

1914

## Investigation of English Convicts and Criminal Anthropology

Sante de Sanctis

Follow this and additional works at: <https://scholarlycommons.law.northwestern.edu/jclc>

 Part of the [Criminal Law Commons](#), [Criminology Commons](#), and the [Criminology and Criminal Justice Commons](#)

---

### Recommended Citation

Sante de Sanctis, Investigation of English Convicts and Criminal Anthropology, 5 J. Am. Inst. Crim. L. & Criminology 228 (May 1914 to March 1915)

This Article is brought to you for free and open access by Northwestern University School of Law Scholarly Commons. It has been accepted for inclusion in Journal of Criminal Law and Criminology by an authorized editor of Northwestern University School of Law Scholarly Commons.

### III. AN INVESTIGATION OF ENGLISH CONVICTS AND CRIMINAL ANTHROPOLOGY.<sup>1</sup>

SANTE DE SANCTIS.<sup>2</sup>

The recent investigation of English convicts deserves the attention of sociologists and criminologists. It will be unsatisfactory to limit myself to a critical review of the general conclusions of the author, and I shall therefore discuss this work at some length.

Although the number of the subjects which form the material of this ponderous statistical investigation is relatively small, since only 3,000 English male convicts are studied, nevertheless this patient and conscientious labor of eight or ten years has indisputable value for criminology and criminal anthropology.

Looking over this volume of research work you immediately become aware that Dr. Goring is animated by a polemical spirit. He invests himself in a certain air of challenge, from the first words of the introduction; so much so that he arouses in the reader the desire to stand on guard. Indeed, such an attitude cannot come in aid of science. Serenity and modesty should characterize every scientific work. But Goring seems to have an anti-Lombrosian obsession. Over and over again he calls the criminology of the Italian School a "Superstition." He believes he has caught Lombroso in error because of certain words Lombroso used at the Congress of Turin in 1906. And what is worse, Goring confesses that the object of the English investigation was to batter down the "superstitious" criminology and to lay the foundations of a science of the criminal truly exact and unprejudiced.

If the author had obtained unexceptionable and decisive results against the Italian School, and if he showed that he had an exact and complete knowledge of all the Lombrosian criminologists, he could be pardoned for having as his object the destruction of the Italian School. But, alas, it is not so. What value, for instance, has the criticism which he makes of recent books, like those of Pauline Tarnowsky, of Maurice Parmelee, of G. L. Ferrero, when he has not taken the trouble to read "Criminal Sociology" and "The Homicide," both by Ferri, nor Criminology by Garofalo?

But there is a truly significant fact: the author in the introduction assumes as a preliminary hypothesis, the *criminal diathesis*, and de-

---

<sup>1</sup>Translated from *La Scuola Positiva* by Robert Ferrari of the New York Bar and Associate Editor of this JOURNAL.

<sup>2</sup>Professor at the School of Applied Juridical and Criminal Sciences, Rome.

## INVESTIGATION OF ENGLISH CONVICTS

clares that his work is not against the conclusions of the Lombrosian doctrine but against its methods. We feel like asking ourselves if it is worth the trouble to strike the attitude of a savior of truth by taking a position against any positive science of crime.

In the introduction the author, as I have already said, combats the continental or positive school, and compares the Lombrosian criminology to alchemy, to phrenology, to chiromancy, to physiognomy; but he does more: he denounces as anti-scientific every one of the three schools of penal law, namely, the classical, the correctional and the positive. Feeling convinced that it is a great prejudice to believe that the internal disposition of a man is reflected and revealed in the configuration of the body, he depreciates the anthropological and anatomical pathological characters of criminals, which are indicated by the Lombrosian, takes indeed all merit from the descriptive methods, and maintains criminological science can be based only upon the statistical method. The thesis seems somewhat audacious.

