

hints and suggestions. The following extracts will serve to show the peculiarity of some of the views enunciated:—

“Now the Criminal Code of to-day is just where it was two thousand years ago, and yet we boast of our Christian civilization—we should rather call it our non-Christian civilization. All our laws are based upon the Roman law, yet our pagan forefathers never even dreamt of the crimes that have to be dealt with in the present day. But Society will say: we have been educating the people for the last fifty years, and education should diminish crime. So it should, to a degree, but not the sort of education the people are receiving: it is producing the very contrary effect, it is increasing crime; it is creating in the people a spirit of bigotry and fanaticism, a spirit of envy, hatred and malice, a spirit of rivalry, of competition, of the most gross extravagance; it is creating a spirit of oppression, and causing unjust and oppressive taxation upon the people, it is rendering the people more narrow-minded and more prejudiced. The man of sixty years ago who could not write his name was not half as ignorant as many of the so-called educated men of the present day, because the man of the past learned from nature and studied her laws, where the man of the present knows nothing, practically, of nature and her laws. Pride and extravagance is the order of the day, and our system of education is responsible for it; our educational institutions are built extravagantly, not for the comfort and health of the students, but for show, for competition, that they may be seen and spoken of by strangers. Then the yearly exhibitions in all our schools, they are simply a *show*, a public show of extravagance,—parents virtually plundered, that schools may have a good public show. If our present system of education was a preventative of crime—crime in its vilest forms—then money should be paid liberally for it. But all statistics show that it is not a preventative, that crime keeps pace with education, therefore the sooner our present system is broken down the better. There never will be a sound system of education that is not based upon natural laws. There never will be a remedy found for the prevention of crime till we recognize the scientific fact that every man is what he is in virtue of his physical organization.”

He still further elaborates his opinions as follows:—

“I call the intelligent man, the man with an even balanced mental organization, the man who

seeks truth for truth's sake, the man who does his best to do right because it is right, and who avoids, as far as he can, wrong because it is wrong, the man of benevolence, justice and charity, such would be the characteristics of the man that I would call an intelligent man, the man of an intellectual organization; and I deny that such a man *could* be an habitual criminal, *could* live in the breach of all natural and social laws, *could* prefer evil to good. When such a man commits crime, he does it in virtue of a pathological change in his physical mental organization.”

Speaking of free will, he says:—“I hold that every man has a free will, but I deny that every man under all and every circumstances can control his imbecile or insane desire by the force of his will, or his imbecile or insane impulses by the force of the will. Moreover I maintain that an imbecile or insane desire or impulse very frequently, indeed generally, is quite independent of the will. But what of the man of ordinary intelligence? The man of ordinary intelligence, as a rule, controls his desire by his will. I do not deny but that such men are sometimes, under extraordinary circumstances, at least extraordinary ones to him, led to be guilty of crime, and that they are responsible for their act. But I deny that such men ever can become habitual criminals. I maintain that the habitual criminal is such in virtue of his undeveloped organization, or in virtue of a pathological mental organization. In either case they are what they are in virtue of their mental organization, and, consequently, should not be held responsible (legally) for their criminal acts.”

With regard to the limits of legal responsibility, he says:

“A man is legally responsible to do what he *can* do, not that which he knows it is right to do. Therefore I maintain that the insane man is not legally responsible for his acts because he is insane in virtue of pathological defect in his mental organization. The imbecile and habitual criminals are not legally responsible for their acts, because of a teratological defect in their mental organization, but the man of ordinary intelligence is, at least under ordinary circumstances, responsible to the law for his acts, because in virtue of his normal mental organization he can control his desires and actions by his will.”