punishment is a system from which there is no appeal. No court is wise enough to correct its own errors, once its victim is executed. This is one of the most powerful arguments against it. There should be no system of punishment the mistakes of which cannot be rectified.

The records of capital punishment in this country are not flattering to civilization. One of the swiftest, surest, most inexorable and merciless courts on earth was the old Federal Court at Fort Smith, Arkansas. For many years there was no appeal from its decisions. One executioner alone hanged eighty-eight men. This court was the arbiter of criminal destinies for a number of adjacent territories for over twenty-five years. The Creek nation—where capital punishment was prescribed for comparatively trivial offences oftener than in any other part of this country—furnished more victims for the gibbet than all the other districts within the jurisdiction of the Fort Smith court.[15]

The executioner represents an entire people who, supported by the majesty of the law, have united to wreak the revenge of society upon one poor devil who represents, on the one hand, the foibles of human nature,—which are no worse in him than in many of those around him,—and, on the other, the errors of our social system. On the ground of public policy, I presume it will

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[14] Police Systems of Europe, A. D. Andrews, the Cosmopolitan, March, 1903.

[15] Harmon, op. cit.

be argued that the consciences of judge, jury, and executioner should be clear. Unfortunately, however, this is not always the case. A certain judge, who presided over a frontier Federal Court for many years, sentenced one hundred and sixty-eight murderers to death. Considering the atrocious criminals with whom he had to deal, and the semi-savagery of their environment, one might naturally suppose that his conscience remained clear, yet he finally became an advocate of the abolition of capital punishment. On his death-bed he cast an anchor to windward and cried, "*I never hanged a man. It was the law!*"

The inequalities of justice were well shown in this judge's own court. During twenty-five years less than ninety murderers were hanged, while during a period of only ten years of that time three hundred and five were convicted of murder, and one hundred and sixty-eight were sentenced to death.

As the law now stands, capital punishment involves the danger of executing the insane. History teems with proofs of this. To be sure, if society must destroy life, it would be far more logical and altruistic to destroy the insane than to hang the sane murderer; the former is by far the more dangerous; but as matters stand at present, the danger of the execution of the insane is a powerful argument against the system. It will continue to be an argument against it so long as there is no arbitrary standard of sanity. The social-defense-necessity plea for capital punishment will not hold water. Experience has shown that the life sentence is equally effective as a deterrent of murder. When rigidly administered, it is certainly effective in social protection.

If capital punishment be not abolished, the least that a humane spirit should demand is that the methods of capital punishment should be devoid of barbarity. So long as chloroform, opium, prussic acid, and carbonic monoxide are procurable, just so long will the gallows-tree and electric chair be indefensible.

THE INDETERMINATE SENTENCE

One of the most important steps in the advancement of criminology has been the suggestion and occasional adoption of the indeterminate sentence. This implies the simple commitment of

the criminal to an institution where he can be individually studied and treated in the manner that best subserves the purpose of making him a useful, honest, and self-supporting citizen. His term of imprisonment is not fixed by the court, but is determined by the intrinsic susceptibility to reformation of the individual criminal,—*i.e.*, it lasts until such time as the prison authorities are convinced that reformation has been accomplished. He is then liberated on parole, but is still kept under surveillance, until the authorities are certain that reformation is complete. For those who are insusceptible of reform, commitment to prison means permanent removal from the social system. The basic principle of the indeterminate sentence is obviously the treatment of the criminal, rather than the punishment of his crime, which treatment involves a most careful analysis of his mental, moral, and physical status, and the correction, so far as possible, of his defects.

A logical system of criminal management and reform must of necessity revolve around the indeterminate sentence. The prevalent method of prescribing an arbitrarily measured dose of punishment for a certain grade of crime is intrinsically absurd. Sentencing a criminal to confinement for a stated number of years as a penalty for a given criminal offence is about as sensible as would be the prescription of a certain number of weeks in hospital for a case of contagious disease. It is primarily admitted that the parallelism between crime and disease is not exact at all points, still the comparison is logical. It is also admitted that the indeterminate sentence is more logical in its application to the relatively curable juvenile delinquents than to the relatively incurable adults, but, as its application to the former is bound to reduce the proportion of the latter in any given community, its usefulness is by no means lessened by the difference in tractability of juveniles and adults.

The objection has been urged that the indeterminate sentence is likely to result in inequalities of punishment and a general laxity of enforcement of law which would cause the unwarranted detention of some individuals and the premature release of others. This objection has no support save the fallibility of

human judgment, instability of human morals, and venality of politics, which are liable to influence to a certain degree all of the affairs of life that bear directly upon public interests. Care in the selection of prison officials, and the divorce of prison management from partisanry and politics will do away with most of these sources of danger.