The word "criminal," according to Goring, can be taken in a legal sense and in an ethical sense. Only the legal sense is a scientific reality. The abnormal is a qualitative variation of the natural, while the "unusual" is a quantitative deviation. Unusual indicates only the variety of a thing; abnormal, on the contrary, indicates the non-natural and the morbid. The passage from the normal to the abnormal is rapid, and is not accomplished by means of transitions. So that crime is defined as an unusual action committed by a person who is perfectly normal.

In a short while we shall see that the results themselves of the investigation militate against this definition.

In treating of criminals in the legal sense, the author does not set out from any presupposition regarding the nature and essence of the criminal. Indeed, he excludes every preventive theory of criminology. On the contrary, he stands on the hypothesis of the possible existence of a group of characters common to all men; a group of characters which he calls criminal diathesis. This diathesis implies a hypothetical character, that is, a constitutional tendency, mental, moral or physical, which is present in a certain quantity in all individuals. The diathesis is not proved directly, but is revealed only by the phenomenon of crime, to which those who break the laws are determined by a combination of factors.

This is the gist of the introduction. Let me make a brief criticism:

The author may have good reasons for denying that certain morphological characters, which are considered peculiar to criminals, are indicative of criminality. Such a denial has often been made in Italy,

but it does not destroy criminal anthropology. We can easily understand the inexactness, and the over-enthusiastic interpretations of the beginnings of the science, if we consider the state in which psychiatry was thirty years ago. The Darwinian theory of evolution, on the one hand, and on the other that of degeneration, held by B. Morel, were at that time dominant in psychiatry all over the world, and all the results of scientific research were brought to the touchstone of those theories. There is no science whose history does not record puerilities, quickly formed conclusions, unjustified hypotheses and immature doctrines.

But it is not necessary to show that, in spite of these defects, sciences advance and that, in particular, the Italian school of criminology, based upon criminal anthropology, formulated a body of doctrine, which, if you will, is discussible, but which is dignified and exact. To say that our criminal anthropologists have worked in the realm of phrenology, of physiognomy, and similar things, is gratuitous injury, since a characteristic of criminal anthropology was and is the universality of investigation. The Lombrosians did not limit themselves to the head, or the face, nor even only to an investigation by observation and measurement, of all the parts of the body, external and internal; nor only to the gross and histological morphology; but they insistently pursued their studies into the moral and psychical spheres also. This is so true that not only Lombroso and Ferri, but all their pupils, especially, for example, Patrizi and Sighele, have discussed criminal psychological, rather than morphological, problems. And it is well to add that, according to the Italian criminological school, the word "anthropology," in the phrase "criminal anthropology," was always understood in its wide sense, that is, in the sense already accepted by naturalists and philosophers of by-gone times, as meaning the natural history of man, in his physical and mental aspects. That today psychology is a science distinct from anthropology, and that when we speak of anthropological characters we mean somatic characters is certain. But Goring was bound to know the meaning and the function of criminal anthropology assigned to the science by the Italians. Instead, he set up a man of straw to give himself the pleasure of knocking it down.

We all find it very easy to criticise the construction of an *average physical type* of criminal. Dr. Goring would not have insisted so much on that if he had known that Italian criminologists of the positive school have for some time abandoned that construction.

And now we come to methods.

We may agree perfectly with the author that if the construction of a criminal type were possible, that construction could not be made

## INVESTIGATION OF ENGLISH CONVICTS

by means of descriptions and percentage calculations only, but we should have to call in aid more modern statistical methods.

No one will deny that in these last decades the whole of scientific methodology has been perfected, I had almost said, refined. This is due to the fact that serious scientists have abandoned philosophical questions, and doctrinal prejudices in the field of the sciences and have confidently come back to methods of measurement. I do not doubt that with the refinement in methods, even criminal anthropology may gain, and disembarass itself of sufficiently encumbering baggage of facts gathered in a little haste in times of enthusiasm. But this does not mean the destruction of everything which has been done. Even psychology, in these latter years, has helped itself by using statistical methods; but it is still to be seen whether the so-called "correctional" psychology is capable of destroying the work of descriptive psychology.

