

savage; a specimen of primitive man preserved to modern society—as distinct an ethnological fact as the Red Man or the indigenous Australian. And accordingly the pages of the *Archivio di Psichiatria* and other organs of the new school are full of papers in which the peculiarities of this race are described just as a naturalist might write of the Fuegians or Bushmen.

Such are the chief principles and methods of the new school. We are more impressed by the uniformity of the method employed than that of the results attained by it. In fact, the latter are strikingly conflicting. What one observer declares to be true of a type of criminals another fails to find, and the more careful representatives of the new school are content to maintain that the proportion of congenital anomalies is distinctly greater in a given number of criminals than in a given number of non-criminals. That there is an element of truth in all this; that certain criminals have generally certain physical and mental characteristics; that there is an hereditary predisposition to certain offences, is manifest. A multitude of familiar facts prove it. There is, for example, the well-attested history of the progeny of a drunkard; 200 thieves and murderers and 288 paupers and prostitutes traced their lineage to him. We have before us genealogical trees every branch of which has borne evil fruit. One and all have been epileptic, scrofulous, or thievish. The figures accumulated by the new school put it beyond doubt that certain physical malformations and abnormal features, hitherto unsuspected, are very often found in certain classes of criminals; the fact was observed by Aristotle. Writers on criminal jurisprudence have long investigated the varieties of insanity leading to crime; it can scarcely be doubted that truth will gain, and jurisprudence be improved, by similar investigation extended to criminals whom we could not without violence to language describe as insane. We may safely admit, if the teaching of the new school be verified, the probability of a revolution in the treatment of some classes of offenders. The distinction so much insisted upon between crimes due chiefly to innate internal causes and those attributable to out-

side circumstances may prove fruitful in consequences affecting the treatment of criminals. Upon some of them the sentences now inflicted are puerile; if they are proved to be habitually dangerous, is it reasonable to suppose that when they have been in prison a short time they have earned the right to go at large and be treated as other citizens? As to other criminals the sentences upon them are alike cruel and inefficacious. The law now seeks to cure those whom science pronounces incurable, and it punishes those who, wisely treated and placed under restraint might be cured. Guilty or not guilty, imprisonment or death, cannot be the last word of society on this subject; and it is no idle dream to look forward to the time when in regard to not a few complex crimes the present simple forms of sentence will be as antiquated as in complicated civil matters is the old common law form of judgment.

The new school has carried into all varieties of crime a method which can scarcely fail to revolutionise as to some points the practice of the criminal law. But sound sense is mixed up with much crude matter of the kind which we used to get from the Social Science Congress. There is a tendency to assume that the guilt of a prisoner and the age of a horse may be determined in the same way—by an examination of the teeth. We must, too, protest against the exaggerated contention of the new school that not to transient causes—misery, drink, want of education, the temptations of surrounding circumstances, evil example—but to settled hereditary habits, physical malformations, and something in the blood, is due the great majority of crimes. Not merely is this not proved, but the contrary is made clear. Some of the abnormal characteristics described in the works to which we have referred might, given other circumstances and a favourable *milieu*, be the instruments of distinction. Granted that the habitual criminal is a savage—even the lowest savages, the Fuegians, for instance, may be improved. Darwin found in Jemmy Button, a fair sample of the Fuegians, whose ancestors had eaten each other in due course, the making of a good citizen. The clever brigand and the admirable *gens d'armes* may not in their