Admitting, for the sake of argument, the force of the objections advanced, it cannot be denied that the same defects exist and operate with a hundred-fold greater power under the present *régime* than they could possibly do under the indeterminate sentence system. We will take for illustration the variation in the statutes of the different States. In one a life sentence is imposed for a crime which in another State is punished by a few years' imprisonment. In the same jurisdiction one man may be sentenced to ten years and another to three months in jail for the same crime. Oftentimes the most confirmed criminal gets the shortest sentence. In several States murder is punishable by life imprisonment, while in the majority the death penalty is prescribed.

Bribery and politics at present follow the criminal throughout his penal career. Money and political influence cut the time and soften the asperities of punishment to a degree. "Pull" and money begin their operation with the first grasp of the policeman's hand upon the criminal's collar, and sometimes arrive at their maximum of potency in the sanctum of his Excellency, the governor.

One of the great advantages of the indeterminate sentence is the moral effect upon the criminal of the knowledge that he must either permanently reform or be immured for the rest of his natural life. He soon comes to realize that society will no longer tolerate him at the price of a certain amount of time spent in jail from time to time, but demands that he either prove his worthiness to be at large, or remain permanently in prison.

It must be confessed that, in the first flush of enthusiasm over the indeterminate sentence, some of its glaring defects as a routine measure have been overlooked.

The indeterminate sentence, if routinely applied, would en-

courage certain classes of crime. Swindlers, defaulters, and embezzlers of large amounts of money—men of intelligence and good physical constitution in many cases—would have no difficulty in proving a speedy cure and securing their liberty, which is so important to them in the disposition and enjoyment of their ill-gotten gains. Never having belonged to the typic criminal class, such offenders would have no difficulty in proving the safety of replacing them in society. Whether they should ever fall again or not, their example would be demoralizing to others, who could see only a light penalty as the price of a splendid financial *coup*.

The murderer rarely belongs to the criminal class. In most instances he is the offender whom it is safest to allow to run at large. Seldom would he, even if set at liberty, commit another murder. Remorse and the improbability of the recurrence of the circumstances that led to the murder are a safeguard for society. If, however, the murderer receives an indeterminate sentence, during which he can readily prove his moral fitness to enter society, and at the end of which he is liberated, others will be encouraged to dispense unsought-for favors to their enemies, in the surety of an indeterminate sentence, which shall speedily terminate in a "cure." Surely, therefore, the indeterminate sentence cannot safely be applied to the crime of murder.

It is evident that if the indeterminate sentence is to prevail, every possible precaution should be taken to conserve its integrity and usefulness. Above all, it must not be routine and general in its application, but should be wisely and intelligently dispensed. Its application must, of necessity, be restricted chiefly to the juvenile offender, and to those among adults who belong to the distinctively criminal class. The greatest discretion should be exercised in its application to occasional criminals. There are those whose weaknesses, or exposure to vicious influences, tempt to social offences for which they should not be punished, because of the possibility of confirming them in a life of crime. A warning and a reprimand are alone necessary here. There are other instances in which, although the individual is in no sense a criminal, and in all probability would never again commit crime, an

example is absolutely necessary for the discouragement of similar acts by others. As our penal system is now conducted, a petty thief is likely to receive a long jail sentence, while the wrecker of a bank is either allowed to go scot free, or is sentenced to a term so short as to put a premium on huge swindles by reducing to a minimum the business risks of shady financiering. If punishment has any legitimate field for its application, it is in the case of the educated, refined, and intelligent individual who conducts colossal swindling enterprises. Even here the true function of confinement is the protection of society by deterring others, rather than by the affliction of the guilty man.

After discounting all the possible sources of fallacy, it is obvious that the indeterminate sentence is the key-stone of the arch of criminal reform.

REFORMATION

What I have to say specifically upon the subject of reformation will be brief. Much of reformatory methods has already been covered, especially as regards the relation of physical training to reformation. I will, however, take occasion to reiterate my belief that success in reformation is determined mainly by the degree of success attained in physical training,—the physical life being the natural foundation of the moral and intellectual life. As the physical aspect of the crime question becomes more thoroughly understood, physical training as a basis for the therapeutics of crime will be increasingly appreciated and more generally applied.

Practical men of affairs who come in daily contact with criminals are, as a rule, pessimistic on the question of criminal reform. The exceptions are the philosophic criminologists who have had opportunity to observe the effects of the application of modern ideas to the treatment, not of crime, but of criminals. The average prison not only does not reform, but is merely a school of crime, in which the human brute is made more brutish and his criminal tendencies more permanent. That the average reformatory, especially, is a failure is known to every police official. Captain Evans, of the Chicago Bureau of Identification, in a recent interview with the writer said:

"The most troublesome criminals we have are the graduates of the Pontiac Reformatory. We arrested forty of them for crime in a single month last year. Our experience goes to show that the average reformatory is a signal failure."