The author looks at crime from the point of view of law. This was inevitable from the fact that he proposed to apply to the study of crime the statistical method only. How could he apply it to those who, although they are criminal in tendency, do not commit crime? But the science of criminal anthropology being, by definition, genetic, cannot be exhausted by the statistical method, but must investigate with all the other methods which individual psychology demands, the origins and the formation of criminal tendencies even in those who have not committed punishable acts, or who in whatever other way have escaped penal sanctions.

But, in order that we may not return to the subject again, it is well to say now that the Italian criminologists also believe in statistical methods. Goring might have consulted the works of E. Morselli, of E. Ferri, of R. Levi. Morselli, for example, back in 1880 contributed to the wider use of the serial method, and maintained the superiority of series over means. Later Ferri applied this serial method in his "Homicide." I may add, moreover, that the methods adopted by the author are exactly those which Niceforo (cf. Vol. XVI and Vol. XVII of the *Rivista di Anthropologia*) had maintained were necessary in criminal anthropology, namely, the calculation of the mean error, and correlations. There is nothing wrong, then, in placing great faith in the statistical method. But between doing this, and saying with the author, that the study of heredity ought to be based entirely upon statistics, and that only the statistician, and not the biologist, can discover the facts of heredity (p. 33) there is a great difference.

However that may be, the statistical method produces good results only on condition that the facts be gathered by rigorous and uniform means, and by competent persons. Now, while in regard to the English

investigation, we have no doubt of the exactness of the exposition of the facts, we cannot say so much for the manner of collecting them. The author is too brief on this important point. It is necessary to know how many persons gleaned the facts, and whether all of them used the same technic to glean them with.

The investigation was such that the statistical method could be easily applied to the results. But it must be noted that in several places, regarding the psychical characters, the table which the author provides is lacking in some things, and is ambiguous.

For these reasons the deductions from the numerical tables should have been made with great circumspection. The author was, however, impatient to finish, and so without more ado he carries the statistical deductions in regard to English convicts over bodily to criminals in general without regard to nationality. That is strange. The investigation contemplated the English convict; the author always insists upon the purely legal signification given by him to the term "the criminal"; and yet, right through the book, in the introduction, and in the conclusion, Goring speaks only of the criminal and identifies the *English convict* with the *international criminal*.

Let us go on with our analysis.

An essential point in the work of Dr. Goring is the meaning he gives to the terms *abnormal* and *unusual*. To say that crime is simply an unusual action is just from the objective and statistical point of view. It may be insufficient, however, when it is applied in an investigation of individuals. The distinction which the author makes between normal and abnormal seems to be entirely arbitrary. No pathologist has as yet determined the limits between the state of health and the state of disease. No psychiatrist, *à fortiori* has ever marked out the boundaries between normality and abnormality. All of us have heard speak of twilight zones, of zones intermediate between soundness and insanity. Where, then, does the quantitative variation end, and the qualitative begin?

I understand that certain distinctions are currently made for convenience. But we must not abuse them too much. Indeed, how many unusual forms, from the statistician's point of view, how many extreme grades of stature, of weight, of cutaneous sensibility, of psychical characters, must not truly be abnormal and pathological. It is enough on the one hand to consider the stunted forms of infantilism, of gigantism, disgenitalism, and on the other, the great tolerance to cutaneous pain of certain abnormals, to light, the more or less periodical diminution of the psychical tension, and so on.

## INVESTIGATION OF ENGLISH CONVICTS

A few of the particular statistical results of the author do *not* agree with the descriptive results of our own criminal anthropologists. Making the necessary reservations in regard to certain particulars of the method, we have no difficulty whatever in accepting the corrections which the anthropometric results of the investigation prescribe. It was inevitable that the more modern ways of procedure by the statistical method, should conduce to results different from those of the descriptive method.

Notwithstanding this, the general result, insofar as it relates to somatic characters, represents a truly important contribution to that criminological science which Goring wished to deny in advance. The English convicts, according to the investigation, were in their whole make-up, physically inferior. They differ from the common population in respect to stature and weight. Well, now, this is statistics; but it is also criminal anthropology. In order to make the opposing thesis true it would be necessary to admit that physical weakness and crime according to the results of this investigation are connected only casually.

But the author argues that this is a general result which does not distinguish among those who are guilty of different crimes. And yet, he says, for example, that thieves, especially, are small and weak of body; that persons of high stature are very rarely convicted of rape; that persons guilty of fraud are relatively free of those physical constitutional determinants which conduce to other forms of crime; that persons guilty of crimes of violence have physiques which distinguish them from thieves, and so on.

All this is something. Indeed, it is even too much for him who, like me and the majority of people, has never been persuaded that there corresponds to every kind of crime a somatic type of criminal.

But we are interested to consider above all what are the mental characteristics of the English convict. Here we are on ground much less firm than that of anthropology. Dr. Goring himself recognizes that deductions of a psychological kind have much less value than those of an anthropological quality. The statistical method must be applied with great caution in psychology. But all the caution in the world is inefficient if the gathering of the data is not made with rigorous method. In every case the respect with which psychological deductions will be received will depend upon the method used in the gathering of the facts.

The author deals with the following characters: (1) temperament: (a) suspicious (of three grades); (b) sanguine (sanguine, intermediate phlegmatic); (c) satisfied (satisfied, intermediate and unsatisfied); (d) egotistical (egotistical, intermediate and sympathetic). (2) Temper:

## SANTE DE SANCTIS

good or amiable temper, bad temper, etc. (3) Facility (tractable, obstinate or intermediate). The judgment concerning these qualities is based upon impression got from several months of contact with the criminal. (4) Conduct. Judgment of this is based on reports during one year of imprisonment. (5) Suicidal tendency. (Computed with suicidal attempts.) (6) Psychopathic diathesis (indicated by the number of admissions to asylums).

This part of the schedule leaves much to be desired. This is an investigation in the domain of popular psychology, not in the domain of scientific psychology. And yet the author could have had before him various "psychographic" schemes proposed, for example, by Stern, by Lizurshi, and by others. And, then, is temperament a psychologic datum? So that the psychopathic diathesis computed on the basis of the number of admissions to asylums excessively restricts the character which we wish to find in the convict. Every one knows that the inmates represent only that small part of psychopathic persons who have proved socially dangerous.

Notwithstanding this, the result is that the convicts, even in respect to the above mentioned characters, deviate from the common type. Only the author finds, or rather deduces with the aid of the statistical method that the psychical differences among convicts do not correspond with their crimes, and that, therefore, we may deny a *criminal* psychical type. But they do correspond to a difference in *general intelligence*. In short, the author does not admit that criminals are mentally equal to average men. He simply notes that they are not differentiated from others in England except by general intelligence. In brief, the psychical characteristics of the convicts are correlated to a defect in mental strength. The author uses the phrase "mental strength," but he often employs the term general intelligence without, however, taking the trouble to tell us what he means by this term, which is among the most debated in psychology. Is it the general intelligence of Spearman? Is it that of Thorndike? We cannot tell, though it was necessary to have some explanation.

In order to make his correlations, the author divides the convicts into (1) intelligent, (2) little intelligent, (3) mentally weak, (4) imbeciles. The difficulty of definition, especially in regard to the little intelligent, must have been very serious. Between these and the weak there cannot be any clear boundary; the transitions are gradual. But the author does not tell us how the intellectual level of his convicts was measured. It may be that in this point also he followed popular psychology; that is, he judged by impression. It is very strange; since

## INVESTIGATION OF ENGLISH CONVICTS

today it is the statisticians themselves who demand of psychologists the determination in figures of the intellectual level. I do not mean to affirm that the various means, which we have to measure intelligence, are perfect. But between these and impressionistic judgments there is no question about our choice. In France, and more so in America, the metrical scale of Binet and Simon is commonly applied even to criminals. And in our own School of Applied Juridical and Criminal Sciences the determination of this level of intelligence makes the subject of lessons and of experiment. At any rate, the fact is, according to the author, that the fundamental character of the English convicts is mental deficiency. B. Donkin in 1910 in one of his Harvian Orations came to the same conclusion.