In 1902 there were in all two hundred and fifty-one reformatory graduates brought to book for crime in Chicago. The Annual Report of the Department of Police says:

"The Pontiac graduates are undoubtedly the most desperate criminals that this Department has to contend with. They work in gangs of from four to seven, and when stopped and questioned by an officer, they invariably shoot, wound, or kill him, as the number of our officers killed and injured during the past year will show. The odds of from four or seven to one are too great, and give the officer very little chance to defend himself. Most of the desperate crimes occurring in this city are committed by these men; they place slight value on human life. One of the bad features in connection with these criminals is that we are rarely able to get any information concerning them from the authorities at Pontiac. All that we can learn is that 'said person was arrested, tried, and sentenced to the Reformatory;' nothing more, until he is again arrested here, or in some other city, for some criminal offence."

The failure of reformatories to reform by no means proves the impossibility of reform, but merely condemns the methods employed. That the method is at fault is shown by the experience of certain modern reformatories conducted along rational and scientific lines, such as the Elmira Reformatory—the parent of the humane and philosophic idea—and the Massachusetts Reformatory at Concord. In the case of Pontiac, the trouble lies in the fact that hardened adult offenders are sent there contrary to the provisions of the law supposed to govern the commitments.

The Elmira Reformatory may be taken as the type of institution that most nearly accords with advanced criminologic ideas. The system here employed is, in epitome, as follows:

The prisoner is committed under an indeterminate sentence. When he enters the reformatory a careful examination is at once made as to his ancestry, previous environment, physical and mental status, and his aptitude for different lines of employment. Should he have ambitions in any particular direction, these are carefully noted.

The prisoners are graded, the grades being styled lower first, upper first, and second. The first, or upper, grade is the graduating grade. The cells in this grade are commodious, with spring beds, and the prisoners eat at large dining-tables. From this grade are chosen officers for the prison regiment, monitors for the shops, and turnkeys for the cell blocks. If the prisoner's record in this grade is good for six months, he is given his release on parole, subject to the vote of the managers and the procurement of satisfactory employment.

Incoming prisoners are assigned to the lower first, or middle grade, in which privileges are scant, and they take their meals in their cells. A good record for six months secures promotion to the upper first grade; a bad record is punished by transference to the second, or lowest, grade. All credit marks are now forfeited, and three months' good marking is required before the middle grade can again be attained. The prisoner who falls a second time must earn promotion by six months' good conduct. Should he fall a third time, satisfactory showing for one year is required.

The training at Elmira is based upon the idea of the physical basis of criminality. Attention is first given to physical development and hygiene. Military drill and gymnastics, and in selected cases hydrotherapy and massage, are employed. The education of the prisoner proceeds along a combination of moral, industrial, and intellectual lines. A wage-earning plan has been adopted, the wages in the three grades being respectively thirty-five, forty-five, and fifty-five cents per day. Money fines for poor records and misconduct are an appendage of this wage system.

The records of Elmira are most convincing and optimistic. It is estimated that reformation occurs in over eighty per cent. of the prisoners. The percentage of recommitments is small, being less than ten per cent. Less than sixteen per cent. are reported as dropping back into crime.

Release from the reformatory is conditional. Employment must first be obtained by the prisoner or provided for him. Having entered upon the duties of his employment, he must forward every month a report of his habits, conduct, earnings,

expenditures, and savings, signed by his employer. If his reports are satisfactory for six months or more, he is given a permanent release,—as effective as a governor's pardon,—at the discretion of the Board of Managers of the Reformatory.

A reaction against the parole system is beginning in Illinois. The parole graduates of our State reformatories have given the police so much trouble that this is not surprising. The fault, however, lies not with the parole system, but with the reformatory itself, and the lack of careful supervision after the prisoner is discharged. The safety and effectiveness of the parole system must of necessity be determined by the degree of success obtained by the reformatory system to which the paroled individual has been subjected prior to his liberation.

The most essential feature of prison reform is the appointment of proper officers. The responsibility of reformation should be divided between the warden, chaplain, and physician. Men of the broadest experience and most liberal education only should be selected for these positions. The man who knows nothing of sociology, and especially of criminal sociology, has no place in the management of criminals.

The physician, especially, should be a man of the highest attainments. At present, the prison physician is usually a recent graduate, appointed through political favor, whose object is saving enough out of his meagre salary to give him a start in private practice. The prison physician should be well versed in sociology and a master of his profession, especially in the departments of psychology, hygiene, physical training, and sanitary science. He should be well paid, and given assistants sufficient to enable him to do thorough scientific work. The prison physician, appointed on the lines suggested, may one day prove to be the Moses who shall lead humanity out of the wilderness of crime.