Now, it seems to me, either this result is of extraordinary importance for criminal psychology, or the author speaks a language which I do not understand.

Two conclusions seem to be clear (p. 252): "(1) Criminals mentally deficient do not form a special or qualitative race of men but form only a conventional class that consists of individuals distinguished for their lower level in the scale of intelligence and whose average intelligence is in consequence lower than that of criminals not designated as mentally deficient."

"(2) In the English convicts the frequency of the distribution of the 'general intelligence' follows with sufficient exactness for practical purposes the normal curve of Gauss-Laplace of the deviation from the mean."

Donkin had, on the other hand, already noted in the adult population of England and of Wales that there is a percentage of 0.46 per cent of weak minded persons; in the English prisons, there is a percentage of 10 to 15, and, everything considered, even of 20.

This result has no flavor of novelty to Italian anthropologists and psychologists. All of us know how easily weakness (mild degrees of phrenasthenia) and even imbecility are met with among criminals and prostitutes. The connection between mental deficiency and kind of crime appears from a table the author gives. 52.9 per cent of those convicted of arson are mentally deficient, while the percentage of those guilty of fraud, bigamy, and unlawful surgery is 0. This, too, was known. But the author notes, however, that in England convicts are selected persons among criminals, since those who are deficient fall into the hands of the police, while those who are not escape. The following figures speak with eloquence:

SANTE DE SANCTIS

	Deficients	Non-Deficient	Total
Criminals .....	95	853	948
Non-Criminals .....	56	12,157	12,213
Totals .....	151	13,010	13,161

Goring plays many variations of the same tune. "The relation between mental deficiency and crime, whatever it be, is, excepting certain kinds of fraud, extremely intimate. The force of this nexus is superior to that of any other connection which the investigation has revealed. It is evident that defective intelligence is one of the prime causes of crime in England," (p. 260). Again: "Criminals are differentiated from ordinary persons by their intelligence rather than by their physique. But probably the principal source of the close connection between mental deficiency and crime lies in the fact that the thing we call criminality, and which pushes one on to the commission of many crime, is not an inherent badness, but a "natural stupidity."

In this the author affirms a biological theory of crime. The anthropologists of the Italian School have never made so decisive a deduction. Nor does everything that he adds in his repetitions of the same theme contract the field of this theory. Instead he augments it, even to exaggeration. "Deficient physique, extreme forms of alcoholism, epilepsy, insanity, sexual irregularity, and mental deficiency—these, and only these, are the constitutional conditions which are significantly associated with the commission of crime (in England)." "Except that alcoholism, epilepsy, and probably sexual irregularity, and insanity, are accidentally associated with crime, and depending upon an original high degree of relationship between deficient intelligence and crime."

If this is an interpretation of his figures, it seems to be very daring. The author is asking too much of the statistical method. Once again, I must warn him that a statistical result is one thing, and a doctrinal conclusion another thing. In any case, the conclusion is not antagonistic to the general results of criminal anthropology.

But is it true that physical weakness of criminals also depends on their mental deficiency? It does not seem so. "English criminals are distinguished from the general population by a physical condition and a mental make-up which are independent of each other. A generally low physique is significantly associated with criminality; and deficient intelligence is a vital mental constitutional factor in the etiology of crime."

INVESTIGATION OF ENGLISH CONVICTS

This serious result of the English investigation is confirmed by the research into the influence of environment on crime. This environment he calls the force of circumstances. The author deduces (p. 287) that an unfavorable environment has a more intimate relation with the intelligence of criminals than with the degree of their recidivity, or with the nature of crimes committed by them. Since mental deficiency is closely connected with crime, he deduces a corollary from what he has just concluded, and that is that the mental deficiency of the convict precedes the unfavorable influence of the environment. In short, in England, environment and the force of circumstances have an insignificant importance for crime: only in small part is crime the product of social inequality, of environment and of other circumstances.

The observations and the deductions of Ferri, Colajanni, Turati, and a hundred others are then all wrong. I believe, however, that it is not they who are wrong, but more probably it is the statistics that are wrong, or better, it is the comments which Dr. Goring makes on his statistics. In the general conclusion to the volume the author clinches the deductions regarding "the force of circumstances." Between any one of various conditions of the environment which are taken into consideration, as illiteracy, abandonment by parents, lack of work, poverty, states of delicate health, or morbid constitution *per se* or the nearness of death, on the one hand, and crime on the other, the author finds no evidence of any significant relation.

Those who hold to the biologic theory of crime must be very thankful to Dr. Goring. When he says that the principal factor in crime is heredity, he becomes more Italian than the Italians themselves. His conclusion is a Lombrosian conclusion of the first order.

But it seemed right to the author to discover the influence of heredity on the origin of crime. We may put aside certain affirmations, which, as usual, are dogmatic—as, for instance, these: "The statistician, and not the biologist, discovers the facts of heredity; the solution of the problems of heredity is confided to the statistician." Let us come to the facts. Here is an eloquent table (cf. p. 348):

CRIMINAL PARENTS	OFFSPRING		
	Per cent to expect, according to Mendelian	Per cent obtained by Pearson among tubercular persons	Per cent of criminal, according to Goring
Both . . . . .	100	57	60.7
One . . . . .	50	29	53.8
Neither . . . . .	25	21	47.3

The percentage increases according as neither, one, or both parents are criminal. Although the Mendelian proportion is not attained, yet the table shows that crime is of a *hereditary nature*.

Another table, however, shows that the percentage of criminal off-

spring increases with the increase of the age of the offspring. This shows that circumstances determine crime. It is necessary, therefore, for a person to inherit a certain degree of "criminal diathesis" in order that he may in the course of time become criminal. Is not this the proposition of all criminologists?

In the general conclusion (p. 370 et seq.), the author summarizes all the deductions that may be made as the result of the investigation. According to the Italian positive school, he says, every criminal is abnormal by heredity, and may, therefore, be discovered because of his physical malformations, and his mental eccentricities. So says Dr. Goring, whose criminal anthropological learning seems to end at the year 1878.

In opposition to these presumed postulates of the Italian school, the English investigation concludes that the "anthropological monster" does not exist. The physical and mental constitution of the criminal, and of the law-abiding person, are, conditions being equal as to age, stature, class and intelligence, identical. The characters established by foreign anthropologists as peculiar to criminals, are due to an isolated inspection, and to a restricted knowledge of facts. The truth is, that these deviations from the normal which are described as being peculiar to criminality are the inevitable concomitants of inferior stature and of defective intelligence, which are the sole characteristics of the English convict. The thief has a smaller head, and a narrower brow than the officer who arrests him. But that is not because he is more criminal, but because he is more markedly inferior in stature (p. 370). The incendiary is more unstable in emotion, more deficient in control, more refractory in conduct, and more filthy in dress than the thief; and the thief is more distinguished in the above mentioned particulars than the forger; in all, more criminals have these qualities than the honest public. But that is not because each one of the classes above mentioned is more criminal than the other, but because of the differences in their general intelligence. On the basis of the statistics the following dogmatic assertion, as Goring says, may be made: that the criminal is differentiated by his inferior stature, by his defective intelligence, and in some measure by his anti-social tendencies. But apart from these, there are no characteristics, physical, mental, or moral, which are peculiar to the English convicts. "There are selective social processes, economic and legal, which seem to us without the theories of atavism and of degeneration to be simple, but sufficient explanation of the physical and mental characteristics of the criminal." "One in every thirteen ordinary (?) persons is at some time in his life-convicted. If the total

## INVESTIGATION OF ENGLISH CONVICTS

adult population were put in line in groups of thirteen, and if in every group, the person smallest in stature and most deficient in intelligence or who had fixed anti-social tendencies in a higher degree than the companions of his group, were selected, the individuals so picked out would then have more nearly the physical, mental and moral constitution of our criminal population, than that of the others."