The prison library is an invaluable instrument in the reform of the criminal. Properly selected books for private reading, with public reading-classes as an adjuvant, should be assigned an important place among the educational features of prisons and reformatories. The book with a moral has its place in the prison library, but should be doled out to the convict in very moderate

doses. Books that assist in the development of ideation should be selected as the foundation of the reading course. The book that has merely a moral to adorn a tale falls upon infertile soil in most cases. The seeds of morality thrive best where a more or less intelligent altruism has been developed along purely intellectual lines. To preach to subjects who have no intellectual development is, in prisons, as rational as whistling to stop the wind from blowing.

The prison chaplain is obviously an important official in a prison, but his value as an expounder of morals is likely to be inversely to his obtrusiveness as a preacher. The less orthodox he is, the better for his success in brain building in criminals. His religion must be broad and humane, and he must thoroughly appreciate the physical obstacles that the criminal organism presents to his labors as a reformer.

It is, of course, admitted that sincere religious conversions do occur among convicts, but they are so exceptional that little impression is thereby made upon the sum total of crime. I would in no sense decry attempts to pluck brands from the burning, but I think that the function of the prison chaplain should be largely that of a teacher of such things as shall increase cerebral growth. His function as a moral instructor should be made secondary to this. Ethics, so far as possible, should be taught simultaneously with the physical and intellectual training. In direct proportion as training in the latter directions is a success, the more effective moral instruction is likely to be.

The ideas advanced by modern criminologic science must in practice remain largely Utopian until prison management is freed from politics. It is impossible to obtain good men for prison positions so long as the tenure of office is so insecure as it is at present. The people will one day rise in their majesty and say to the politician, who would fain use our public institutions as spoils of office, "Hands off!" Until then we have many difficulties to overcome, and many unwilling converts to make among the public at large.

The classification of criminals, so far as practicable, as a preliminary to reform, is of vital importance. It will probably never

be practicable to classify criminals in any but the most general way. Refinements of classification are impossible, for obvious reasons, chief among which are the wide variations of criminal psychology and education. Much, however, can be done in this direction. First offenders should exceptionally be sent to prison; this with due regard to the necessity of making an example of those who commit certain aggravated forms of crime. In most instances among juvenile first offenders a reprimand and warning, associated with wholesome counsel and wise advice, is all that is necessary. In some cases the subject should merely be kept under police surveillance and made to understand that he is so kept. In a minority of cases the offence is sufficient to stamp the subject as distinctively criminal timber, and the reformatory should be prescribed.

Juveniles should never be placed with adult criminals, but it must be remembered that certain juveniles are very precocious and quite hardened in crime. These should be isolated, or segregated, and not allowed to contaminate hopeful cases. Occasional adult criminals should not, as a rule, be congregated with habituals. In many instances occasional criminals can be made very useful as instructors. Where their moral status is not such as to argue against it, educated occasionals should be so employed.

Types of adult criminals that experience has proved to be refractory, such as forgers, horse-thieves, and pick-pockets, should rarely be allowed to associate with ordinary thieves and malefactors. Experience shows that the former classes are almost impossible of reform.

Experience has shown that the tough boy is more susceptible of reform than the sneak. In the one there is often good material gone wrong, while in the other there is neither moral nor physical stamina as a foundation for the work of reform.

Criminals by heredity are usually hopeless—they are rarely caught young enough. Criminals who have committed one, or at most a few crimes under the stress of impulse, necessity, or temptation and example, yet have no criminal ancestry, who have

not been brought up in the slums, and have a fair physique, are always reformable.

It has been said that there is an ever-present danger of making prison life too attractive to individuals who prefer jail support to honest work. To this I would answer, first, the fact that honest industry is the price of liberty will not drive anybody but a moral imbecile or physical incompetent into jail. Such persons belong there, and should be kept there permanently. Liberty is sweet to all others, and the man who finds that life imprisonment, and not a limited sojourn in prison, stares him in the face is not likely to yearn for the flesh-pots of the most luxurious jail. If he does, and is made self-supporting in jail, there can be no great harm done to society. Second, with the indeterminate sentence and rigid tests of eligibility to freedom, prison surroundings that closely resemble those of people in modest circumstances in the outside world will scarcely tempt to crime. Third, in order to inspire a man with the ambition to lead a decent, orderly, clean, and industrious life, it is necessary to show him what such a life means and inculcate a taste for it.

A description of the various prison and reformatory systems has no place in this volume. The nearest approach to the ideal—Elmira Reformatory, already briefly described—will serve as an illustration of the general plan upon which reformation should be operated. Modifications and improvements will doubtless suggest themselves as criminology develops. Under prevailing conditions, such institutions as do not combine the highest ideals in physical, moral, and intellectual training in the management of young criminals represent the vicious system which, in self-defence, society must one day abolish. Elmira, on the other hand, represents the general plan upon which crime must be combated if the world is ever to accomplish much in the prevention and cure of the most formidable of all the diseases of society.

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