Goring wishes the more general structure of deficiency to swallow up the criminal structure. So let it be. But that does not destroy the criminal structure. Since it would be necessary first to show that the deficient structure is homogeneous and not capable of differentiation, which is absurd.

In conclusion the author breaks a lance in favor of the English prisons which do not breed tuberculosis or other diseases; which prevent the criminal from reproducing himself, and advance his education and his culture. Above all, against the bugbear of criminal hereditary fatalism, the author hastens to say that no rational definition of the hereditary nature of crime presupposes the predestination of the criminal to inheritable misconduct. He believes that the degrees of criminal tendency, to be found in a certain measure in all persons, are inherited in the same manner as other conditions and tendencies. That means that in regard to constitutional equalities (mental deficiency, drunkenness, bad disposition, etc.), which tend to conviction for crime, there is a degree of parental similarity of the same intensity which there is between parents and offspring in respect to their tendency to become ill or to develop under the influence of common surroundings a certain stature. But this fact of similarity does not imply the absence of the influence of the environment in the development of human beings (page 373)." It is absurd to say that since the criminal tendency is hereditary, conviction for crime may not be influenced by education. It would be like asserting that since mathematical ability is inheritable, a person needs no education to become a mathematician. Or that since stature is inheritable, bodily development is independent of nutriment and of exercise. The correlations tell us that in spite of education inheritable constitutional conditions prevail in the making of criminals; but they do not tell us how much education may do to bring an individual with bad hereditary tendencies nearer to normality. In order to make honest citizens it is necessary to have capacity and education.

We are in entire agreement, and to the greatest extent in respect to prophylaxis. The Italian School has never held any other doctrine from the time that Ferri made clear what the Italian School understands by "the born criminal."

The crusade against crime must be conducted according to Goring in three directions. We must modify the hereditary tendency, with proper educational measures; or even modify the occasion to commit crime by the segregation and the surveillance of the unfit; or, again, (and better still) regulate the reproduction of those constitutional qualities of mental deficiency, alcoholism, epilepsy, deficient social instinct, which conduce to crime. But at all events, the most important thing is that we must have correct notions of the object of the fight against crime and a clear idea of the nature which we wish to avoid. For this reason we want facts.

Very well. But Dr. Goring cannot feel offended if we loudly proclaim that the facts which he has with so much good will gathered, elaborated and commented upon are still not enough. It is not enough to study convicts by clinical and statistical methods. Criminal tendencies must be studied in their origin and in their development. We must analyze the mind of the criminal in its natural manifestation, which is crime. We must penetrate into the psychical structure of the repeater before we can declare that a positive science of crime is or is not possible.

Effective prophylactic provisions which the author indicates and upon which E. Ruggles-Brice in the preface to the work, insists are assistance to and vigilance over children sixteen to twenty-one years of age, this being the period in which it is easiest to become criminal, and the assistance and care of mental defectives.

Goring will permit me to remind him that Italian anthropologists commencing with Ferri and his theories of penal substitutes, have been the pioneers of a whole system of anti-criminal prophylaxis; and that, therefore, Cesare Lombroso, who symbolizes our whole prophylactic movement, deserves the place which Dr. Goring assigns to him in the humanitarianism of the times. The volume of Lombroso called "Crime" prepared the ground for the Royal Commission (1909-1910) which is to report a code on juvenile crimes, which, when it shall have been completed, may also be said to be a consequence of the Lombrosian movement in Italy.

To conclude, Dr. Goring has completed a truly valuable work for criminological science. But he has, however, deceived himself in respect to two points: first, when he believes that he has reached decisive and impregnable results only because they are based on statistical methods; second, when he argues that he has by means of his investigation given the death-blow to the Italian School of Criminal Anthropology. The impartial reader must recognize with me both the merits and the illusions of Dr. Goring.